

RESOLUTION NUMBER R- 311401

DATE OF FINAL PASSAGE NOV 07 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. 1179061, PLANNED DEVELOPMENT PERMIT NO. 1965098, AND NEIGHBORHOOD USE PERMIT NO. 1968364 FOR CORALLINA AT PHR PROJECT – PROJECT NO. 335613.

WHEREAS, TRY ANGLE FARM LIMITED PARTNERSHIP, a California limited partnership, Owner, and VILLAGE TRIANGLE PARTNERS, LLC, a California limited liability company, Permittee, filed an application with the City of San Diego for a Site Development Permit, Planned Development Permit, Neighborhood Use Permit to subdivide the project site into three lots and construct a 130-residential-unit, 30,000-square-foot commercial/retail mixed-use project known as the Corallina at Pacific Highlands Ranch project; and

WHEREAS, the project site located at 6155 Carmel Valley Road, in the Pacific Highlands Ranch Community Plan area, in the AR-1-1 and RT-1-2 zones which are proposed to be rezoned to the CC-1-3 and Urban Village Overlay Zones and legally described as Parcel 2 of Parcel Map No. 21390, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, September 16, 2016 as file No. 2016-7000396 of Official Records; and

WHEREAS, on September 14, 2017, the Planning Commission of the City of San Diego considered Site Development Permit No. 1179061, Planned Development Permit No. 1965098, Neighborhood Use Permit No. 1968364, and pursuant to Resolution No. 4890-PC voted to recommend approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on November 7, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after the Council approval on November 7, 2017, the applicants requested that the signature page of Site Development Permit No. 1179061, Planned Development Permit No.1965098, Neighborhood Use Permit No. 1968364 list the Owners' names and titles individually for TRY ANGLE FARM, L.P. and was revised to include VILLAGE TRIANGLE PARTNERS, LLC, Permittee; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 1179061, Planned Development Permit No.1965098, Neighborhood Use Permit No. 1968364:

**A. SITE DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC)  
SECTION 126.0504**

**1. Findings for all Site Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The project site is located within the Pacific Highlands Ranch Subarea Planning Area (Subarea III of the City's former North City Future Urbanizing Area). The Pacific Highlands Ranch Subarea Plan (PHRSP) was adopted in 1998 to guide development of Subarea III with the overall goal to refine and augment the NCFUA Framework Plan as it relates to Subarea III. The PHRSP also contains the more detailed area specific land use recommendations required by the citywide General Plan.

The Pacific Highlands Ranch community is based on neo-traditional planning concepts that emphasize bicycle, equestrian and pedestrian paths and focus community activities around a hub-and-spoke development pattern. Commercial, civic and residential uses would be integrated in the town center and the community's circulation system will accommodate pedestrian, bicycle, transit, and equestrian movement.

The Corallina at Pacific Highlands Ranch project (the Project) will construct a mixed-use project within the Town Center of the PHRSP. Specifically, the 5.99-acre project site is located within the west-central portion of the PHRSP, just south of Carmel Valley Road, and is designated Village by the Land Use Element Pacific Highlands Ranch Subarea Plan. The designation allows for residential and commercial mixed-uses in the PHR Community Town Center and the Subarea Plan identifies the following community design goal for the Village: “to create a pedestrian-oriented environment which will feature a mix of residential and commercial uses. A main street will serve as the central spine for the village and lead directly to the major focal point, the civic use area. Integration of the Community Park and Main Street is the central organizing element of the village.” To accomplish this goal, building intensities and densities in the Village are higher to encourage an active center, support transit, and reduce automobile use. Buildings are to front the street and sidewalk with entries, architectural features and pedestrian-oriented activities.

