



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 6, 2013 **REPORT NO. PC-13-059**

ATTENTION: Planning Commission, Agenda of June 13, 2013

SUBJECT: NORTHWEST VILLAGE CREEK - PROJECT NO. 230777.
PROCESS 4.

**OWNER/
APPLICANT:** Northwest Village, a California limited liability company.

SUMMARY

Issue(s) - Should the Planning Commission approve a multi-phased mixed-use development consisting of approximately 70,830 square feet of commercial retail space, 100 residential apartment units and the restoration of Chollas Creek?

Staff Recommendations:

1. **Certify** Mitigated Negative Declaration No. 230777 and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **Approve** Vesting Tentative Parcel Map No. 912367, Site Development Permit No. 826122 and Conditional Use Permit No. 923305.

Community Planning Group Recommendation - On January 30, 2011 the Encanto Neighborhoods Community Group voted 9:0:0 to recommend approval of the proposed project.

Environmental Review - A Mitigated Negative Declaration No. 230777 has been prepared for the project in accordance with State of California Environmental Quality Act Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and would be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.



Code Enforcement Impact - None with this action.

Housing Impact Statement - The Southeastern San Diego Community plan designates the subject property as within the Southeastern San Diego Community Plan Implementing Overlay Zone A; within the Neighborhood Village designation, which allows mixed-use development with a residential density of 15 to 44 dwelling units. The proposed four-phase development project encompasses 6.2 acres, excluding the Chollas Creek parcel. Therefore a range of 90 to 270 dwelling units could be constructed. As proposed, the project would contain 100 multi-family residential units. This project is subject to the City's Inclusionary Affordable Housing requirements.

BACKGROUND

The Southeastern San Diego Community Plan designates the site as part of the Neighborhood Village at Euclid and Market (Attachment 1). This site, north of Market Street and west of Euclid Avenue, is designated for a residential density range of fifteen to forty-four dwelling units per acre. The Neighborhood Village designation provides housing in a mixed-use setting with convenience shopping, civic uses as an important component, and services serving an approximate three-mile radius. The site is also located within the Central Imperial Redevelopment project and the Community Plan Implementation Overlay Zone A (CPIOZ "A"). The site addresses are 4970 and 5050 Market Street and 606 Euclid Avenue (Attachment 2).

Chollas Creek flows through the site. The site currently contains limited development. East of Chollas Creek the site is developed with a Church's Chicken restaurant, a metal building and concrete pavement. West of Chollas Creek the site is developed with a few small buildings, pavement, storage containers and metal shed. The site is north of the San Diego Trolley plaza and the Market Creek Plaza, west of the Elementary Institute of Science and the Malcolm X San Diego Branch Library, south of Horton Elementary School, east of a public school bus parking yard (Attachment 3).

DISCUSSION

Project Description

The Northwest Village Creek project would develop a four phase project with three deviations; Phase I would have approximately 14,480 square feet of commercial retail space in one building. Phase II would be the restoration of 875 feet of Chollas Creek. Phase III includes approximately 51,350 square feet of commercial retail space in six buildings. Phase IV consists of approximately 268,156 square feet consisting of 100 apartment units and an approximately 5,000 square foot rental office and approximately 5,000 square feet of commercial retail space in six buildings.

The retail building in Phase I would include an alcoholic beverage outlet conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations pursuant to the Conditional Use Permit. Construction of Phase I and

It would conform to the proposed design drawings. Construction of Phase III and IV on Lots 2 and Lot 3, respectively, would require review of the design parameters of the Northwest Village Design Guidelines and the CPIOZ "A" supplemental regulations of the Community Plan during the construction permit review process.

Within the Southeastern San Diego and Encanto Community Plan areas, Village development would be implemented through the use of the Community Plan Implementation Overlay Zone (CPIOZ). The CPIOZ regulations provide supplemental development regulations and guidelines tailored to specific sites within community plan areas of the City. The intent of these regulations is to ensure that development proposals are reviewed for consistency with the use and development criteria that have been adopted. The Northwest Village Creek site is within CPIOZ Type A. The development of Lots 2 and 3 would require construction plans to be consistent with the design parameters of the Northwest Village Design Guidelines and the CPIOZ "A" supplemental regulations of the Community Plan. The CPIOZ "A" supplemental regulations address pedestrian and transit friendly site design.

The design of the project would minimize the alteration of natural land forms to retain and enhance the open stream channel of Chollas Creek. All grading proposed by the project is the minimum necessary to achieve a stable, balanced restoration of Chollas Creek and usable development pads for future buildings. With the exception of Chollas Creek, the site was previously developed with commercial structures, pavement and other minor improvements.

Avoidance and Minimization of Wetland Impacts

Chollas Creek is protected by the City's Environmentally Sensitive Lands (ESL) regulations which require the avoidance of impacts to wetlands. If avoidance is not feasible, minimization of impacts to wetlands to the maximum extent practicable is required. To restore Chollas Creek in this location would require temporary impacts to wetlands and adjacent habitat. These temporary impacts are unavoidable.

Chollas Creek conveys approximately 1,900 cubic feet per second (cfs) of storm water through the project area during a 100 year storm event. Currently, this portion of the creek exhibits active erosion through the entire creek and is most evident along the outside of the bend adjacent to Guymon Street. At the bend in the creek a thirty foot high bank supports Guymon Street and Horton Elementary School, above. The active erosion of the bank threatens to undermine the safe use of Guymon Street.

The proposed project has been designed to alleviate the erosion and stabilize the creek by widening the bottom of the creek, adding plantable turf reinforcement mat to portions of the side slopes and adding two three-foot high rip rap drop structures with 4:1 slopes. The rip rap drop structures have been strategically placed both upstream and downstream of the bend in the creek to maximize their effect on the flow while minimizing the amount of rip rap. The rip rap areas and sizes were determined by calculating both the permissible velocities and the tractive forces. Rip rap near the culvert headwalls at the Euclid Avenue and Market Street crossings are needed to prevent localized scour. The U.S. Army Corps of Engineers HEC-RAS 4.0 was used to perform the hydraulic analysis of the creek and determine the minimum amount of rip rap

required at each location. The Landscape Plan and Wetland Restoration/Revegetation Plan include native plants within the rip rap, natural stone cobble and the plantable turf reinforcement mat areas. Additionally, the geogrid/keystone retaining walls would be planted with native plants.

The proposed project would also provide for habitat enhancement and creek restoration by removing exotic plant species. The creek would be graded to re-contour the creek and realign the segment at the bend in the creek adjacent to Guymon Street in order to protect the road and Horton Elementary School as well as to decrease the scouring of the creek during stormwater events. Decreasing the scour effect would allow for the success of the restoration plan and provide an increase to the buffer area adjacent to the creek. If the flow of the water during storm events is not controlled, scouring would continue, resulting in the need for repeating plantings within the creek and vegetative restoration of the creek would not be sustainable.

The proposed grading is required to achieve a sustainable restoration of the creek in this location and is the minimum necessary to implement the restoration plan. The restoration plan would include planting of freshwater marsh and emergent wetlands within the creek, riparian scrub vegetation on the banks, and native and non-invasive planting of a transitional buffer between the riparian scrub and proposed development. The project would implement the goals and policies for Segment 2A of the Chollas Creek Enhancement Plan.

The project would have direct and indirect impacts to biological resources; therefore, the applicant is required to provide the specific mitigation measures as outlined in the Mitigation Monitoring and Reporting Program, Section V of the Mitigated Negative Declaration. Also, as a condition of the project approval, native vegetation and other buffer areas within the project boundary would be conserved under a Covenant of Easement consisting of approximately 1.4 acres within the proposed Lot A. These measures would ensure that direct and indirect impacts to biological resources would be reduced to below a level of significance.

Required Approvals

The Northwest Village Creek project requires a Site Development Permit due to the presence of sensitive environmental resources located in Chollas Creek, a Conditional Use Permit to allow the establishment of an alcohol beverage outlet within the proposed retail building in Phase One, and a Vesting Tentative Parcel Map to create a four lot subdivision with three buildable lots and one open space lot.

Deviations

As proposed, the Northwest Village Creek project requires the approval of three deviations. The first deviation, from the Environmentally Sensitive Lands regulations, would allow the restoration of 875 feet of Chollas Creek and allow temporary construction impacts to wetlands in the process of restoring the creek. Impacts to wetlands would be temporary as construction proceeds to restore the creek and develop the project as proposed.

The second deviation would allow the proposed commercial buildings to observe a five foot setback along the front-yard where the established setback is twenty-five feet and residential

buildings to observe a ten foot setback along the front-yard where the established setback is twenty-five feet.

A third deviation would allow Transit Overlay Zone parking requirements to be applied to the project. All other relevant development regulations would be met by the proposed project.

Community Plan Analysis

The proposed project is located within the Southeastern San Diego Community Plan Implementing Overlay Zone A; within the Neighborhood Village designation, which allows mixed-use development with a residential density of 15 to 44 dwelling units. The project area is also located in Segment 2A of the Chollas Creek Enhancement Program. As proposed, the project would implement the Neighborhood Village designation and applicable residential density range included in the Land Use Element of the Southeastern San Diego Community Plan (Plan).

According to the Village/Mixed Use Element of the Plan, “The integration of commercial and residential uses is emphasized in villages and civic uses are also an important component. Areas where village-type development is designated within the Southeastern San Diego community enhance and create high quality, interactive urban neighborhoods by allowing for the development of well-planned, suitable, and appropriate mixed-use developments. The village-type developments support transit use, reduce dependence on the automobile, establish a pedestrian-friendly orientation, and offer flexibility for redevelopment opportunities while maintaining community character and providing a range of housing opportunities.” A specific Village recommendation includes “developing the Village Center at the Euclid and Market Pilot Village with a mixture of multifamily, commercial/retail, and office land uses that are pedestrian-friendly and support transit use. A range of housing opportunities, including for-sale and affordable housing, should be provided on this site.” The proposed four phase project would implement this community plan objective due to its close proximity to the Euclid Avenue Intermodal Transit Station; the development of new stand-alone commercial, mixed use residential and commercial buildings; as well as the inclusion of a number of public plaza areas and multi-use trails along the creek that could be used for connectivity and potential recreational purposes.

A specific objective found in the Social and Economics section of the Plan includes increasing job opportunities and resources within the community. The proposed project would provide job opportunities through the construction as well as retail employment opportunities. Furthermore the project would provide needed resources including a pharmacy that is currently lacking within this area.

The proposed project would implement a number of Plan commercial objectives including the provision of attractive quality community and neighborhood commercial facilities that offer a variety of goods and services to meet community needs; enhancing 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; Improving vehicular and pedestrian access to commercial sites, and ensuring adequate and aesthetically pleasing parking facilities; as well as providing opportunities for a mix of community-specific commercial uses.

The proposed project would also provide for habitat enhancement and creek restoration by removing exotic plant species and restoring the Chollas Creek as it winds through the site; Planting of freshwater marsh and emergent wetlands; planting riparian scrub vegetation on the banks; and planting a transitional buffer between the riparian scrub. Therefore this project would specifically implement the goals and policies for Segment 2A of the Chollas Creek Enhancement Plan.

The proposed re-contouring and realignment of the creek would allow for the improvement and protection of the habitat value by providing additional area for a wetland buffer and would alleviate the active erosion occurring adjacent to Guymon Street. Inclusion of a trail that complies with the Americans with Disabilities Act would occur within the buffer area. The trail would allow for passive recreational uses consistent with the Chollas Creek Enhancement Plan and would also help to deter trespassing, homeless encampments, and illegal dumping into the creek bed which currently occur today.

Based on the aforementioned goals and objectives, the proposed project would be consistent with the Southeastern San Diego Community Plan and would implement the Village Center at Euclid and Market as well as implementing objectives of the Village/Mixed Use Element of the Plan by developing new community-serving retail uses. The proposed creek restoration would implement the goals and objectives of the Chollas Creek Enhancement Plan.

Conclusion

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the proposed development (Attachments 5, 6 and 7) and draft conditions of approval (Attachments 8 and 9). Staff is recommending the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Vesting Tentative Parcel Map No. 912367, Site Development Permit No. 826122 and Conditional Use Permit No. 923305, **with modifications.**
2. **Deny** Vesting Tentative Parcel Map No. 912367, Site Development Permit No. 826122 and Conditional Use Permit No. 923305, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



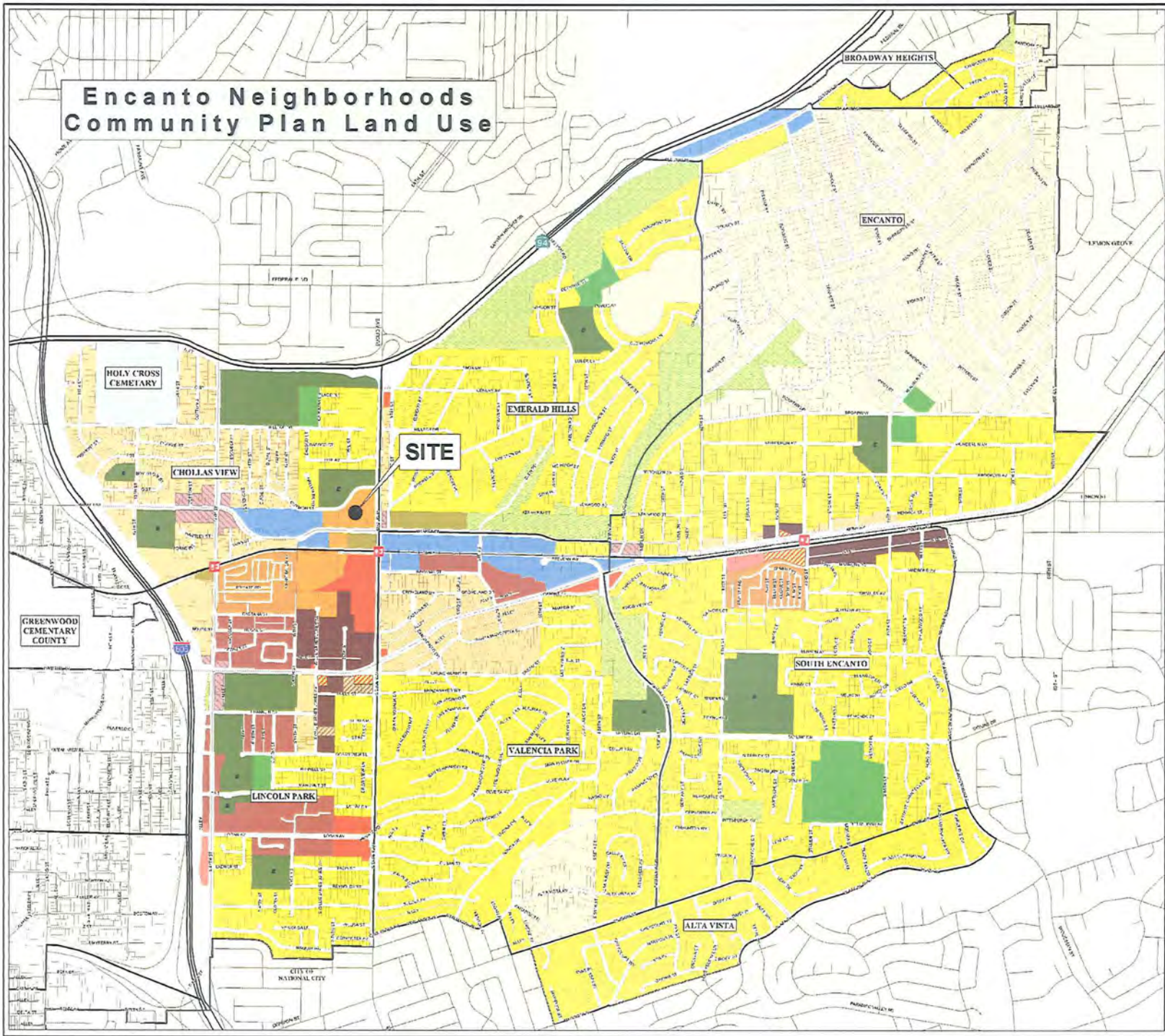
John S. Fisher
Development Project Manager
Development Services Department

BROUGHTON:JSF

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Location Map
4. Community Planning Group Recommendation
5. Draft Permit Resolution with Findings
6. Draft Map Resolution with Findings
7. Draft Environmental Resolution with MMRP
8. Draft Permit with Conditions
9. Draft Map Conditions
10. Project Site Plan
11. Map Exhibit-Vesting Tentative Parcel Map (under separate cover)
12. Remaining Project Plans (under separate cover)
13. Project Data Sheet
14. Project Chronology
15. Ownership Disclosure Statement
16. SDPD CUP Recommendation and Census Tracts & Distribution of existing liquor licenses

Encanto Neighborhoods Community Plan Land Use



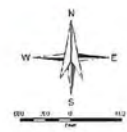
THE CITY OF SAN DIEGO
CITY PLANNING & COMMUNITY INVESTMENT

Legend

- Single Family Res. (0-2 du/lot)
- Single Family Res. (0-5 du/lot)
- Single Family Res. (5-10 du/lot)
- Single Family Res. (10-15 du/lot)
- Single Family Res. (10-15 du/lot) Mobile Home
- Multi-Family Res. (15-17 du/lot)
- Multi-Family Res. (15-30 du/lot)
- Multi-Family Res. (30-44 du/lot)
- Neighborhood Village
- Neighborhood Commercial-Residential Permitted (1-15 du/lot)
- Multiple Use
- General Commercial
- Community Commercial
- Neighborhood Commercial
- Specialized Commercial
- Business Park / Office Commercial
- Industrial
- Park
- Open Space
- Cemetery
- Institutional
- Schools/Public Facilities
- International Cultural Complex (ICC)
- Elementary School
- Hospital
- Junior High School
- Police Station
- YMCA
- Municipal Boundary
- Neighborhood Boundaries
- District
- Rail Road
- Trolley Station

- DRAFT -

NOT FOR OFFICIAL USE
This map is for illustrative purposes only.
No substantive changes have been intentionally made.
Map is intended for informational purposes only and is not a contract.
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DATE: 10/15/2014
PROJECT: ENCANTO NEIGHBORHOODS COMMUNITY PLAN
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]





**ENCANTO NEIGHBORHOODS COMMUNITY PLANNING GROUP (ENCPG)
MINUTES OF MEETING
Date: January 30, 2012**

1. CALL TO ORDER/INTRODUCTIONS: At: 6:34M by Greg Morales

Seat	Member	Here?	Seat	Member	Here?
Alta Vista	Marry Young	Yes	At-Large	Roman deSalvo	Yes
Broadway Hgts	Maxine Sherard	No	At-Large	Vacant	--
Chollas View	Ardelle Matthews	Yes	At-Large	Alfredo Ybarra	Yes
Emerald Hills	Justin Francis	Yes	At-Large	Kathleen MacLeod	Yes
Encanto-North	Ilija Bisinovski	Yes	At-Large	Brian Pollard	Yes
Encanto-South	Kenneth Malbrough	Yes	At-Large	Greg Morales	Yes
Lincoln Park	Dorothy James	No	At-Large	Derryl Williams	Yes
Valencia Park	Mary Ponder	Yes	At-Large	Steve Ward	Yes

City Dept.	Name	Here?	Dept	Name	Here?
Dev. Services	Karen Bucey	Yes	4 th District	Bruce Williams	No

Number of Visitors: 9 Sign-in sheet on file? Yes

2. COMMUNICATIONS FROM THE PUBLIC:

- a. Susan Yepis, Lemon Grove resident, asked for ENCPG support for two stop signs on 69th St. . MM/S/C Williams/Malbrough 12/0/0 to add this to the agenda as item 9e.
- b. Barry Pollard promoted the first 5K Run and Health Fair on March 3rd. MM/S/C Williams/Francis 11/0/1 to add this to the agenda.
- c. Keryna Johnson announced that 100 volunteers planted 1,400 natives in Radio Canyon.

3. ADOPTION OF THE AGENDA: MM/S/C Pollard/Williams 13-0-0 to adopt the revised agenda. MM/S/C Pollard/Malbrough 13-0-0 to switch item D. *City Planning* with item B. *Northwest Village Development*.

4. APPROVAL OF MINUTES: MM/S/C Pollard/Williams 14-0-0 to approve 11/21/11 minutes.

5. CHAIR'S REPORT: Conflict of Interest – The Chair raised concern about potential conflicts of interest when politicians and City staff sit on different boards and commissions and Diamond Community Investors (DCI) are on community planning groups. It's pervasive; chair doesn't know what to do about it. Karen Bucey says it's handled on a case by case basis, e.g., the concern about being on SEDC and community councils will go away on 2/1 (when Redevelopment ends). MM/S/C MacLeod/Pollard 14-0-0 to send a letter to the City Attorney seeking clarification of the role of DCI on ENCPG who rule on Jacobs' investments and projects.

6. ELECTION/VACANCY - MacLeod reported that there are no eligible applicants for the vacancy. The seats that are up for the 2-year term 2012-2014 are: Broadway Heights, Chollas View, Emerald Hills, Lincoln Park and the At-Large seats currently filled by Kathleen MacLeod (who is not running this time), Greg Morales, Steve Ward and Alfredo Ybarra. MacLeod and Young will serve on the Election Committee.

7. STAFF REPORTS – None

8. INFORMATION ITEMS - None

9. ACTION ITEMS:

- a. **Sprint Nextel St. Stephens Project – Project No. 244413** Anne Regan presented the renewal project, which proposes to reduce the number of antennae, change the configuration and improve the aesthetics. Sprint will add skirts to hide the mounting. Ms. Regan was asked where other Sprint sites are located, but she didn't bring a map. **MM/S/C 12-1-0 to approve the application and bring a map the next time.**
- b. **Southeastern San Diego Community Plan Update** – Karen Bucey introduced the process to update the community plan, which was first done in 1986. The current thinking is to split the planning area at 805 to correspond to the two different demographics and separate community planning groups. The consensus is to handle the work as a committee of the whole. Ms. Bucey asked for an ENCPG to be on the panel that selects the contractor to do the planning work. Justin Francis, Greg Morales and Barry Pollard volunteered. The secret ballot resulted in a tie vote for Francis and Pollard; Pollard won the tie vote draw.
- c. **Foreclosure Moratorium** – Greg Morales presented the negative effects of residential foreclosures on our neighborhoods and economy. Foreclosures have removed some \$3.2 trillion in wealth from working class families over the past 10 years. He asked for support to request the City Council to place a moratorium on privately-owned, non-investment homes. **MM/S/C MacLeod/Williams 9-2-2 to support in principle the idea of a moratorium on foreclosures; the draft letter be first presented to the ENCPG for approval and circulation to the Councilman, 3 other community planning groups in District 4 and the Community Planners Committee.**
- d. **Northwest Village** – Charles Davis presented Jacobs' proposed development to include Walgreen's, possible Fresh and Easy and a row of retail spaces. Jacobs has applied for it to be LEED certified. This development is part of the approved 6th Amendment so he's asking that we approve this again. **MM/S/C Francis/Pollard 9-0-0 to approve the request (with MacLeod, Malbrough, Matthews and Young recusing because they are Market Creek Plaza investors).**
- e. **Stop Signs in North Encanto** – Susan Yepis, of Lemon Grove, reported that the City of San Diego supports neighbors request for two stop signs: one at 69th and Gibson and the other at 69th and Klauber and asked for ENCPG support, too. **MM/S/C Williams/Malbrough 13-0-0 to approve the request for stop signs.**
- f. **5K Run/Walk and Health Fair** – Pollard asked for support of the ENCPG for this event sponsored by the Coalition of Neighborhood Councils (CNC) and others. It will be held on March 3 and start at Chollas Lake and go to Market Creek Plaza. **MM/S/C Morales/Malbrough 13-0-0 to send a letter in support of the Urban 5K Run/Walk.**

10. CONTINUING BUSINESS

- a. Francis reported that there is no need to amend the by-laws since increased membership has resolved the vacancy/absentee matter. The by-laws committee was dissolved.
- b. Meeting space issue is resolved by meeting in Jacobs' no fee Community Room.
- c. The group decided to meet on February 20th, a holiday.

11. ADJOURNMENT: 9:00:PM

Respectfully submitted: Kathleen MacLeod

PLANNING COMMISSION RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 826122 and
CONDITIONAL USE PERMIT NO. 923305
NORTHWEST VILLAGE CREEK PROJECT NO. 230777

WHEREAS, Northwest Village, a California limited liability company, Owner/Permittee, filed an application with the City of San Diego to develop a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 826122), on portions of a 9.19 acre site;

WHEREAS, the project site is located at 4970 and 5050 Market Street and 606 Euclid Avenue between Market Street and Guymon Street, west of Euclid Avenue in the RM-3-9 and CC-3-5 Zones within the Encanto Neighborhood of the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as Lot 1 of Guymon Street Subdivision, according to Map thereof No. 6281, filed February 4, 1969, Lot 1 of Fordsville Subdivision, according to Map thereof No. 5472, filed October 2, 1964 and Lot 1 of P.W.H. Subdivision, according to Map thereof No. 6335, filed April 15, 1969;

WHEREAS, on June 13, 2013, the Planning Commission of the City of San Diego considered Site Development Permit No. 826122 and Conditional Use Permit No. 923305 pursuant to the Land Development Code of the City of San Diego;

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 June 13, 2013.

FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space. The first deviation, from the Environmentally Sensitive Lands regulations, will allow the restoration of 875 feet of

Chollas Creek and allow temporary construction impacts to wetlands in the process of restoring the creek. Impacts to wetlands will be temporary as construction proceeds to restore the creek and develop the project as proposed, The second deviation will allow the proposed commercial buildings to observe a five foot setback along the front-yard where the established setback is twenty-five feet and residential buildings to observe a ten foot setback along the front-yard where the established setback is twenty-five feet, the third deviation will allow Transit Overlay Zone parking requirements to be applied to the project instead of those required by the zone. All other relevant development regulations will be met by the proposed project; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space, and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space

The site is located within the Encanto Neighborhood of the Southeastern San Diego Community Plan. The site is designated by the community plan as a portion of the Market Creek Village. The proposed uses and development is anticipated at this location at the proposed intensities and residential densities proposed by the Northwest Village Creek project. The proposed project is located within the Southeastern San Diego Community Plan Implementing Overlay Zone A; within the Neighborhood Village designation, which allows mixed-use development with a residential density of 15 to 44 dwelling units. The project area is also located in Segment 2A of the Chollas Creek Enhancement Program. As proposed, the project would implement the Neighborhood Village designation and applicable residential density range included in the Land Use Element of the Southeastern San Diego Community Plan.

According to the Village/Mixed Use Element of the Plan, "The integration of commercial and residential uses is emphasized in villages and civic uses are also an important component. Areas where village-type development is designated within the Southeastern San Diego community enhance and create high quality, interactive urban neighborhoods by allowing for the development of well-planned, suitable, and appropriate mixed-use developments. The village-type developments support transit use, reduce dependence on the automobile, establish a pedestrian-friendly orientation, and offer flexibility for redevelopment opportunities while maintaining community character and providing a range of housing opportunities." A specific Village recommendation includes "developing the Village Center at the Euclid and Market Pilot Village with a mixture of multifamily, commercial/retail, and office land uses that are pedestrian-friendly and support transit use. A range of housing opportunities, including for-sale and affordable housing, should be provided on this site." The proposed four phase project would implement this community plan objective due to its close proximity to the Euclid Avenue Intermodal Transit Station; the development of new stand-alone commercial, mixed use residential and commercial buildings; as well as the inclusion of a number of public plaza areas and multi-use trails along the creek that could be used for connectivity and potential recreational purposes.

A specific objective found in the Social and Economics section of the Plan includes increasing job opportunities and resources within the community. The proposed project would provide job opportunities through the construction as well as retail employment opportunities. Furthermore the project would provide needed resources including a pharmacy that is currently lacking within this area. The proposed project would implement a number of Plan commercial objectives including the provision of attractive quality community and neighborhood commercial facilities

that offer a variety of goods and services to meet community needs; enhancing 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; Improving vehicular and pedestrian access to commercial sites, and ensuring adequate and aesthetically pleasing parking facilities; as well as providing opportunities for a mix of community-specific commercial uses. The proposed project would also provide for habitat enhancement and creek restoration by removing exotic plant species and restoring the Chollas Creek as it winds through the site; Planting of freshwater marsh and emergent wetlands; planting riparian scrub vegetation on the banks; and planting a transitional buffer between the riparian scrub. Therefore this project would specifically implement the goals and policies for Segment 2A of the Chollas Creek Enhancement Plan.

Based on the aforementioned goals and objectives, the proposed project would be consistent with the Southeastern San Diego Community Plan and would implement the Village Center at Euclid and Market as well as implementing objectives of the Village/Mixed Use Element of the Plan by developing new community-serving retail uses. The proposed creek restoration would implement the goals and objectives of the Chollas Creek Enhancement Plan. Therefore, the Northwest Village Creek project is consistent with and will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

The Northwest Village Creek project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the Northwest Village Creek project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations, will assure the continued health, safety and general welfare of persons residing or working in the area.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space. The Northwest Village Creek project is consistent with the RM-3-9 and CC-3-5 Zones and the Southeastern San Diego

Community Plan. Deviations required to approve the project are necessary, reasonable and desirable to create the project as designed, as allowed through the Site Development Permit review process.