The Project proposes the development of 130 dwelling units, and proposes 109 to be attached market-rate condominium units or townhouses and 21 to be affordable units, and 30,000 square feet of commercial office space with underground parking. The project also proposes the continuation of the Village Way right-of-way from the Village project to the west. The Project would continue to implement the “Main Street” design concept as envisioned by the Subarea Plan by establishing a hierarchy of automobile and pedestrian zones along the Village Way “Main Street.” The central focal points of the Project along the Main Street is the pedestrian activation at ground and upper levels. Commercial spaces are organized around the pedestrian pathways and plaza at ground level. Balconies, decks, and cabanas above the street, at podium-level, would help activate pedestrian spaces within and between buildings, with an added benefit of providing “eyes on the street.” The residential portion of the project consists of medium-high density multi-dwelling units over commercial spaces. Residential uses are mixed within the project vertically within the building design or horizontally by providing inviting pedestrian access at appropriate locations within the project. Residential parking for the multi-family units would be provided in a subterranean parking structure under the commercial uses so that it would not be visible from the pedestrian realm. Parking for the commercial components would be provided on the street or in a small surface lot incorporated into the design of the mixed-use buildings. The Project represents one phase of an on-going, long-term development effort to establish a master planned mixed-use community that emphasizes resource protection, pedestrian circulation, community facilities, and residential neighborhoods that provide a variety of housing types. As the project locates residential units above commercial, creates inviting pedestrian access and provides a balance between pedestrian and commercial.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The City of San Diego as Lead Agency under the California Environmental Quality Act has prepared and completed Findings No. 335613 to Master Environmental Impact Report (MEIR) No. 96-7918/SCH No. 97111077, approved by City Council on July 8, 1998 per Resolution No. 290520, and determined that this project would not result in any additional significant effects on the environment beyond those identified in the MEIR. The proposed project is considered to be within the scope of analysis of the Specific Plan as examined by the MEIR and subsequent Findings pursuant to CEQA Guidelines §15177.

The proposed development has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the public's health, safety and welfare. Public Improvements include wide pedestrian sidewalks with rolled curbs and diagonal parking spaces along the public right-of-way. Pedestrian activities are focused at the center of the site, with driveways placed at the extremes of the buildings, which reduces the chance of pedestrian/vehicle conflicts. The proposed development will construct necessary sewer and water facilities to serve the occupants. All structures constructed will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations. The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project proposes a rezone from AR-1-1 to CC-1-3 and Urban Village Overlay Zone (UVOZ). The project proposes the construction of 130 dwelling units (109 attached market-rate condominium units and 21 affordable housing units) and 30,000 SF of commercial/retail space with underground parking.

The purpose of the UVOZ is to provide regulations that will allow for greater variety of uses, flexibility in site planning and development regulations, and intensity of land use than is generally permitted in other citywide zones. The intent of these regulations is to create a mix of land uses in a compact pattern that will reduce dependency on the automobile, improve air quality, and promote high quality, interactive neighborhoods. Urban villages are characterized by interconnected streets, building entries along the street, and architectural features and outdoor activities that encourage pedestrian activity and transit accessibility. To comply with these regulations, the Project establishes a hierarchy of automobile and pedestrian zones along the Village Way "Main Street." The central focal points of the Main Street is the pedestrian activation at ground and upper levels. Commercial spaces are organized around the pedestrian pathways and plaza at ground level. Balconies, decks, and cabanas above the street, at podium-level, would help activate pedestrian spaces within and between buildings, with an added benefit of providing "eyes on the street." The residential portion consists of medium-high density multi-dwelling units over commercial spaces. Residential uses are mixed within the project vertically within the building design or horizontally by providing inviting pedestrian access at varying locations within the project. The proposed mixed-use development has been designed to comply with the proposed CC-1-3 Zone and UVOZ regulations of the Land Development Code including, but not limited to, setbacks, density, landscape, parking, floor area ratio and signage.

One deviation is requested to allow a 28-foot-high retaining wall, the height of which exceeds the 12 feet allowed by zoning. The wall is required until such time as the adjacent property is developed. If the wall is constructed, the project has been conditioned to require the

installation of heavy screening landscape materials to reduce the visual impact of the interim improvement.

With the exception of this deviation, the proposed residential and commercial mixed-use development has been designed to be consistent with the purpose and intent of the underlying CC-1-3 zone and the Urban Village overlay zone regulations of the Land Development Code. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

**B. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0604**

**1. Findings for all Planned Development Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The Corallina at Pacific Highlands Ranch project (the Project) will construct a mixed-use project within the Town Center of the PHRSP. Specifically, the 5.99-acre project site is located within the west-central portion of the PHRSP, just south of Carmel Valley Road, and is designated Village by the Land Use Element Pacific Highlands Ranch Subarea Plan. The designation allows for residential and commercial mixed-uses in the PHR Community Town Center and the Subarea Plan identifies the following community design goal for the Village: “to create a pedestrian-oriented environment which will feature a mix of residential and commercial uses. A main street will serve as the central spine for the village and lead directly to the major focal point, the civic use area. Integration of the Community Park and Main Street is the central organizing element of the village.” To accomplish this goal, building intensities and densities in the Village are higher to encourage an active center, support transit, and reduce automobile use. Buildings are to front the street and sidewalk with entries, architectural features and pedestrian-oriented activities.

The Project proposes the development of 130 dwelling units (109 attached market-rate condominium units and 21 affordable housing units) and 30,000 SF of commercial office space and underground parking, surrounding Village Way. The Project would continue to implement the “Main Street” design concept as envisioned by the Subarea Plan by establishing a hierarchy of automobile and pedestrian zones along the Village Way “Main Street.” The central focal points of the Main Street is the pedestrian activation at ground and upper levels. Commercial spaces are organized around the pedestrian pathways and plaza at ground level. Balconies, decks, and cabanas above the street, at podium-level, would help activate pedestrian spaces within and between buildings, with an added benefit of providing “eyes on the street.” The residential portion of the project consists of medium-high density multi-dwelling units over commercial spaces. Residential uses are mixed within the project vertically within the building design or horizontally by providing inviting pedestrian access at appropriate locations within the project. Residential parking for the multi-family units would be provided in a subterranean parking structure under the commercial uses so that it would not be visible from the pedestrian realm. Parking for the commercial components would be provided on the street or in a small surface lot incorporated into the design of the mixed-use buildings. The Project represents one phase of an on-going, long-term development effort to establish a master planned mixed-use community that emphasizes resource protection, pedestrian circulation, community facilities, and residential

neighborhoods that provide a variety of housing types. Therefore, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The City of San Diego as Lead Agency under the California Environmental Quality Act has prepared and completed Findings No. 335613 to Master Environmental Impact Report (MEIR) No. 96-7918/SCH No. 97111077, approved by City Council on July 8, 1998 per Resolution No. 290520, and determined that this project would not result in any additional significant effects on the environment beyond those identified in the MEIR. The proposed project is considered to be within the scope of analysis of the Specific Plan as examined by the MEIR and subsequent Findings pursuant to CEQA Guidelines §15177.

The proposed development has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the public's health, safety and welfare. Public Improvements include wide pedestrian sidewalks with rolled curbs and diagonal parking spaces along the public right-of-way. Pedestrian activities are focused at the center of the site, with driveways placed at the extremes of the buildings, which reduces the chance of pedestrian/vehicle conflicts. All structures constructed will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations. The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.** The project proposes a rezone from AR-1-1/RT-1-2 to CC-1-3 and Urban Village Overlay Zone (UVOZ). The project proposes the construction of 130 dwelling units (109 attached market-rate condominium units and 21 affordable housing units) and 30,000 SF of commercial/retail space with underground parking. The proposed mixed-use development has been designed to comply with the proposed CC-1-3 Zone and UVOZ regulations of the Land Development Code including, but not limited to, setbacks, density, landscape, parking, floor area ratio and signage.

One deviation is requested to allow a 28-foot-high retaining wall, the height of which exceeds the 12-foot height allowed by zoning. The retaining wall is required for the significant change in grade on both sides of the project site. Due to the fact that the applicant has been unable to secure off-site permission to grade on an adjacent neighboring property to the east, a 28-foot-high retaining wall is proposed. Once that property either grants permission or is itself developed, the wall will no longer be required. If the wall is to be constructed, the project has

been conditioned to require the installation of heavy screening landscape materials to reduce the visual impact of the temporary improvement. Because the Village Way right-of-way is proposed to cross both the project site and the site to the east, future development guarantees the removal of the wall. The final proposal results in an 8-foot-high wall.

Without the requested deviation, the project would result in less housing units than would be recommended by the proposed UVOZ or the recommendations of the Subarea Plan. Therefore, the proposed project, including the retaining wall, results in a better project at this location. Therefore, the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

**C. NEIGHBORHOOD USE PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC)  
SECTION 126.0205**

**1. Findings for all Neighborhood Use Permits:**

**a. The proposed development will not adversely affect the applicable land use plan.** The Corallina at Pacific Highlands Ranch project (the Project) will construct a mixed-use project within the Town Center of the PHRSP and is designated Village by the Land Use Element Pacific Highlands Ranch Subarea Plan. The Village at Pacific Highlands Ranch utilizes design components that facilitate pedestrian orientation. The Project emphasizes that pedestrian-oriented design of the neighborhood through a Comprehensive Sign Plan that will incorporate signage for the Project by adding a Community Entry Sign, monuments, directories, awnings, gate and entry signs, and incidental signs. The sign plan will provide a comprehensive design standard and specification that assures consistency in quality, color, size, placement, and configuration for signage that allows for a strong connection between signage and architecture. Therefore, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The Permit prepared for this project includes various conditions and corresponding exhibits of approvals relevant to achieving compliance with the sign regulations of the San Diego Municipal Code. The proposed sign plan includes various design types that facilitate the safety and welfare of the occupants and pedestrians, including, but not limited to Fire Access Directory, Wayfinding, and Safety paths. The proposed sign plan will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, when constructed in conformity with the conditions provided by the permit, will not be detrimental to the public health, safety and welfare.