The Northwest Village Creek project requires the approval of three deviations. The first deviation from the Environmentally Sensitive Lands regulations, LDC §143.0141(b)(5), will allow the restoration of 875 feet of Chollas Creek. Impacts to the creek will be temporary as construction proceeds to restore the creek and develop the project as proposed. The proposed project is designed to alleviate the erosion and stabilize the creek by widening the bottom of the creek, adding plantable turf reinforcement mat to portions of the side slopes and adding two three-foot high rip rap drop structures with 4:1 slopes. The rip rap drop structures will be strategically placed both upstream and downstream of the bend in the creek to maximize their effect on the flow while minimizing the amount of rip rap. The rip rap areas and sizes were determined by calculating both the permissible velocities and the tractive forces. Rip rap near the culvert headwalls at the Euclid Avenue and Market Street crossings are needed to prevent localized scour. The U.S. Army Corps of Engineers HEC-RAS 4.0 was used to perform the hydraulic analysis of the creek and determine the minimum amount of rip rap required at each location. The Landscape Plan and Wetland Restoration/Revegetation Plan include native plants within the rip rap, natural stone cobble and the plantable turf reinforcement mat areas. Additionally, the geogrid/keystone retaining walls will be planted with native plants.

The proposed project will also provide for habitat enhancement and creek restoration by removing exotic plant species. The creek will be graded to re-contour the creek and realign the segment at the bend in the creek adjacent to Guymon Street in order to protect the road and Horton Elementary School as well as to decrease the scouring of the creek during stormwater events. Decreasing the scour effect will allow for the success of the restoration plan and provide an increase to the buffer area adjacent to the creek. If the flow of the water during storm events is not controlled, scouring would continue, resulting in the need for repeating plantings within the creek and vegetative restoration of the creek will not be sustainable, planting of freshwater marsh and emergent wetlands within the creek, riparian scrub vegetation on the banks, and native and non-invasive planting of a transitional buffer between the riparian scrub and proposed development. All of these construction activities will temporarily impact the wetland and in the long term will restore the wetland.

The second deviation will allow the proposed commercial buildings to observe a five foot setback along the front-yard where the established setback is twenty-five feet and residential buildings to observe a ten foot setback along the front-yard where the established setback is twenty-five feet, and the third deviation will allow Transit Overlay Zone parking requirements to be applied to the project instead of those required by the zone. All other relevant development regulations will be observed by the development and operation of the project. For additional information, see B.1, B.2 and B.3 below.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an

alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

Chollas Creek is protected by the Environmentally Sensitive Lands (ESL) regulations and by these regulations impacts to wetlands are to be avoided. If avoidance is impossible, minimization of impacts to wetlands is to be achieved. To restore Chollas Creek in this location will require temporary impacts to wetlands and adjacent habitat. These temporary impacts are unavoidable and are the minimum disturbance necessary to achieve a restoration of the Chollas Creek in this location.

Chollas Creek conveys approximately 1900 cubic feet per second (cfs) through the project area during a 100-year storm event. Currently, this portion of the creek exhibits active erosion through the entire creek and is most evident along the outside of the bend adjacent Guymon Street. At the bend in the creek a thirty foot high bank supports Guymon Street and Horton Elementary School, above. The active erosion of the bank threatens the continued safe use of Guymon Street and if left unprotected the slope bank could eventually fail.

The Northwest Village Creek project has been designed to alleviate the erosion and stabilize the creek by widening the bottom of the creek, adding plantable turf reinforcement mat to portions of the side slopes and adding two three-foot high rip rap drop structures with 4:1 slopes. The rip rap drop structures have been strategically placed both upstream and downstream of the bend in the creek to maximize their effect on the flow while minimizing the amount of rip rap. The Landscape Plan and Wetland Restoration/Revegetation Plan include native plants within the rip rap, natural stone cobble and the plantable turf reinforcement mat areas. The rip rap areas and sizes were determined by calculating both the permissible velocities and the tractive forces. Rip rap near the culvert headwalls at the Euclid Avenue and Market Street crossings are needed to prevent localized scour. The U.S. Army Corps of Engineers HEC-RAS 4.0 was used to perform the hydraulic analysis of the creek and determine the minimum amount of rip rap required at each location. Additionally, the geogrid/keystone retaining walls will be planted with native plants.

The project will provide for habitat enhancement and creek restoration by removing exotic plant species. The creek will be graded to re-contour the creek and realign the segment at the bend in the creek adjacent to Guymon Street in order to protect the road and Horton Elementary School as well as to decrease the scouring of the creek during stormwater events. Decreasing the scour effect will allow for the success of the restoration plan and provide for increased area for buffer area. If the flow of the water during storm events is not controlled, scouring will continue, resulting in the need for repeating plantings within the creek and restoration of the creek will not be sustainable. The proposed grading is required to achieve a sustainable restoration of the creek in this location and is the minimum necessary to implement the restoration plan and required improvements to protect the road and school. The restoration plan will include planting of freshwater marsh and emergent wetlands within the creek, riparian scrub vegetation on the banks, and native and non-invasive planting of a transitional buffer between the riparian scrub and proposed development. The Northwest Village Creek project will implement the goals and policies for Segment 2A of the Chollas Creek Enhancement Plan.

The Northwest Village Creek project will have direct and indirect impacts to biological resources; therefore, the applicant is required to provide the specific mitigation measures as outlined in the Mitigation Monitoring and Reporting Program, Section V of the Mitigated Negative Declaration. As a condition of the project approval, native vegetation and other buffer areas within the project boundary will be conserved under a Covenant of Easement consisting of approximately 1.4 acres within Lot A. These measures will ensure that direct and indirect impacts to biological resources will be reduced to below a level of significance.

The Northwest Village Creek project is urban infill development on a previously developed site. Professionally prepared technical reports evaluating the suitability of the site for the proposed design has concluded the proposed development will be suitable at this site. Temporary impacts to environmentally sensitive lands will result as Chollas Creek undergoes the process of restoration to a healthy vibrant condition. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

The design of the project, and more specifically within Chollas Creek where environmentally sensitive lands do exist, will minimize the alteration of natural land forms to restore a natural open stream channel. All grading proposed by the project is the minimum necessary to achieve a stable, balanced restoration of Chollas Creek and usable development pads for future buildings. Most of the site, the creek excepted, was previously developed with commercial structures. Professionally licensed geologists have prepared geotechnical studies which conclude the site is suitable for the proposed design of the grading and buildings and the project will not result in undue risks from geologic and erosional forces.

Professionally licensed engineers have prepared hydrology and drainage studies which conclude the Northwest Village Creek project will not result in undue risks from flood hazards. Chollas Creek conveys approximately 1900 cubic feet per second (cfs) through the project area during a 100-year storm event. Currently, this portion of the creek exhibits active erosion through the entire creek and is most evident along the outside of the bend adjacent Guymon Street. At the bend in the creek a 30' high bank supports Guymon Street and Horton Elementary School, above. The active erosion of the bank threatens the continued safe use of Guymon Street and if left unprotected the slope bank could eventually fail.

The Northwest Village Creek project has been designed to alleviate the erosion and stabilize the creek by widening the bottom of the creek, adding plantable turf reinforcement mat to portions of the side slopes and adding two three-foot high rip rap drop structures with 4:1 slopes. The rip rap drop structures have been strategically placed both upstream and downstream of the bend in the creek to maximize their effect on the flow while minimizing the amount of rip rap. The

Landscape Plan and Wetland Restoration/Revegetation Plan include native plants within the rip rap, natural stone cobble and the plantable turf reinforcement mat areas. The rip rap areas and sizes were determined by calculating both the permissible velocities and the tractive forces. Rip rap near the culvert headwalls at the Euclid Avenue and Market Street crossings are needed to prevent localized scour. The U.S. Army Corps of Engineers HEC-RAS 4.0 was used to perform the hydraulic analysis of the creek and determine the minimum amount of rip rap required at each location. Additionally, the geogrid/keystone retaining walls will be planted with native plants.

Professionally licensed landscape architects have prepared a Brush Management program which will be required through the permit conditions as a component of the Northwest Village Creek project to reduce the risk of wildfire hazards. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

The Northwest Village Creek project requires the approval of three deviations. The first deviation from the Environmentally Sensitive Lands regulations will allow the restoration of 875 feet of Chollas Creek. Impacts to the creek will be temporary as construction proceeds to restore the creek and develop the project as proposed, the second deviation will allow the proposed commercial buildings to observe a five foot setback along the front-yard where the established setback is twenty-five feet and residential buildings to observe a ten foot setback along the front-yard where the established setback is twenty-five feet, and the third deviation will allow Transit Overlay Zone parking requirements to be applied to the project instead of those required by the zone. All other relevant development regulations will be observed by the development and operation of the project. The first deviation is necessary to allow construction and restoration efforts to occur within the Chollas Creek.

Restoration of Chollas Creek will not occur without temporary impacts to allow the restoration efforts within the creek. All feasible measures will be taken to minimize potential adverse effects on environmentally sensitive lands within the creek and there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The potential adverse effects on environmentally sensitive lands within the creek have been minimized to the greatest extent possible. The deviation is the minimum necessary to allow restoration of Chollas Creek. The applicant has not created a design which impacts the creek nor has the applicant created the current degradation of Chollas Creek. The condition of Chollas Creek is an unfortunate existing condition of the land and the deviation will afford the applicant relief from the special circumstances which exist in Chollas Creek. The purpose of the deviation is to allow temporary impacts to a sensitive environmental resource to allow the restoration of the resource to a healthy vibrant condition.

Other than the environmentally sensitive lands within the project boundary, there are no environmentally sensitive lands on adjacent properties. The second and third deviations will have no effect upon any adjacent environmentally sensitive lands. As such the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands in that none exist on adjacent lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

The Northwest Village Creek project site is not located within the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan or the Multi-Habitat Planning Area. As such, the Northwest Village Creek project will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

The site, located on the northwest corner of Euclid Avenue and Market Street, is approximately 5.5 miles from the San Diego Bay. The restoration of this portion of Chollas Creek which is within the project site will contribute to slower velocities of storm water moving through this section of the creek which in turn will reduce the amount of sediment carried by storm water carried to the bay. Further the project is required to enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, will 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 and will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In that Chollas Creek flows into the San Diego Bay, the proposed development will not contribute to the erosion of public beaches and will not adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the

operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space. The project will require mitigation in the areas of Biology, Historical, Paleontology, Noise and Transportation. All mitigation is focused and directed to alleviate the potential negative impacts as a result of implementing the project. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

C. Supplemental Findings--Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

The Northwest Village Creek project requires the approval of three deviations. The first deviation from the Environmentally Sensitive Lands regulations will allow the restoration of 875 feet of Chollas Creek. Impacts to the creek will be temporary as construction proceeds to restore the creek and develop the project as proposed, the second deviation will allow the proposed commercial buildings to observe a five foot setback along the front-yard where the established setback is twenty-five feet and residential buildings to observe a ten foot setback along the front-yard where the established setback is twenty-five feet and the third deviation will allow Transit Overlay Zone parking requirements to be applied to the project instead of those required by the zone. All other relevant development regulations will be observed by the development and operation of the project. The first deviation is necessary to allow construction and restoration efforts to occur within the Chollas Creek. Restoration of Chollas Creek will not occur without temporary impacts to allow the restoration efforts within the creek. All feasible measures will be taken to minimize potential adverse effects on environmentally sensitive lands within the creek and there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

The Northwest Village Creek Project was deemed completed in February, 2011. In accordance with the Land Development Code, Section 143.0141, the project has been evaluated consistent with the Environmentally Sensitive Lands Ordinance and City's Biology Guidelines in place at the time the project was deemed complete. The existing Chollas Creek which runs through the subject property is of low biological quality and the Northwest Village Creek project will, upon completion, enhance and restore the biological quality of the creek and represent an improvement of the existing conditions. For these reasons, even though the Northwest Village Creek project will impact wetlands, the temporary impact is outweighed by the long term permanent enhancement of the creek at this location and the deviation is justified. For additional information, see Findings B.1 through B.3 above.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space.

The Northwest Village Creek Project was deemed completed in February, 2011. In accordance with the Land Development Code, Section 143.0141, the project has been evaluated consistent with the Environmentally Sensitive Lands Ordinance and City's Biology Guidelines in place at the time the project was deemed complete. Restoration of Chollas Creek will not occur without temporary impacts to allow the restoration efforts within the creek. All feasible measures will be taken to minimize potential adverse effects on environmentally sensitive lands within the creek and there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The potential adverse effects on environmentally sensitive lands within the creek have been minimized to the greatest extent possible. The deviation is the minimum necessary to allow restoration of Chollas Creek. The applicant has not created a design which impacts the creek nor has the applicant created the current degradation of Chollas Creek. The condition of Chollas Creek is an unfortunate condition of the land and the deviation will afford the applicant relief from the special circumstances which exist in Chollas Creek. The purpose of the deviation is to allow temporary impacts to a sensitive environmental resource to allow the restoration of the resource to a healthy vibrant condition.

The existing Chollas Creek which runs through the subject property is of low biological quality and the Northwest Village Creek project will, upon completion, enhance and restore the biological quality of the creek and represent an improvement of the existing conditions. For these reasons, even though the Northwest Village Creek project will impact wetlands, the temporary impact is outweighed by the long term permanent enhancement of the creek at this location and the deviation is justified. For additional information, see Findings B.1 through B.3 above.

Conditional Use Permit - Section §126.0305

- 1. The proposed development will not adversely affect the applicable land use Plan.** The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space. The Northwest Village Creek project is consistent with and will not adversely affect the applicable land use plan. For more information, see Site Development Permit Finding A.1 above.
- 2. The proposed development will not be detrimental to the public health, safety, and welfare.** The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas

Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space. The Northwest Village Creek project will not be detrimental to public health, safety and welfare. For more information, see Site Development Permit Finding A.2 above.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. For more information, see Site Development Permit Finding A.3 above.

4. The proposed use is appropriate at the proposed location. The Northwest Village Creek project is a four phase project with deviations; Phase I shall include a maximum of 14,480 square feet of commercial retail space, including the operation of an alcoholic beverage outlet, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall include a maximum of 51,350 square feet of commercial retail space and Phase IV shall include a maximum of 268,156 square feet which shall include 100 apartment units, a 5,000 square foot rental office and 5,000 square feet of commercial retail space. The Northwest Village Creek project is consistent with and will not adversely affect the Southeastern San Diego Community Plan. For additional information, see Finding A.1 above.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 826122 and Conditional Use Permit No. 923305 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 826122 and 923305, a copy of which is attached hereto and made a part hereof.

John S. Fisher
Development Project Manager
Development Services

Adopted on: June 13, 2013

Job Order No. 24001496

PLANNING RESOLUTION NUMBER R-_____

VESTING TENTATIVE PARCEL MAP NO. 912367
NORTHWEST VILLAGE CREEK - PROJECT NO. 230777
[MMRP]

WHEREAS, Northwest Village, LLC, Subdivider, and Barry J. Cowan, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Parcel Map No. 912367 for a four lot subdivision to facilitate the development of three lots and the restoration of a fourth open space lot, Lot A, known as the Northwest Village Creek Project. The project site is located at the northeast corner of Euclid Avenue and Market Street in the Encanto Neighborhood of the Southeastern San Diego Community Plan area. The property is legally described as Lot 1 of Guymon Street Subdivision, according to Map thereof No. 6281, filed February 4, 1969, Lot 1 of Fordsville Subdivision, according to Map thereof No. 5472, filed October 2, 1964 and Lot 1 of P.W.H. Subdivision, according to Map thereof No. 6335, filed April 15, 1969; and

WHEREAS, the Map proposes the Subdivision of a 9.19 acre site into three lots for development and one lot for restoration of open space; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on June 13, 2013, the Planning Commission of the City of San Diego considered Vesting Tentative Parcel Map No. 912367 and pursuant to San Diego Municipal Code section(s) 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard

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 Parcel Map No. 912367:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)). The proposed subdivision would provide for a balanced community and equitable development within the community through the provision of commercial retail development and housing that provides varying levels of architectural styles, size and affordability by providing commercial retail and residential development. The proposed subdivision is consistent with the recommended land use and density prescribed in the Encanto Neighborhood of the Southeastern San Diego Community Plan. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. The proposed subdivision would comply with the development regulations of the underlying RM-3-9 and CC-3-5 Zones and all of the applicable development regulations of the Land Development Code. The proposed project requires the approval of three deviations, 1) a deviation from the Environmentally Sensitive Lands regulations is required to approve the restoration of 875 feet of Chollas Creek. Impacts to the creek will be temporary as construction proceeds to restore the creek and develop the project as proposed, 2) a second deviation to allow the proposed commercial buildings to observe a five foot setback along the front-yard where the established setback is twenty-five feet and residential buildings to observe a ten foot setback along the front-yard where the established setback is twenty-five feet, and 3) a deviation is required to allow Transit Overlay Zone parking rates to be applied to the project. Deviations to the applicable development regulations of the Land Development Code are permitted with a Site Development Permit. The deviations are necessary to allow restoration of Chollas Creek and retail and residential development close to the street to contribute to the Market Creek Village atmosphere and are determined to be consistent with the purpose and intent of the regulations, as allowed through a Site Development Permit.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The proposed subdivision would be consistent with the recommended commercial and residential land use and density range of the Encanto Neighborhood of the Southeastern San Diego Community Plan and would comply with the applicable development of the underlying regulations. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). An initial Environmental Initial Study (EIS) was conducted for the proposed subdivision in accordance with the California Environmental Quality Act (CEQA) that determined the project could have potential adverse environmental impacts. A Mitigation, Monitoring and Reporting Program (MMRP) is created for the project with measures that would reduce the potential adverse impacts to below a level of significance. Therefore, 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.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)). The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Uniform Building Code. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways and general utility easements therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region and has determined that those needs are balanced against the needs for public services and the available fiscal and environmental resources and has found that the addition of 82 residential apartment units would assist the housing needs of the Encanto Neighborhood of the Southeastern San Diego Community Plan.

The above 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 Parcel Map No. 912367 is hereby granted to Northwest Village, a California limited liability company, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
John S. Fisher
Development Project Manager
Development Services Department

ATTACHMENT: Vesting Tentative Parcel Map Conditions

Internal Order No. 24001496

RESOLUTION NUMBER R- _____

ADOPTED ON JUNE 13, 2013

WHEREAS, on February 2, 2011, Northwest Village, a California limited liability company submitted an application to Development Services Department for a Vesting Tentative Parcel Map, Site Development Permit and Conditional Use Permit for the Northwest Village Creek (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on June 13, 2013; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration No. 230777 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Planning Commission in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego.

BE IT FURTHER RESOLVED, that Development Services staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: _____
John S. Fisher
Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

DRAFT

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Vesting Tentative Parcel Map No. 912367, Site Development Permit No. 826122 and
 Conditional Use Permit No. 923305
 PROJECT NO. 230777

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 230777 shall be made conditions of Vesting Tentative Parcel Map No. 912367, Site Development Permit No. 826122 and Conditional Use Permit No. 923305 as may be further described below.

V. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP):

A. GENERAL REQUIREMENTS – PART 1

Plan Check Phase (prior to permit issuance)

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

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** - The Development Services Department Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS -PART II

Post Plan Check (After permit issuance, prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Project Biologist
Qualified Landscape Contractor
Qualified Archaeologist
Qualified Native American Monitors
Qualified Paleontologist

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division -858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 230777, and/or Environmental Document # 230777 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department's Environmental Designee, Resident Engineer and (Mitigation Monitoring Coordinator. The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)

Note:

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.
- Army Corps of Engineers 404 Nationwide Permit
 - California Department of Fish and Wildlife Lake or Streambed Alteration Agreement
 - Regional Water Quality Control Board Water Quality Certification (Section 401 of Clean Water Act)
 - County of San Diego Department of Environmental Health

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

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

Document Submittal/Inspection Checklist

<i>Issue Area</i>	<i>Document submittal</i>	<i>Associated Inspection/Approvals/Note</i>
General	Consultant Qualification Letters	Prior to Pre-Construction meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at Pre-Construction meeting
Biology	Biologist Limits of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Archaeology	Archeology Reports	Archaeology/ Historic Site Observation
Paleontology	Paleontological Monitoring Reports	Paleontology Site Observations
Geology	As Graded Soils Report/Geotechnical Investigation/Evaluation	Geotechnical/fault inspection
Noise	Acoustical Report	Noise mitigation features inspection
Waste Management	Waste Management Plan	Waste Management Inspection
Bond Release	Request for Bond Letter	Final MMRP inspections prior to Bond Release Letter

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

BIOLOGICAL RESOURCES

Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the ADD environmental designee of the City's LDR Division shall ensure the following mitigation have been fulfilled including incorporating the measures verbatim on all appropriate construction documents

B.1A Direct Impacts/On-Site Wetland Mitigation

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits for the Phase 2 Creek Improvements, whichever is applicable, the ADD environmental designee shall verify that the mitigation requirements for direct impacts to 1 acre of Riparian Scrub would be mitigated at a 2:1 ratio including implementation of 1.02 acres of the on-site Riparian Scrub revegetation/restoration and 1 acre of off-site riparian enhancement. The Applicant or permittee shall prepare a final Wetland Restoration Plan that is consistent with the "Conceptual Revegetation Plan Northwest Village Creek, Project No. 230777, SAP No. 24001496," prepared by REC Consultants, June 2012. The requirements are summarized below:

B. Revegetation/Restoration Plan(s) and Specifications

2. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Analysis Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
3. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2002). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/ restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
4. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120 day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
 - a. The RMC shall be responsible for the maintenance of the upland mitigation area for a minimum period of 120 days establishment period, and the five year maintenance period. Maintenance visits shall be conducted on a once monthly for the first two years, quarterly for third year, monthly to quarterly during the fourth year, and quarterly the fifth year basis throughout the plant establishment period.
 - b. At the end of the 120 day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.

- c. MMC will provide approval in writing to begin the *five year* long-term establishment/maintenance and monitoring program.
 - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
 - e. The revegetation site shall not be fertilized.
 - f. The RIC is responsible for reseeded (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
 - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
 - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the *five-year* maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally-acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.
5. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.

C. Letters of Qualification Have Been Submitted to ADD

- 6. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
- 7. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
- 8. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
- 9. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. Prior to Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11" x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
 - b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP's) on the RRME.
3. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
4. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

III. During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM**

are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.

2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
3. The PQB or QBM shall be responsible for maintaining and submitting the CSVSR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that associated with biology).
4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats, as shown on the approved LCD.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly
7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSVSR.
8. PQB shall verify in writing on the CSVSR's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.
9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occurs or sensitive biological resources are discovered that where not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

A. Mitigation Monitoring and Reporting Period

1. *Five-Year* Mitigation Establishment/Maintenance Period
 - a. The RMC shall be retained to complete maintenance monitoring activities throughout the *five-year* mitigation monitoring period.
 - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
 - c. Maintenance activities will include all items described in the LCD.
 - d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC).
2. Five-Year Biological Monitoring
 - a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
 - b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
 - c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
 - d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.
 - e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non-invasive vegetation. Container plants will also be counted to

determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.

- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of the last two years.
- g. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.

C. Submittal of Draft Monitoring Report

1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/ restoration effort shall be visually assessed at the end of 120 day period to determine mortality of individuals.
2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Copies of the Draft Monitoring Report shall also be provided to all applicable permitting agencies. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.
3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following the completion of monitoring. . Copies of the Draft Annual Report shall also be provided to all applicable permitting agencies.
4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
6. MMC will provide written acceptance of the PQB and RE of the approved report.

D. Final Monitoring Reports(s)

- 1 PQB shall prepare a Final Monitoring upon achievement of the fifth year performance/success criteria and completion of the five year maintenance period.
 - a. This report may occur before the end of the fifth year if the revegetation meets the fifth year performance /success criteria and the irrigation has been terminated for a period of the last two years.
 - b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. Copies of the Final Monitoring Report shall also be provided to all applicable permitting agencies. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report. Final sign-off and approval is required from the City and all applicable permitting agencies.
 - c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC and all applicable permitting agencies. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

B.1.b Direct Impacts/Off-Site Wetland Mitigation

Prior to the Notice to Proceed (NTP), including but not limited to, the first Grading Permit, Demolition plans,/Permits and Building plans/Permits for the Phase 2 Creek Improvements, whichever is applicable, the ADD environmental designee shall verify the mitigation for 1-acre of off-site wetland enhancement has been provided.

The Applicant or the Permittee shall provide either option a or b described below:

Option A Demonstrate that one of the three sites below has been secured for implementation of a 5-year revegetation program of 1-acre of wetland enhancement consistent with the requirements listed above the for on-site restoration plan. The site shall be conserved via a Covenant of Easement and shall require funding of long-term management.

- Site is directly adjacent to the Robinson Family YMCA, located downstream, across from Market Creek Plaza and to the southwest of the project site at 151 YMCA Way, San Diego, 92102;
- Site containing a highly disturbed riparian area located at the El Rey Travel Plaza. This is an existing mobile home park, just downstream from Market Creek Plaza and to the southwest of the project site at 303 North 47th Street, San Diego, 92102;
- Site with a riparian habitat located directly across Chollas Creek from the El Rey Travel Plaza mobile home park located at Chollas Creek Villas at 47th and Castana Streets.

Option B If the above sites are not available, the applicant shall provide documentation to demonstrate the purchase of 1-acre of off-site wetland creation credit within the approved wetland Rancho Jamul Ecological Preserve Mitigation Bank.

B.2 DIEGAN COASTAL SAGE SCRUB**V. Habitat Acquisition Fund:**

Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall contribute to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.38 acre of Diegan coastal sage scrub (Tier II). This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 1:1 for Diegan coastal sage scrub preserved within the MHPA. Therefore, the resulting total mitigation required for direct project impacts for a total of 0.38 acres equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a ten percent (10%) administrative fee.

B.3 INDIRECT IMPACTS/LAND USE ADJACENT TO THE CREEK

1. Prior to initiation of any construction-related grading, the biologist shall discuss the sensitive nature of the adjacent sensitive habitat (i.e., riparian and Diegan coastal sage) with the crew and subcontractor.
2. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of construction grading.
3. All lighting adjacent to the creek shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from creek and buffer areas using appropriate placement and shields. Bollards or similar low-elevation light fixtures shall be used in areas directly adjacent to the creek (i.e., along pedestrian trails). If lighting adjacent to the creek is required for nighttime construction, it shall be unidirectional, low pressure sodium illumination (or similar), and it shall be directed away from the preserve areas and the tops of adjacent trees with potentially nesting raptor species, using appropriate placement and shields.
4. No staging/storage areas for equipment and materials shall be located within or adjacent to environmentally sensitive habitats. No equipment maintenance shall be conducted within or near these areas.
5. All landscape and vegetation adjacent to the creek and within the buffers areas (i.e., Lot A) shall be native or non-invasive plantings consistent with the approved Exhibit A and the Conceptual Revegetation Plan dated June 2012.
6. No trash, oil, parking or other construction related activities shall be allowed outside the established development area as shown on the construction drawings. All construction related debris shall be removed off-site to an approved disposal facility.
7. Prior to the issuance of any construction permits for Phase III and IV, a photometric analysis shall be prepared and approved by the ADD environmental designee of LDR to ensure potential indirect lighting impacts from these project would be less than significant.

8. The project shall provide signage, retaining walls with railings, and an educational outlook to control access to the creek and to provide educational information of the sensitive biological resources located on-site.
9. Erosion control techniques, including the use of sandbags, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into sensitive wetland and buffer areas. Drainage from all development areas adjacent to the creek shall incorporate Best Management Practices (BMPs) as specified by the City Engineer.
10. Prior to the precon meeting, the ADD environmental designee of LDR shall verify that the conservation area (i.e., Lot A) and the following project requirements regarding the general bird mitigation are shown on the appropriate construction documents:

B.4 GENERAL BIRD MITIGATION

If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1-September 15), or an active nest is noted, the project biologist shall conduct a pre-grading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.

- A. If active nests are detected, or considered likely, the report shall include the following mitigation;
 1. All project activities within 300 feet of on- and off-site suitable nesting habitat should be delayed until August 31 or until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting as determined by a qualified biologist.
 2. Flagging, stakes, and/or construction fencing should be used to demarcate the inside boundary of the buffer of a minimum of 300 feet between the project activities and the nest.
 3. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The applicant should provide the City the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of migratory birds.
 4. If the project biologist determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g. species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the City and, upon request, the Wildlife Agencies. Based on the submitted information, the City (and Wildlife Agencies), if they so request) will determine whether to allow a narrower buffer.

The report shall also include, if necessary additional mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division.

Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.

- B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Entitlements Plan Check

- 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

- 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
- 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
- 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

a. Verification of Records Search

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

A. PI Shall Attend Precon Meetings

- 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The

qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the **PI** is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the **PI** shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11 x 17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

2. When Monitoring Will Occur

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

III. During Construction

A. Monitor(s) shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the

previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

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

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

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

B. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:

- (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries - All discoveries shall be processed and documented using the existing procedures detailed in Sections III -During Construction, and IV -Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III -During Construction and IV-Discovery of Human Remains shall be followed.

- d. The PI shall immediately contact MMC, or by 8 AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV -Discovery of Human Remains, Subsection 5.

C. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

In order to avoid potential impacts to paleontological resources, the following mitigation measures shall be implemented by the Owner/Permittee for Phases 1, 2, 3 and 4, respectively.

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to the Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MCC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation-related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11 x 17) to MMC identifying the areas to be monitored, including delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification of the monitoring program. This request shall be

based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via Consultant Site Visit Record (CSVR). The CSVR's shall be faxed' by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

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

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
 - 2. The following procedures shall be followed.

- a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

- b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III -During Construction.

- c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III -During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions

of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with the San Diego Natural History Museum.

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of Fossil Remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this proposed project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the approved Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

NOISE

The Owner/Permittee for Phase 4 shall mitigate exterior noise impacts for the proposed project as follows:

I. Prior to Permit Issuance for Phase 4 Residential Development – Plan Check

- A. Prior to issuance of the building permit, the Permit Holder shall incorporate the requirements for environmental noise mitigation on the appropriate construction documents as described in the "Noise Analysis Report for Northwest Village Creek, San Diego, CA," prepared by Kimley-Horn and Associates, Inc., September 4, 2012 report.
- B. Prior to issuance of the building permit, the Assistant Deputy Director (ADD) Environmental Designee shall verify the following sound attenuation measures have been incorporated into the design of the proposed development to reduce noise levels to below 65 dB CNEL:
 - 1. As shown on Figure 5 of the report, the 6 foot high noise barrier shall be required around patio perimeters, and a 4 foot high noise barrier shall be required at balcony perimeters to reduce the noise level to 65 dBA CNEL or below. The noise barrier shall be required to be constructed as stated on Page 23 of the acoustical analysis.

II. Post Construction – Prior to Final Inspection

- A. The Permit Holder shall submit one copy of the final Acoustical Analysis with construction documents to the BI, and one copy to MMC.
- B. MMC to verify the sound attenuation barrier has been constructed in accordance with the Construction documents.

TRANSPORTATION/TRAFFIC

I. Phase 1 –

- A. Prior to issuance of any building permit, the Owner/Permittee for Phase 1 within Lot 1 of VTM 912367) shall dedicate the required Right-of-Way and assure by permit and bond, installation of all striping and public improvements fronting Lot 1 including a raised median on Euclid Avenue from Guymon Street to approximately 90 feet south of Lot 1 and all infrastructure needed to serve Lot 1, including the widening of the existing driveway at the west end of Lot 2 on Market Street and striping on Market Street to provide left-turn pockets at this location, satisfactory to the City Engineer.
- B. Prior to issuance of any building permit, the Owner/Permittee for Lot 1 shall assure by permit and bond installation of Mitigation Measure #2 as presented in the Fifth Amendment CIRP TIA (Table 33). Mitigation Measure #2 requires the modification of the 47th Street and Market Street intersection to provide for a separate northbound right-turn lane and a separate eastbound right-turn lane. The traffic signal shall also be modified to provide for right-turn overlap phasing, satisfactory to the City Engineer.
- C. Prior to issuance of any building permit, the Owner/Permittee for Phase 1 (within Lot 1 of VTM 912367) shall pay a fair share contribution towards the mitigation measures identified in the Fifth Amendment CIRP Final TIA, satisfactory to the City Engineer. This fair-share contribution is an estimate only and provided for planning purposes. The actual payment amount shall be based on the fair share percentage and the estimated construction costs at the time the payment is made, satisfactory to the City Engineer. The fair share percentages for Phase 1 are shown in the following Table 1, which is Table 9 from the project's Supplemental Traffic Impact Analysis (February 5, 2013).

Table 1 - Project Phase 1 Fair-Share Contributions (145 EDU)

Mit No.	Mitigation Location (see Table A in Appendix K of Fifth Amendment CIRP-EIR Final TIA)	Total Costs (f)	Site #3 Total %	Project Data		
				Phase 1 % of Site #3	% Fair-Share	Estimated Fair-Share Contribution
#1	Euclid Ave. & SR 94 WB Ramps	\$0 (a)	100%	9.29%	9.29%	N/A (a)
#2	47th St. & Market St.	\$527,200	31.6%	9.29%	2.94% (h)	\$0 (g)
#3	Market St. (I-805 to 47th St.)	(b)	(b)	(b)	(b & h)	(b & g)
#4	47th St. & "A" St.	\$350,900	23.2%	9.29%	2.16%	\$7,563
#5	Euclid Ave. & Market St. (c)	\$623,700	56.5%	9.29%	5.25% (h)	\$0 (g)
#6	Imperial Ave. & 47th St.	\$698,479	15.3%	9.29%	1.42%	\$9,926
#7	Market St. (Euclid Ave. to 54th St.)	\$1,488,500	55.5%	9.29%	5.16%	\$76,741
#8	Market St. (47th St. to Euclid Ave.)	\$194,100	41.5%	9.29%	3.86% (h)	\$0 (g)
#9	Imperial Ave. & I-805 SB Ramps	\$414,900	10.3%	9.29%	0.96%	\$3,966
#10	Euclid Ave. & SR 94 EB Ramps	\$503,300	30.8%	9.29%	2.86%	\$14,396
#11	Euclid Ave. (SR 94 to Market St.) - (d)	\$730,100	41.8%	9.29%	3.88%	\$28,343
#12	Imperial Ave. & 54th St.	(e)	(e)	(e)	(e)	(e)
#13	Imperial Ave. (San Jacinto Dr. to Valencia Pkwy)	\$869,800	9.8%	9.29%	0.91%	\$7,919
#14	Imperial Ave. (49th St. to Euclid Ave.)	\$444,100	19.7%	9.29%	1.83%	\$8,127
#15	47th St. (Market St. to Imperial Ave.)	\$15,900,000	15.0%	9.29%	1.39%	\$221,620
Project Phase 1 Fair-Share:						\$378,601

(a) Data in Fifth Amendment CIRP-EIR Final TIA - Table A in Appendix K indicates 100% funded by Pilot Village project.

(b) No total estimated cost or fair-share contribution included in Fifth Amendment EIR TIA (Mitigation #3).

(c) Mitigation measure will be constructed with the Phase 3 project frontage improvements.

(d) Mitigation measure will be constructed with Phase 4.

(e) No total estimated cost or fair-share contribution included in Fifth Amendment EIR TIA (Mitigation #12).

(f) Cost estimates are based on data presented in the 2009 CIRP-EIR.

(g) Project Phase 1 will construct Mitigation Measure #2, Phase 3 will construct Mitigation Measures #3 & #5, and Phase 4 will construct Mitigation Measure #8; accordingly the fair-share costs are shown as \$0. If Mitigation Measure #2 is not constructed with Phase 1 the Phase 1 fair-share contribution towards Mitigation Measure #2 would be \$15,477; Mitigation #5 would be \$32,737 and Mitigation Measure #8 would be \$7,483.

(h) Project will construct Mitigation Measures #2, #3, #5, and #8 since it triggers them as shown in Table 23 in Fifth Amendment CIRP-EIR Final TIA. Accordingly the fair-share percentages shown are for calculations only and would be the percentages if the project did not construct them.

II. Phase 2

- A. Prior to issuance of any building permit, the Owner/Permittee for Phase 2 (within Lot A of VTM 912367) shall dedicate required Right-of-Way for the widening and parkway improvements fronting Lot A along Market Street, Euclid Avenue and Guymon Street, and assure by permit and bond, installation of all striping and public improvements fronting Lot A, including widening along Euclid Avenue, Guymon Street, and Market Street with the needed transitional striping along with Phase 1 except the lot's fronting raised median on Market Street which will be done in Phase 4, and the lot's fronting raised median on Euclid Avenue which will be done in Phase 1, satisfactory to the City Engineer.

III. Phase 3

- A. Prior to issuance of any building permit, the Owner/Permittee for Phase 3, (within Lot 2 of VTM 912367) shall dedicate the required Right-of-Way and assure by permit and bond construction of all remaining public improvements fronting Lot 2 including the traffic signal modification at Market Street and Euclid Avenue intersection. Improvements at the Market Street and Euclid Avenue intersection include a southbound right-turn lane on Euclid Avenue at Market Street and

an additional eastbound left-turn lane on Market Street at Euclid Avenue (as described under Mitigation Measure #5 in the Fifth Amendment CIRP TIA, Table 33). Phase 3 will also be responsible for the construction of Mitigation Measure #3.

- B. Prior to issuance of any building permit, the Owner/Permittee for Phase 3 (within Lot 2 of VTM 912367) shall pay a fair share contribution towards the mitigation measures identified in the Fifth Amendment CIRP-EIR Final TIA, satisfactory to the City Engineer. The fair-share contribution is an estimate only and provided for planning purposes. The actual payment amount shall be based on the fair share percentage and the estimated construction costs at the time the payment is made, satisfactory to the City Engineer. The fair share percentages for Phase 3 are shown in the following Table 2, which is Table 11 from the project's Supplemental Traffic Impact Analysis (February 5, 2013).

Table 2 - Project Phase 3 Fair-Share Contributions (701 EDU)

Mit No.	Mitigation Location (see Table A in Appendix K of Fifth Amendment CIRP-EIR Final TIA)	Total Costs (f)	Site #3 Total %	Phase 3 % of Site #3	Percentage Fair-Share	Estimated Fair-Share Contribution
#1	Euclid Ave. & SR 94 WB Ramps	\$0 (a)	100%	44.91%	44.91%	N/A (a)
#2	47th St. & Market St.	\$527,200	31.6%	44.91%	14.91% (h)	\$0 (g)
#3	Market St. (I-805 to 47th St.)	(b)	(b)	(b)	(b & h)	(b & g)
#4	47th St. & "A" St.	\$350,900	23.2%	44.91%	10.42%	\$36,561
#5	Euclid Ave. & Market St. (c)	\$623,700	56.5%	44.91%	25.37% (h)	\$0 (g)
#6	Imperial Ave. & 47th St.	\$698,479	15.3%	44.91%	6.87%	\$47,989
#7	Market St. (Euclid Ave. to 54th St.)	\$1,488,500	55.5%	44.91%	24.93%	\$370,997
#8	Market St. (47th St. to Euclid Ave.) - (d)	\$194,100	41.5%	44.91%	18.64% (h)	\$0 (g)
#9	Imperial Ave. & I-805 SB Ramps	\$414,900	10.3%	44.91%	4.63%	\$19,177
#10	Euclid Ave. & SR 94 EB Ramps	\$503,300	30.8%	44.91%	13.83%	\$69,602
#11	Euclid Ave. (SR 94 to Market St.) - (d)	\$730,100	41.8%	44.91%	18.77%	\$137,017
#12	Imperial Ave. & 54th St.	(e)	(e)	(e)	(e)	(e)
#13	Imperial Ave. (San Jacinto Dr. to Valencia Pkwy)	\$869,800	9.8%	44.91%	4.40%	\$38,284
#14	Imperial Ave. (49th St. to Euclid Ave.)	\$444,100	19.7%	44.91%	8.85%	\$39,290
#15	47th St. (Market St. to Imperial Ave.)	\$15,900,000	15.0%	44.91%	6.74%	\$1,071,361
Project Phase 3 Fair-Share:						\$1,830,278

- (a) Data in Fifth Amendment CIRP-EIR Final TIA - Table A in Appendix K indicates 100% funded by Pilot Village project.
- (b) No total estimated cost or fair-share contribution included in Fifth Amendment EIR TIA (Mitigation #3).
- (c) Mitigation measure will be constructed with the Phase 3 project frontage improvements.
- (d) Mitigation measure will be constructed with Phase 4.
- (e) No total estimated cost or fair-share contribution included in Fifth Amendment EIR TIA (Mitigation #12).
- (f) Cost estimates are based on data presented in the 2009 CIRP-EIR.
- (g) Project Phase 1 will construct Mitigation Measure #2, Phase 3 will construct Mitigation Measures #3 & #5, and Phase 4 will construct Mitigation Measure #8; accordingly the fair-share costs are shown as \$0. If Mitigation Measures #3 and #5 are not constructed with Phase 3 the Phase 3 fair-share contribution towards Mitigation Measure #2 would be \$74,818; Mitigation #5 would be \$158,259 and Mitigation Measure #8 would be \$36,176.
- (h) Project will construct Mitigation Measures #2, #3, #5, and #8 since it triggers them as shown in Table 23 in Fifth Amendment CIRP-EIR Final TIA. Accordingly the fair-share percentages shown are for calculations only and would be the percentages if the project did not construct them.

IV. Phase 4

- A. Prior to issuance of any building permit, the Owner/Permittee for Phase 4 (within Lot 3 of VTM 912367) shall dedicate required Right-of-Way and assure by permit and bond re-striping of all remaining public improvements fronting Lot 3 including the parkway improvements on Guymon Street, the widening of Market Street and the traffic signal modification at Market Street and Market Creek Drive. Phase 4 will also construct the raised median on Market Street along the

frontage of Lot A and the striping improvements on all three fronting streets of the entire project site as indicated on the Phasing Plan.

- B. Prior to issuance of any building permit, the Owner/Permittee for Phase 4 (within Lot 3 of VTM 912367) shall assure by permit and bond re-striping of Market Street from 47th Street to Euclid Avenue (4-lane facility with striped center medians/left-turn lanes), as described under Mitigation Measure #8 in the Fifth Amendment CIRP TIA (Table 33) except the portion of Market Street that fronts the project where the raised median (described above) shall be constructed, satisfactory to the City Engineer.
- C. Prior to issuance of any building permit, the Owner/Permittee for Phase 4 (within Lot 3 of VTM 912367) shall pay a fair share contribution towards the mitigation measures identified in the Fifth Amendment CIRP-EIR Final TIA Table 33, satisfactory to the City Engineer. The fair-share contribution is an estimate only and provided for planning purposes. The actual payment amount shall be based on the fair share percentage and the estimated construction costs at the time the payment is made, satisfactory to the City Engineer. The fair share percentages for Phase 4 are shown in the following Table 3, which is Table 13 from the project's Supplemental Traffic Impact Analysis (February 5, 2013).