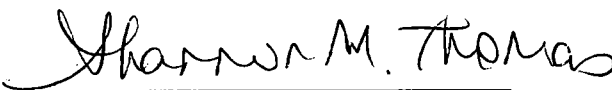
**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The Project emphasizes the pedestrian-oriented design of the neighborhood through a Comprehensive Sign Plan. Comprehensive sign plans may be requested to modify applicable sign requirements if the proposed signs, as a whole, are in conformance with the intent of the sign regulations and if the exceptions result in an improved relationship among the

signs and building facades on the premises. The proposed sign plan will incorporate signage for the Project by adding a Community Entry Sign, monuments, directories, awnings, gate and entry signs, and incidental signs. The sign plan will provide a comprehensive design standard and specification that assures consistency in quality, color, size, placement, and configuration for signage that allows for a strong connection between signage and architecture, while meeting the intent of sign regulations. No sign deviations are requested. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 1179061, Planned Development Permit No.1965098, and Neighborhood Use Permit No. 1968364 are granted to TRY ANGLE FARM LIMITED PARTNERSHIP, Owner, and to VILLAGE TRIANGLE PARTNERS, LLC, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
10/20/2017  
03/26/2018 Rev. Cor.  
Or.Dept:DSD  
Doc. No.: 1595738\_2

Attachment: Site Development Permit/Planned Development Permit/Neighborhood Use Permit



**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**

INTERNAL ORDER NUMBER: 24004018

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1179061, PLANNED DEVELOPMENT PERMIT NO.  
 1965098, and NEIGHBORHOOD USE PERMIT NO. 1968364  
**CORALLINA AT PHR - PROJECT NO. 335613**  
 CITY COUNCIL

This Site Development Permit No. 1179061, Planned Development Permit No. 1965098, and Neighborhood Use Permit No. 1968364 is granted by the City Council of the City of San Diego to TRY ANGLE FARM LIMITED PARTNERSHIP, a California limited partnership, Owner, and VILLAGE TRIANGLE PARTNERS, LLC, a California limited liability company, Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0205, 126.0504, and 126.0604. The 5.99-acre site is located at 6155 Carmel Valley Road in the AR-1-1 and RT-1-2 zones of the Pacific Highlands Ranch Community Plan. The project site is legally described as: Parcel 2 of Parcel Map No. 21390, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, September 16, 2016 as File No. 2016-7000396 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to subdivide into 3 lots and construct a 130-residential-unit, 30,000-square-foot commercial/retail mixed use project described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 7, 2017, on file in the Development Services Department.

The project shall include:

- a. Lot 1: 63 single-family townhomes  
 Lot 2: 46 apartments above 20,000 square feet of retail with underground parking  
 Lot 3: 21 affordable housing units/community room above 10,000 square feet of retail;
- b. An interim 28-foot-high, 205-linear-foot retaining wall, which shall be removed once permission to grade is attained from the neighboring property to the east, or the Village Way right of way is constructed through the property to the east;
- c. An 8-foot-high fence along the eastern and northern portions of the property;

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. A Comprehensive Sign Plan which includes, but is not limited to:
  - Project Identification Signs
  - Project Directional Signs
  - Building Wall Signs
  - Monument Signs
  - Pedestrian Signs
  - Driveway Signs
  - Fire Access Signs and Directories
  - Tenant Signs
  - Canopy Signs
  - Incidental and Temporary Signs
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by NOV 07 2019 [3 years from final approval date].
2. This project shall conform to the provisions of the Final Map for Vesting Tentative Map No. 1968677.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The 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.

4. 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.

5. 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.

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

7. 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.).

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."

#### **AFFORDABLE HOUSING REQUIREMENTS:**

13. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the Pacific Highlands Ranch Subarea Plan for Affordable Housing.

#### **ENGINEERING REQUIREMENTS:**

14. The project proposes to export 99,250 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

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

17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private storm drain system, retaining walls, landscape, and irrigation within the Village Way Right-of-Way.