Table 3 - Project Phase 4 Fair-Share Contributions (108 EDU)

Mit No.	Mitigation Location (see Table A in Appendix K of Fifth Amendment CIRP-EIR Final TIA)	Total Costs (f)	Site #3 Total %	Phase 3 % of Site #3	Percentage Fair-Share	Estimated Fair-Share Contribution
#1	Euclid Ave. & SR 94 WB Ramps	\$0 (a)	100%	6.92%	6.92%	N/A (a)
#2	47th St. & Market St.	\$527,200	31.6%	6.92%	2.19% (h)	\$0 (g)
#3	Market St. (1-805 to 47th St.)	(b)	(b)	(b)	(b & h)	(b & g)
#4	47th St. & "A" St.	\$350,900	23.2%	6.92%	1.61%	\$5,634
#5	Euclid Ave. & Market St. (c)	\$623,700	56.5%	6.92%	3.91% (h)	\$0 (g)
#6	Imperial Ave. & 47th St.	\$698,479	15.3%	6.92%	1.06%	\$7,393
#7	Market St. (Euclid Ave. to 54th St.)	\$1,488,500	55.5%	6.92%	3.84%	\$57,161
#8	Market St. (47th St. to Euclid Ave.) - (d)	\$194,100	41.5%	6.92%	2.87% (h)	\$0 (g)
#9	Imperial Ave. & I-805 SB Ramps	\$414,900	10.3%	6.92%	0.71%	\$2,954
#10	Euclid Ave. & SR 94 EB Ramps	\$503,300	30.8%	6.92%	2.13%	\$10,723
#11	Euclid Ave. (SR 94 to Market St.) - (d)	\$730,100	41.8%	6.92%	2.89%	\$21,108
#12	Imperial Ave. & 54th St.	(e)	(e)	(e)	(e)	(e)
#13	Imperial Ave. (San Jacinto Dr. to Valencia Pkwy)	\$869,800	9.8%	6.92%	0.68%	\$5,898
#14	Imperial Ave. (49th St. to Euclid Ave.)	\$444,100	19.7%	6.92%	1.36%	\$6,053
#15	47th St. (Market St. to Imperial Ave.)	\$15,900,000	15.0%	6.92%	1.04%	\$165,049
Project Phase 4 Fair-Share:						\$281,973

(a) Data in Fifth Amendment CIRP-EIR Final TIA - Table A in Appendix K indicates 100% funded by Pilot Village project.

(b) No total estimated cost or fair-share contribution included in Fifth Amendment EIR TIA (Mitigation #3).

(c) Mitigation measure will be constructed with the Phase 3 project frontage improvements.

(d) Mitigation measure will be constructed with Phase 4.

(e) No total estimated cost or fair-share contribution included in Fifth Amendment EIR TIA (Mitigation #12).

(f) Cost estimates are based on data presented in the 2009 CIRP-EIR.

(g) Project Phase 1 will construct Mitigation Measure #2, Phase 3 will construct Mitigation Measures #3 & #5, and Phase 4 will construct Mitigation Measure #8; accordingly the fair-share costs are shown as \$0. If Mitigation Measure #8 is not constructed by the project the Phase 4 fair-share contribution towards Mitigation Measure #2 would be \$11,528; Mitigation #5 would be \$24,385 and Mitigation Measure #8 would be \$5,574.

(h) Project will construct Mitigation Measures #2, #3, #5, and #8 since it triggers them as shown in Table 23 in Fifth Amendment CIRP-EIR Final TIA. Accordingly the fair-share percentages shown are for calculations only and would be the percentages if the project did not construct them.

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

DRAFT

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

INTERNAL ORDER NUMBER: 24001496

SITE DEVELOPMENT PERMIT NO. 826122 and
CONDITIONAL USE PERMIT NO. 923305
NORTHWEST VILLAGE CREEK PROJECT NO. 230777 [MMRP]
PLANNING COMMISSION

This Site Development Permit No. 826122 and Conditional Use Permit No. 923305 is granted by the Planning Commission of the City of San Diego to Northwest Village, a California Limited Liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501 and 143.0101. The 9.19 acre site is located at 4970 and 5050 Market Street and 606 Euclid Avenue in the RM-3-9 and CC-3-5 Zones of the Encanto Neighborhood of the Southeastern San Diego Community Plan. The project site is legally described as: Lot 1 of Guymon Street Subdivision, according to Map thereof No. 6281, filed February 4, 1969, Lot 1 of Fordsville Subdivision, according to Map thereof No. 5472, filed October 2, 1964 and Lot 1 of P.W.H. Subdivision, according to Map thereof No. 6335, filed April 15, 1969.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop a four phase project with deviations from CPIOZ "A"; Phase I shall be approximately 14,480 square feet of commercial retail space, Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall be approximately 51,350 square feet of commercial retail space, and Phase IV shall be approximately 268,156 square feet which shall include 100 apartment units, approximately 5,000 square foot rental office and approximately 5,000 square feet of commercial retail space and to operate an alcoholic beverage outlet within Phase I commercial building conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

- a. A four phase project with deviations; Phase I shall be approximately 14,480 square feet of commercial retail space including construction of a private driveway from Market Street as depicted on Exhibit "A," Phase II shall be the restoration of 875 feet of Chollas Creek, Phase III shall be approximately 51,350 square feet of commercial retail space, and Phase IV shall be approximately 268,156 square feet which shall include 100 apartment units, approximately 5,000 square foot rental office and approximately 5,000 square feet of commercial retail space;
- b. The project includes the approval of three deviations, 1) A deviation from the Environmentally Sensitive Lands regulations is required to approve the restoration of 875 feet of Chollas Creek. Impacts to the creek will be temporary as construction proceeds to restore the creek and develop the project as proposed, 2) A second deviation to allow the proposed commercial buildings to observe a five foot setback along the front-yard where the established setback is twenty-five feet and residential buildings to observe a ten foot setback along the front-yard where the established setback is twenty-five feet, and 3) A deviation is required to allow Transit Overlay Zone parking requirements to be applied to the project.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Operate an alcoholic beverage outlet within the Phase I commercial retail building conditioned upon the issuance of a license from the State Department of Alcoholic Beverage Control; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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. 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 federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California 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, in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit. If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

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

S.D. COUNTY DEPT. OF ENVIRONMENTAL HEALTH REQUIREMENTS (DEH):

Phase I requirements include:

13. Excavation and grading activities are to be conducted in accordance with Air Pollution Control District's (APCD) Rule 55 for Fugitive Dust Control.

14. Soil is not to be exported from the site.

15. Prior to release of the bond for grading in Phase One, a closure report for the site is to be submitted to DEH once grading is completed. DEH will issue a "No Further Action" letter for this parcel after review of and concurrence with the closure report. The Owner/Permittee shall provide this "No Further Action" letter to the Development Services Department as part of the grading bond release process.

Phase Three requirements include:

16. Prior to issuance of any construction permit, the Owner/Permittee shall provide the Development Services Department evidence of DEH approval of a work plan for site assessment (soil and/or soil vapor) shall be submitted to DEH for approval. A work plan for site assessment (soil and/or soil vapor) shall be submitted to DEH for approval prior to redevelopment.

17. Prior to issuance of a grading permit, the Owner/Permittee shall submit a property mitigation plan, if deemed necessary by DEH after completion of assessment, to DEH for approval. A community health and safety plan may also be required by DEH. The Owner/Permittee shall provide the Development Services Department evidence of DEH approval of a property mitigation plan if any such plan is required by DEH.

18. All excavation and grading activities shall be conducted in accordance with APCD's Rule 55 for Fugitive Dust Control.

19. Prior to release of the bond for grading in Phase Three, a closure report for the site shall be submitted to DEH once grading is completed. DEH will issue a "No Further Action" letter for this parcel after review of and concurrence with the closure report. The Owner/Permittee shall provide this "No Further Action" letter to the Development Services Department as part of the grading bond release process.

Phase IV requirements include:

20. Prior to issuance of a grading permit, the Owner/Permittee shall provide the Development Services Department evidence of DEH approval of a feasibility study to DEH detailing soil reuse and placement on the site, and a community health and safety plan. The Owner/Permittee shall submit a feasibility study to DEH detailing soil reuse and placement on the site, and a community health and safety plan for approval.

21. Excavation and grading activities shall be conducted in accordance with APCD's Rule 55 for Fugitive Dust Control.

22. Prior to issuance of any construction permit, the Owner/Permittee shall provide the Development Services Department evidence of whether waivers from the Regional Water Quality Control Board shall be necessary for stockpiling soil on site and/or exporting soil for unrestricted use and shall obtain waivers as necessary.

23. Prior to release of the bond for grading in Phase Four, a closure report for the site shall be submitted to DEH once grading is completed. DEH will issue a "No Further Action" letter for this parcel after review of and concurrence with the closure report. The Owner/Permittee shall provide this "No Further Action" letter to the Development Services Department as part of the grading bond release process.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

24. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

25. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 230777, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

26. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 230777, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- **Biological Resources**
- **Historical (Archaeology)**
- **Paleontology**
- **Noise**
- **Circulation/Transportation**

ENGINEERING REQUIREMENTS:

27. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

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

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

30. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final

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

31. The Site Development Permit No. 826122 and Conditional Use Permit No. 923305 shall comply with the conditions of the parcel map for Northwest Village Creek Vesting Tentative Parcel Map No. 912367.

32. The drainage system proposed for this development and outside of the public right-of-way is private, shall be privately maintained and is subject to approval by the City Engineer.

33. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(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.

34. 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. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.

FEMA REQUIREMENTS:

35. A portion of this project has been identified as being within the floodway of a Special Flood Hazard Area (Las Chollas Creek). No increases to base-flood elevations are allowed. A Registered Professional Engineer shall submit a no rise certification along with a detailed engineering analysis to substantiate the certification, prior to the release of the surety for the grading under Phase II of the project. The analysis is subject to the approval of the City Engineer.

36. For Phase II and subsequent Phases of the Project under this permit, the Owner/Permittee must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of any grading, engineering, or building permits. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

37. For Phase II and subsequent Phases of the Project under this permit, no certificates of occupancy will be granted or surety released for any development until a Letter of Map Revision (LOMR) is obtained from FEMA. The LOMR is issued based upon as-built site conditions. Therefore, the Owner/Permittee must allow time to complete this process. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

38. Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad or structural fill must be compacted to ninety-five percent of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.
39. The Owner/Permittee shall denote on the parcel map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus two feet.
40. 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, prior to the release of the surety for the grading under Phase II of the project.
41. The Owner/Permittee shall grant a flowage easement, satisfactory to the City Engineer, over property within the floodway, prior to the release of the surety for the grading under Phase II of the project.
42. This project proposes to construct nonresidential structures within the flood fringe of a Special Flood Hazard Area (SFHA) for the Las Chollas Creek as shown on Flood Insurance Rate Map panel 1904F. No work is allowed within the regulatory floodway. All structures built within the SFHA must be constructed with the lowest floor elevated a minimum of two feet above the base flood elevation (BFE) at that location. Otherwise, the structures must be flood-proofed to a minimum of two feet above the BFE.
43. The Owner/Permittee must obtain a Letter of Map Revision based on Fill (LOMR-F) prior to occupancy of any building that is constructed on fill in the SFHA. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA to process and approve the LOMR-F.
44. If the structures will be flood-proofed, they must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93. Additionally, a registered civil engineer or architect must certify prior to occupancy those requirements have been met.
45. Prior to occupancy of any structures within the SFHA, an appropriate map revision which removes the structures from the SFHA must be obtained from the Federal Emergency Management Agency (FEMA). The Owner/Permittee must provide all documentation, engineering calculations and fees which are required by FEMA.
46. The property owner shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of flood waters.

GEOLOGY REQUIREMENTS:

47. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or

update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

48. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to exoneration of the bond and grading permit close-out.

AFFORDABLE HOUSING REQUIREMENTS:

49. Prior to the issuance of any building permits within Phase IV, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC §142.1301, et seq.).

LANDSCAPE REQUIREMENTS:

50. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A," on file in the Office of the Development Services Department.

51. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

52. Prior to issuance of any construction permits for structures, including shell, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted 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. Construction plans shall provide a 40 square foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).

53. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

54. 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. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

55. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
56. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.
57. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT REQUIREMENTS:

58. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A."
59. The Brush Management Program shall consist of a modified Zone One ranging from thirty-five feet to eighty feet, extending out from the structures towards the native/naturalized creek vegetation. Zone One shall include a ten foot Transitional Buffer strip adjacent to the creek consistent with the Chollas Creek Enhancement Program. Chollas Creek itself shall be exempt from Brush Management. A small portion of Zone Two ranging from zero feet to thirty-five feet shall extend north-east of the buildings in Phase IV adjacent to Guymon Street, as shown on Exhibit "A."
60. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."
61. Prior to issuance of any building permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.
62. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to Fire Marshal's approval.
63. In Zone One, plant material shall be selected to visually blend with the existing native vegetation in the adjacent Chollas Creek. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.
64. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Brush Management Program shall be implemented.

65. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

MULTIPLE SPECIES CONSERVATION PROGRAM:

66. Prior to issuance of any grading and or construction permit(s) for each phase, a Lighting Plan shall be submitted and approved by the Development Services Department for proposed exterior lighting within or adjacent to the project wetland buffers as depicted and dimensioned on Exhibit "A." The plan shall insure that no overhead light spillover occurs within the wetland buffer and that pathway and pedestrian bridge lighting within the buffer area shall be placed low using bollards, planting areas, low walls, fixed seating, or railings. No light spillover from pathway lighting or pedestrian bridge shall be allowed within adjacent wetland areas.

67. Prior to issuance of any grading and or construction permit(s) for each phase, a Landscape Plan showing wall heights and locations sufficient to block car headlight overspill into buffer areas shall be submitted and approved by the Development Services Department.

68. Prior to issuance of any grading and or construction permit(s) for each phase, an Educational Signage Plan for the project's wetland buffer areas, as depicted and dimensioned on Exhibit "A," shall be submitted for review and approval by the Development Services Department. The sign plan shall inform residents of the effects of human and domestic animal intrusion into adjacent wetland areas and inform residents of bird breeding seasons (March 1st through September 15th). The plan shall include sign locations, design, and language sufficient to educate the residents and commercial visitors for each phase of the project.

69. Prior to issuance of construction permits, plan specifications for the Outdoor Cafe dining seating area shall be reviewed to the satisfaction of Development Services Department in order to ensure uses associated with the café shall be located outside of the wetland buffer area depicted on Exhibit "A."

PLANNING/DESIGN REQUIREMENTS:

70. 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.

71. The future development of Lot 2 and Lot 3 shall be consistent with the Northwest Village Design Guidelines and the CPIOZ "A" supplemental regulations of the Community Plan. The CPIOZ "A" supplemental regulations regarding pedestrian, transit friendly site design and allowable density of the Northwest Village are indicated in the Southeastern San Diego Community Plan, Pages 59 to 76.

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

73. All parking lots shall be illuminated to allow adequate surveillance by San Diego Police and security personnel yet not exceed a measurement of 14 candle feet anywhere on site. All lighting shall

be controlled to avoid light spilling into the open space of the Chollas Creek. 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.

74. Prior to the issuance of any construction permit for Phase II, the Owner/Permittee shall provide evidence of all necessary federal and state permits for impacts to wetlands or listed species habitat.

75. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

TRANSPORTATION REQUIREMENTS:

76. Within Phase 1 (Lot 1 of VTM 912367), no fewer than 64 parking spaces, including 4 accessible spaces, 2 motorcycle parking, 2 bicycle parking, and 1 loading space shall be maintained on the property at all times in the approximate locations shown on Exhibit "A."

77. Within Phase 3 (Lot 2 of VTM 912367), no fewer than 111 parking spaces, including 5 accessible spaces, 2 motorcycle parking, 5 bicycle parking, and 3 loading spaces shall be maintained on the property at all times in the approximate locations shown on Exhibit "A."

78. Within Phase 4 (Lot 3 of VTM 912367), no fewer than 235 parking spaces, including 7 accessible spaces, 10 motorcycle parking, 58 bicycle parking, and 2 loading spaces shall be maintained on the property at all times in the approximate locations shown on Exhibit "A."

79. At the completion of all phases of the project, no fewer than 410 parking spaces, including 14 accessible spaces, 14 motorcycle parking, 58 bicycle parking, and 6 loading spaces for the entire project shall be maintained on the property at all times in the approximate locations shown on Exhibit "A."

80. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department. At all times and during all phases of the project, the minimum number of parking spaces required by the LDC shall be provided onsite for that phase/portion of the project.

81. Prior to issuance of any building permit for Phase 1 (within Lot 1 of VTM 912367), the Owner/Permittee shall assure by permit and bond installation of all striping and public improvements fronting Lot 1 including a raised median on Euclid Avenue from Guymon Street to approximately 90 feet south of Lot 1 plus widening the existing driveway at west end of Lot 2 on Market Street with required striping on Market Street to provide left-turn pockets at this location, satisfactory to the City Engineer. Prior to issuance of any occupancy permit, the improvement shall be completed by the Owner/Permittee and accepted by the City Engineer.

82. Prior to issuance of any building permit for Phase 1 (within Lot 1 of VTM 912367), the Owner/Permittee shall assure by permit and bond installation of Mitigation Measure #2 from the Fifth Amendment to the Central Imperial Redevelopment Plan (CIRP) Traffic Impact Analysis (TIA) (Table 33), satisfactory to the City Engineer. Prior to issuance of any occupancy permit, the improvement shall be completed by the Owner/Permittee and accepted by the City Engineer.
83. Prior to issuance of any building permit for Phase 1 (within Lot 1 of VTM 912367), the Owner/Permittee shall pay its fair share contribution towards the Mitigation Measures identified in the Fifth Amendment to the CIRP TIA (Table 33), satisfactory to the City Engineer. The fair share contribution percentages for Phase 1 are shown in Table 1 of Mitigated Negative Declaration No. 230777.
84. Prior to issuance of any building permit for Phase 2 (within Lot A of VTM 912367), the Owner/Permittee shall assure by permit and bond installation of all striping and public improvements fronting Lot A, except the lot's fronting raised median on Euclid Avenue which will be done in Phase 1, and the lot's fronting raised median on Market Street which will be done in Phase 4, satisfactory to the City Engineer. Prior to issuance of any occupancy permit, the improvement shall be completed by the Owner/Permittee and accepted by the City Engineer.
85. Prior to issuance of any building permit for Phase 3 (within Lot 2 of VTM 912367), the Owner/Permittee shall assure by permit and bond installation of all striping and public improvements fronting Lot 2 including the lot's fronting raised median on Euclid Avenue and Market Street, satisfactory to the City Engineer. Prior to issuance of any occupancy permit, the improvement shall be completed by the Owner/Permittee and accepted by the City Engineer.
86. Prior to issuance of any building permit for Phase 3 (within Lot 2 of VTM 912367), the Owner/Permittee shall assure by permit and bond installation of Mitigation Measures #3 and #5 from the Fifth Amendment to the CIRP TIA (Table 33), satisfactory to the City Engineer. Prior to issuance of any occupancy permit, the improvement shall be completed by the Owner/Permittee and accepted by the City Engineer.
87. Prior to issuance of any building permit for Phase 3 (within Lot 2 of VTM 912367), the Owner/Permittee shall pay its fair share contribution towards the Mitigation Measures identified in the Fifth Amendment to the CIRP TIA (Table 33), satisfactory to the City Engineer. The fair share contribution percentages for Phase 3 are shown in Table 2 of MND.

88. Prior to issuance of any building permit for Phase 4 (within Lot 3 of VTM 912367), the Owner/Permittee shall assure by permit and bond installation of all striping and public improvements fronting Lot 3 including signal modification at Market Street/Market Creek Drive/project driveway intersection, and a raised median on Market Street fronting Lot 3 and Lot A, satisfactory to the City Engineer. Prior to issuance of any occupancy permit, the improvement shall be completed by the Owner/Permittee and accepted by the City Engineer.

89. Prior to issuance of any building permit for Phase 4 (within Lot 3 of VTM 912367), the Owner/Permittee shall assure by permit and bond installation of Mitigation Measure #8 from the Fifth Amendment to the CIRP TIA (Table 33), satisfactory to the City Engineer. Prior to issuance of any occupancy permit, the improvement shall be completed by the Owner/Permittee and accepted by the City Engineer.

90. Prior to issuance of any building permit for Phase 4 (within Lot 3 of VTM 912367), the Owner/Permittee shall pay its fair share contribution towards the Mitigation Measures identified in the Fifth Amendment to the CIRP TIA (Table 33), satisfactory to the City Engineer. The fair share contribution percentages for Phase 4 are shown in Table 3 of MND.

91. 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.

PUBLIC UTILITY REQUIREMENTS:

92. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service, domestic, fire and irrigation, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

93. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water facilities, including services and meters, 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.

94. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities are to be in accordance with established criteria in the most current City of San Diego sewer design guide.

95. Prior to issuance of any engineering permits, the Owner/Permittee shall provide recorded Encroachment Maintenance and Removal Agreement (EMRA) for the eight-inch private sewer lateral located in the driveway.

96. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

97. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

98. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral and install new sewer lateral(s) which must be located outside of any driveway or vehicular use area.

99. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, removal at the main of any existing unused water service.

POLICE DEPARTMENT REQUIREMENTS:

100. The petitioner(s) shall post and maintain a professional quality sign facing the premises parking lot(s) that reads as the following: NO LOITERING, NO LITTERING, NO DRINKING OF ALCOHOLIC BEVERAGES. VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two feet square with two inch block lettering. The sign shall be in English and Spanish.

101. Any and all graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.

102. There shall be no amusement machines or video game devices on the premises at any time.

103. No pay telephones shall be provided on the site or within the interior of the Walgreens premises.

104. No loitering shall be allowed on the premises and if necessary a security guard shall be employed to control enforcement of this provision.

105. Security cameras covering both interior and exterior premises shall be installed, maintained and operational at all times.

106. No more than 20-percent of the square footage of the premises shall be used for the display of alcoholic beverages.

NOISE REQUIREMENTS:

107. Prior to issuance of the building permit for each phase of the project, the Owner/Permittee shall locate and/or enclose and install the HVAC equipment in such manner so as to comply with Municipal Code, as stated in the "Noise Impact Analysis for Northwest Village Creek, San Diego, CA," prepared by Kimley-Horn and Associates, Inc., September 4, 2012, to the satisfaction of the Development Services Department.

108. Prior to issuance of the building permit for each phase of the project, construction documents shall fully illustrate the location and/or enclosure of the HVAC equipment into the design of the proposed development and is constructed as assure the noise emitted shall not exceed the City's noise level limits, as stated on Page 24 of the acoustical analysis, to the satisfaction of the Development Services Department.

109. Prior to issuance of any occupancy permit for buildings in each phase of the project, the Owner/Permittee shall submit one copy of the final Acoustical Analysis with construction documents to the Building Inspector, and one copy to MMC.

110. Prior to issuance of any occupancy permit for buildings in each phase of the project, MMC shall verify that the location and/or enclosure of the HVAC equipment has been constructed in accordance with the Construction documents.

WASTE MANAGEMENT REQUIREMENTS:

111. Prior issuance of any Certificate of Occupancy, the Owner/Permittee shall contact a representative of the Environmental Services Department to schedule an appointment to:

- a. Inspect and approve a storage area that has been provided consistent with the City's Storage Ordinance;
- b. Ensure that a hauler has been retained to provide recyclable materials collection and yard waste collection; and
- c. Inspect and approve the education materials for building tenants/owners that are required pursuant to the City's Recycling Ordinance (Municipal Code section 66.0701 et seq.).

112. Prior to the issuance of any construction permit for each phase, including and not limited to, demolition, grading, building or any other construction permit, the Assistant Deputy Director (ADD) Environmental Designee shall verify that:

- a. A representative of the Environmental Services Department (ESD) has been included preconstruction meetings. Environmental Services Department (ESD) may be contacted at:
9601 Ridgehaven Court, MS 1102A
San Diego, CA 92123 1636
(858) 573-1236
- b. All the requirements of the Storage Ordinance (Municipal Code section 142.0801 et seq.) and all of the requirements of the May 15, 2012 Waste Management Plan are shown and noted on the appropriate construction documents.
- c. Architectural items are identified for salvage and a process for salvage is specified on demolition documents.
- d. Appropriate destinations for reusable and recycle materials have been identified;

- e. A solid waste coordinator has been identified;
- f. An appropriate number of bins are provided with appropriate signage;
- g. Bins are appropriately used and contamination levels are minimized;
- h. The Construction and Demolition Ordinance (Municipal Code section 66.0601 et seq.) deposit has been paid;
- j. An appropriate diversion rate has been included on the deposit form; and
- k. Materials are being taken to the appropriate facilities.

POLICE DEPARTMENT RECOMMENDATIONS FOR ABC LICENSE:

- Sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. and 12:00 a.m. midnight each day of the week.
- Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine and beer coolers must be sold in manufacturer pre-packaged multi-unit quantities.
- Beer, malt beverages or wine cooler products cannot be sold by single containers, regardless of size, but must be sold in manufacturers pre-packaged multi-unit quantities.
- Wine shall not be sold with an alcoholic content greater than 15 percent by volume, except for “dinner wines” which have been aged two years or more.
- No distilled spirits shall be sold.

INFORMATION ONLY:

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

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

Permit Type/PTS Approval No.: SDP No. 826122 and CUP No. 923305
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

John S. Fisher
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.

Northwest Village,
a California Limited Liability company
Owner/Permittee

By _____
NAME
TITLE

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

PLANNING COMMISSION
CONDITIONS FOR VESTING TENTATIVE PARCEL MAP NO. 912367
NORTHWEST VILLAGE CREEK - PROJECT NO. 230777 [MMRP]

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Parcel Map will expire [Date - 3 Years from decision date].
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recording the Parcel Map, unless otherwise noted.
3. Prior to recording the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Parcel Map shall comply with the provisions of Site Development Permit No. 826122 and Conditional Use Permit No. 923305.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 230777
VTPM No. 912367

ENGINEERING

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
8. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense.
9. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
10. Prior to the issuance of any construction permit, the Subdivider 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.
11. Prior to the issuance of any construction permit, the Subdivider 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.
12. Prior to the issuance of a Certificate of Compliance, 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.
13. All driveways and curb openings shall comply with City Standard Drawings G-14A G-14B, G-16 and SDG-100.
14. The drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Parcel Map, is private, shall be privately maintained and subject to approval by the City Engineer.

Project No. 230777
VTPM No. 912367

15. This project proposes to export 8000 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).
16. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order number and Drawing number. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
17. The Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
18. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
19. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
20. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
21. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

Project No. 230777
VTPM No. 912367

22. 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 Vesting Tentative Parcel 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

23. “Basis of Bearings” means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
24. “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.”
25. The Subdivider 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.

MSCP

26. Prior to recording the Parcel Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands in Lot A that are outside the allowable development area on the premises as shown on Exhibit “A,” in accordance with San Diego Municipal

Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the restoration area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit "A."

TRANSPORTATION

27. The Subdivider shall dedicate an additional right-of-way (variable) along Market Street frontage to provide 51 feet center line to property line distance, satisfactory to the City Engineer.
28. The Subdivider shall dedicate an additional ten feet of right-of-way to provide 76 feet center line to property line distance along Euclid Avenue frontage north of Market Street to allow installation of a southbound right turn lane there with transition to the existing 66 feet center line to property line distance north of it, satisfactory to the City Engineer.
29. The Subdivider shall dedicate an additional three feet of right-of-way to provide 33 feet center line to property line distance along Guymon Street frontage west of Euclid Avenue to allow installation of sidewalk there with transition to the existing 30 feet of center line to property line distance west of it, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Vesting Tentative Parcel 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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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 Vesting Tentative Parcel 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 Vesting Tentative Parcel Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Parcel Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider 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 (San Diego Municipal Code § 142.0607).

Internal Order No. 24001496

Project No. 230777
VTPM No. 912367

PROJECT DIRECTORY

OWNER:
NORTHWEST VILLAGE, LLC
454 N. EUCLID AVENUE
SAN DIEGO, CA 92114
(619) 527-6161

PREPARED BY:
RICK ENGINEERING COMPANY
5620 FRIARS ROAD
SAN DIEGO, CA 92110
(619) 291-0707

VALGREENS (LOT 1)
FUSIDE ENGINEERING, INC.
6390 GREENWICH DRIVE, SUITE 170
SAN DIEGO, CA 92122
(650) 554-1500

PROJECT DESCRIPTION

THE PROJECT PROPOSES TO REDEVELOP PROPERTIES ON THE NORTHWEST CORNER OF MARKET STREET AND EUCLID AVENUE WITH A MIXED-USE DEVELOPMENT CONSISTENT WITH THE ENCHANTED NEIGHBORHOODS COMMUNITY PLAN. THE PROJECT WILL BE THE RESTORATION AND ENHANCEMENT OF APPROXIMATELY 875 LINEAR FEET OF CHOLLAS CREEK ALONG WITH A RETAIL CENTER (45,000 SF) ON THE EAST SIDE OF THE CREEK AND A MULTI-FAMILY RESIDENTIAL COMPLEX (100 APARTMENT UNITS) ON THE WEST SIDE OF THE CREEK. THE RETAIL CENTER WILL INCLUDE A MARKET AND A DRUG STORE WITH A DRIVE-THRU PHARMACY. THE MULTI-FAMILY RESIDENTIAL COMPLEX WILL BE SUPPORTED BY SPECIALTY RETAIL (3,000 SF) AND A RENTAL OFFICE (3,000 SF). INCLUDED WITH THIS PROJECT IS A DEVIATION FROM THE CODE TO ALLOW PARKING PAVES CONSISTENT WITH A TRANSIT ORIENTED DEVELOPMENT. REVERSED FRONTAGE OFFICES (200 TO 125' DEEP) AND 10' FOR RESIDENTIAL USES) AND A DEVIATION TO ALLOW WETLAND IMPACTS. IN ADDITION TO A SITE DEVELOPMENT PERMIT AND A COUNCILMAN'S SAN DIEGO PLANNING DISTRICT PERMIT THE PROJECT REQUESTS A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER AND WINE AT THE DRUG STORE AND A VESTING TENTATIVE PARCEL MAP TO SUBDIVIDE 3 EXISTING PARCELS INTO 4 PARCELS.