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a 20-foot rolled curb at the emergency access driveways, adjacent to the site on Carmel Valley Road, satisfactory to the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing sidewalk with a 5.5-inch thick City standard sidewalk from back of curb to the right-of-way line for the width of the emergency access driveways, adjacent to the site on Carmel Valley Road, satisfactory to the City Engineer.
20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance, satisfactory to the City Engineer.
21. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
23. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, 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.
24. 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.

#### **GEOLOGY REQUIREMENTS:**

25. Prior to the issuance of any construction permit, 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 the Development Services Department prior to issuance of any construction permits.
26. 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 the Development Services Department prior to exoneration of the bond and grading permit close-out.

**LANDSCAPE REQUIREMENTS:**

27. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land 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 (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.
28. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
29. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."
30. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under San Diego Municipal Code Section 142.0403(b)(5).
31. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per San Diego Municipal Code Section 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.
32. 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. 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.
33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed

during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

**PLANNING/DESIGN REQUIREMENTS:**

34. 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.

35. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit "A" Comprehensive Sign Plan.

36. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**TRANSPORTATION REQUIREMENTS:**

37. Prior to the issuance of any building permit, the project shall demonstrate conformance with the Pacific Highlands Ranch Subarea Transportation Phasing Plan satisfactory to the City Engineer.

38. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

39. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct two drive aisles onto Carmel Valley Road both with full height curbs to serve as a fire access only, closed to traffic with Knox box gates, to the satisfaction of the City Engineer.

40. Prior to the issuance of any construction permit, the Owner/Permittee shall relinquish abutter's rights of access along the Carmel Valley Road project frontage to the satisfaction of the City Engineer.

41. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of Village Way with a 15-foot sidewalk, an 18.5-foot diagonal parking, a 10-foot travel lane, a 12-foot two-way left-turn-lane (TWLTL), a 10-foot travel lane, an 18.5-foot diagonal parking, and a 15-foot sidewalk, within a 99-foot right-of-way to the satisfaction of the City Engineer. This work shall be completed and accepted by the City prior to occupancy.

42. Prior to issuance of any construction permit, the Owner/Permittee shall record a non-motorized access easement over all proposed sidewalks and trails within the project site satisfactory to the City Engineer. All Easements shall be disclosed to all potential buyers.

43. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the dedication of an 5-foot easement and construction of a 10-foot-wide pedestrian trail on the southeast corner of the project site , to the satisfaction of the City Engineer. This work shall be completed and accepted by the City prior to the issuance of a certificate of occupancy.

44. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of two 30-foot-wide driveways serving the project site north of Village Way and two 24-foot-wide driveways serving the project site south of Village Way in the locations shown on Exhibit "A" to the satisfaction of the City Engineer. This work shall be completed and accepted by the City prior to the issuance of a certificate of occupancy.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

45. 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 Public Utilities Director and the City Engineer.

46. 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 and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

47. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

48. 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.

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

50. All public water and sewer facilities are to be in accordance with the approved Water and Sewer Studies.

51. Prior to issuance of any building permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement, from the City Engineer, for proposed improvements of any kind, including utilities, medians, landscaping, enriched paving, curb, gutter and sidewalk, and electrical conduits to be installed within the public right-of-way.



52. Prior to issuance of any building permits, the Owner/Permittee shall obtain Encroachment Maintenance and Removal Agreement, from the City Engineer, for the proposed 8-inch private sewer lateral located in the driveway.

**INFORMATION ONLY:**

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

APPROVED by the City Council of the City of San Diego on NOV 07 2017 and  
Resolution No. R-311401

Site Development Permit No. 1179061  
Planned Development Permit No. 1965098  
Neighborhood Use Permit No. 1968364  
Date of Approval: **NOV 07 2017**

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Francisco Mendoza  
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.

**TRY ANGLE FARM, L.P.**  
a California limited partnership,  
Owner

By \_\_\_\_\_  
L. Carolyn Beck, General Partner

By \_\_\_\_\_  
Roger Beck, General Partner

By \_\_\_\_\_  
Douglas Beck, General Partner

By \_\_\_\_\_  
Douglas Beck, Trustee, General Partner

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

Site Development Permit No. 1179061  
Planned Development Permit No. 1965098  
Neighborhood Use Permit No. 1968364  
Date of Approval: NOV 07 2017

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

**VILLAGE TRIANGLE PARTNERS, LLC**  
a California limited liability company,  
Permittee

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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

Passed by the Council of The City of San Diego on NOV 07 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 07 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Linda Arvin, Deputy



Office of the City Clerk, San Diego, California  
Resolution Number R- 311401