SITE INFORMATION

PROJECT ADDRESS:	TOTAL LOT AREA	ASSESSOR'S PARCEL NO.
470 MARKET STREET 264 EUCLID AVENUE 408 EUCLID AVENUE	87 ACRES (047)	548-001-35 548-002-36 548-003-19

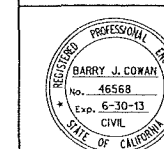
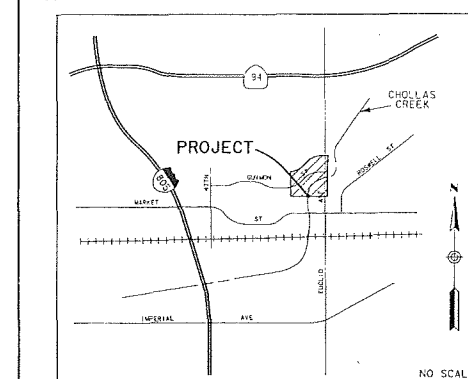
LEGAL DESCRIPTION:
PARCELS 1 AND 2 OF PM 20520 AND LOT 1 OF MAP 4221

DEVELOPMENT REGULATIONS:
ZONING RM-3-3 AND CC-3-5
ENCHANTED NEIGHBORHOODS COMMUNITY PLAN

SHEET INDEX

1	T10	COVER SHEET
2	100	SITE PLAN / ACCESSIBILITY PLAN
3	301	SITE SECTIONS
4	302	TYPICAL STREET SECTIONS
5	303	RIGHT-OF-WAY / EASEMENT DEDICATIONS
6	340	SIGNING AND STRIPING PLAN
7	C11	TOPOGRAPHIC MAP
8	C12	TOPOGRAPHIC MAP
9	C13	TOPOGRAPHIC MAP
10	C21	GRADING / UTILITY PLAN
11	C22	GRADING / UTILITY PLAN
12	C23	GRADING / UTILITY PLAN
13	C19	CREEK RETAINING WALL PLAN
14	C40	CREEK STABILIZATION PLAN
15	C50	PERMANENT BMP PLAN
16	C60	PHASING PLAN
17	C61	PHASE 1 GRADING PLAN
18	C62	PHASE 2 GRADING PLAN
19	C70	ENVIRONMENTALLY SENSITIVE LANDS ANALYSIS
20	L11	LANDSCAPE CONCEPT PLAN
21	L12	LANDSCAPE CONCEPT PLAN
22	L13	LANDSCAPE CONCEPT PLAN
23	L14	LANDSCAPE AREA, POINT REQUIREMENTS/WATER CONSERVATION
24	L15	LANDSCAPE AREA, POINT REQUIREMENTS/WATER CONSERVATION
25	L16	LANDSCAPE AREA, POINT REQUIREMENTS/WATER CONSERVATION
26	L30	INVENTORY OF EXISTING MATERIAL
27	L40	BUSH MANAGEMENT SHEET
28	W10	VALGREENS GRADING / UTILITY PLAN
29	W11	VALGREENS LANDSCAPE CONCEPT PLAN
30	W12	VALGREENS LANDSCAPE WATER MANAGEMENT PLAN
31	W20	VALGREENS FLOOD PLAN
32	W30	VALGREENS SOUP PLAN
33	W40	VALGREENS EXTERIOR ELEVATIONS
34	VA P	VALGREENS PHOTOMETRIC PLAN

VICINITY MAP



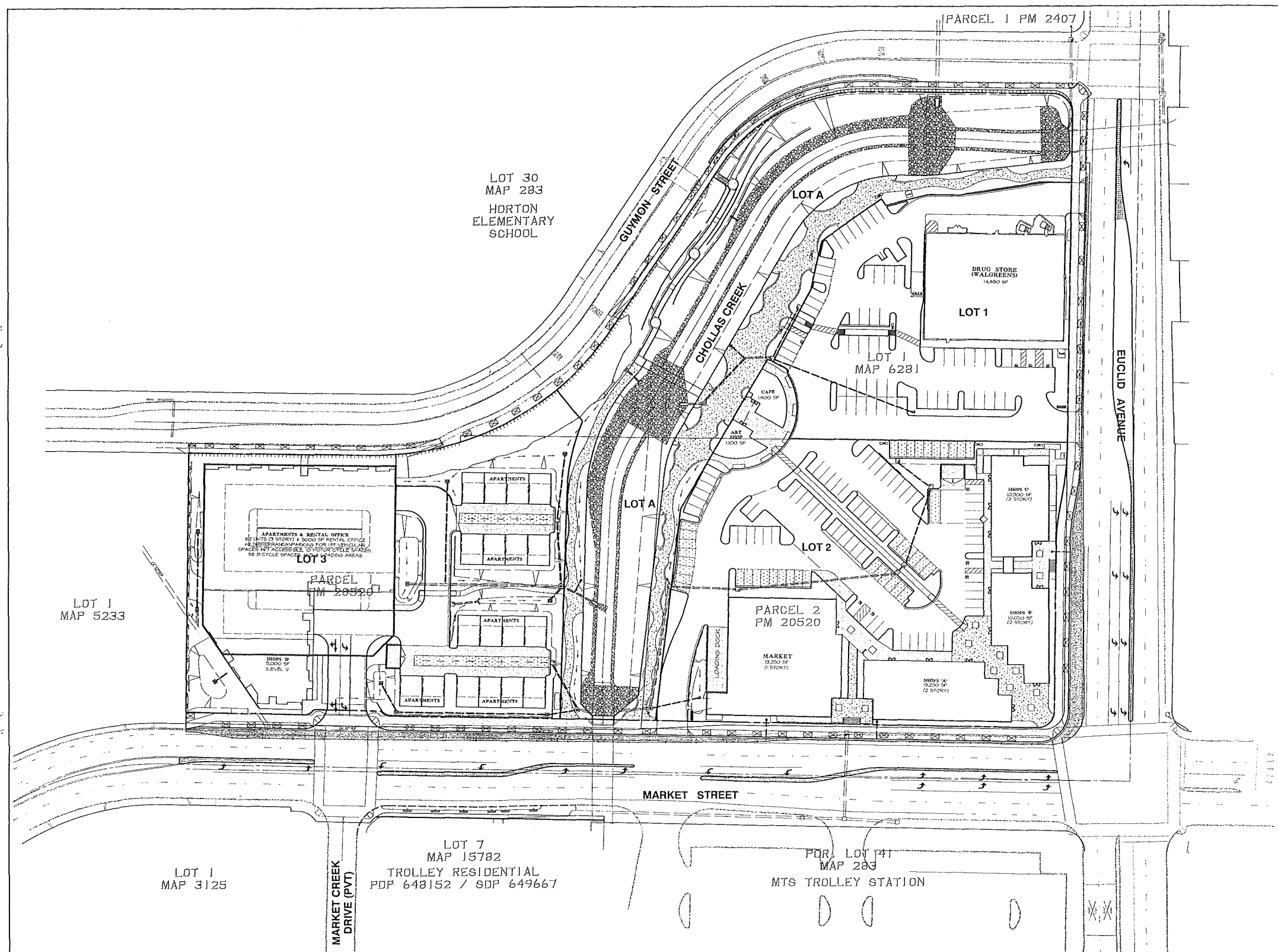
Barry J. Cowan
BARRY J. COWAN RCE 46568 6/28/2013 DATE

PROJECT: **NORTHWEST VILLAGE CREEK**

DRAWING TITLE: **COVER SHEET**

NO.	DATE	ISSUE	PROJECT NO.
1	OCTOBER 8, 2011	2ND SUBMITTAL	FIRST SUBMITTAL DATE: JANUARY 27, 2011
2	FEBRUARY 15, 2012	3RD SUBMITTAL	DRAWING NO. T1.0
3	MAY 4, 2012	4TH SUBMITTAL	
4	JUNE 27, 2012	5TH SUBMITTAL	

PRELIMINARY
NOT FOR CONSTRUCTION



NORTHWEST VILLAGE CREEK

SAN DIEGO, CALIFORNIA

DATE PLOTTED: 11/15/2012 11:11:11 AM
DRAWING TITLE: COVER SHEET
PROJECT: NORTHWEST VILLAGE CREEK
DRAWING NO.: T1.0
SHEET 1 OF 34

Northwest Village Creek

PTS# 230777

Map Exhibit-Vesting Tentative Parcel Map
(under separate cover)

Northwest Village Creek

PTS# 230777

Remaining Project Plans
(under separate cover)

PROJECT DATA SHEET

PROJECT NAME:	Northwest Village Creek (PTS#230777)	
PROJECT DESCRIPTION:	Restore and enhance 875 feet of Chollas Creek, construct 100 multi-family residential units and 5 retail buildings (retail total 65,830 SF, including alcoholic beverage sales)	
COMMUNITY PLAN AREA:	Encanto Community Plan (CPIOZ "A")	
DISCRETIONARY ACTIONS:	Process 4 VTM/SDP/CUP	
COMMUNITY PLAN LAND USE DESIGNATION:	Encanto, Neighborhood Village mixed use (15-44 DU/Acre for residential density)	
<u>ZONING INFORMATION:</u>		
ZONE: CC-3-5	RM-3-9	
HEIGHT LIMIT: 100 feet	60 feet	
LOT SIZE: 5,000 SF	7,000 SF	
FLOOR AREA RATIO: Max. 2.0	Max. 2.70	
FRONT SETBACK: 0 feet	10 feet	
SIDE SETBACK: 10 feet	5 feet	
STREETSIDE SETBACK: 0 feet	10 feet	
REAR SETBACK: 10 feet	5 feet	
PARKING: 1 car per 1,000 SF	1 car per one 2-bedrooms unit	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential (Single family)/ SESDPD SF-5000	Horton Elementary School
SOUTH:	Neighborhood Commercial/ SESDPD CT-2	E & E Industries
EAST:	Residential (Single family)/ SESDPD SF-6000	Single family homes
WEST:	Neighborhood Commercial/ SESDPD I-1	Industrial spaces
DEVIATIONS OR VARIANCES REQUESTED:	Front yard setback deviation (proposed 5 feet and 10 feet setback when 25 feet is required along Euclid and Market Street) and ESL deviation for impacts to wetlands.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On January 30, 2011 the Encanto Neighborhoods Community Group voted 9:0:0 to recommend approval of the proposed project.	

DEVELOPMENT SERVICES
Project Chronology
NW Village Creek - PTS# 230777

Date	Action	Description	City Review Time	Applicant Response
02/02/11	First Submittal	Project Deemed Complete		
03/28/11	First Assessment Letter		38 days	
10/17/11	Second Submittal			145 days
11/23/11	Second Review Complete		27 days	
02/22/12	Third Submittal			65 days
04/02/12	Third Review Complete		28 days	
05/11/12	Fourth Submittal			29 days
06/11/12	Fourth Review Complete		21 days	
06/29/12	Fifth Submittal			14 days
07/26/12	Fifth Review Complete		19 days	
08/06/12	Sixth Submittal			7 days
09/06/12	Sixth Review Complete		23 days	
09/13/12	Seventh Submittal			5 days
10/05/12	Seventh Review Complete		16 days	
02/25/13	Eighth Submittal			101 days
03/14/13	Eighth Review Complete		13 days	
03/14/13	Issues Complete			
06/13/13	Public Hearing		65 days	
TOTAL STAFF TIME			250 days	
TOTAL APPLICANT TIME				366 days
TOTAL PROJECT RUNNING TIME		Deemed Complete to Issues Complete	12 months and 250 days	

Note: Days tallied are business days and do not include holidays or weekends.



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
 Northwest Village Creek

Project Address:
 4970 Market St, 504 Euclid Ave and 602 Euclid Ave

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:	Project No. (For City Use Only)
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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? _____ 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):
Northwest Village, LLC

Owner Tenant/Lessee


Street Address:
404 N. Euclid Avenue

City/State/Zip:
San Diego, CA 92114

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: 1-12-2011

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:

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:

**SAN DIEGO POLICE DEPARTMENT
CONDITIONAL USE PERMIT RECOMMENDATION**

PREMISE ADDRESS: 606 Euclid, San Diego

TYPE OF BUSINESS: Walgreens

FEDERAL CENSUS TRACT: 34.04

NUMBER OF ALCOHOL LICENSES ALLOWED: 4

NUMBER OF ALCOHOL LICENSES EXISTING: 1 (Not Over-concentrated)

CRIME RATE IN THIS CENSUS TRACT: 154.1% - High Crime
(Note: Considered High Crime If Exceeds 120% of City-wide Average)

THREE OR MORE REPORTED CRIMES AT THIS PREMISE WITHIN PAST YEAR YES NO

IS THE PREMISE WITHIN 600 FEET OF INCOMPATIBLE FACILITY YES NO

IS THE PREMISE WITHIN 100 FEET OF RESIDENTIALLY ZONED PROPERTY YES NO

ABC LICENSE REVOKED AT THIS PREMISE WITHIN PAST YEAR YES NO

HAS APPLICANT BEEN CONVICTED OF ANY FELONY YES NO

WILL THIS BUSINESS BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY,
AND WELFARE OF THE COMMUNITY AND CITY YES NO

COMMENTS/OTHER FACTORS CONSIDERED: This project is not developed yet and is an empty lot. However, the surrounding area is highly concentrated with schools, library, community centers and other locations which have a large presence of youth. Directly across the street is the trolley stop where there are many individuals loitering about the area. This census tract does not have an over-concentration of licenses, but potentially does cause public safety concerns due to its surrounding location. The San Diego Police Department will support a request from the applicant to the Department of Alcoholic Beverage Control. It will be requested that specific restrictions be placed on the modified license to mitigate police concerns.

SUGGESTED CONDITIONS: With appropriate conditions place on the license, the San Diego Police Department is in support of a Type 21 License at this location.

SAN DIEGO POLICE DEPARTMENT RECOMMENDATION:

APPROVE _____

DENY _____

ALBRECHT
Name of SDPD Vice Sergeant (Print)

619 5312349
Telephone Number

[Signature]
Signature of SDPD Vice Sergeant

1/3/18
Date of Review



**California Department of Alcoholic Beverage Control
For the County of SAN DIEGO - (Off-Sale Licenses)
and Census Tract = 34.04**

Report as of 4/18/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	503795	ACTIVE	20	8/24/2011 1:23:19 PM	7/31/2013	SUNRISE MARKET & GAS INC 4689 MARKET ST SAN DIEGO, CA 92102-4709 Census Tract: 0034.04	SUNRISE MARKET		3710

--- End of Report ---

For a definition of codes, view our [glossary](#).