

RESOLUTION NUMBER R- 311573

DATE OF FINAL PASSAGE MAR 05 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 1830261/SITE DEVELOPMENT PERMIT NO. 1830262 PHR VILLAGE COMMERCIAL PHASE II – PROJECT NO. 519369 (MMRP) AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 1113595, SITE DEVELOPMENT PERMIT NO. 1113598 AND SITE DEVELOPMENT PERMIT NO. 1218176.

WHEREAS, PHR Village II, LLC, a California limited liability company, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit and Site Development Permit, amending Planned Development Permit No. 1113595, Site Development Permit No. 1113598 and Site Development Permit No. 1218176, to add two commercial buildings and a parking structure to an existing commercial center known as the PHR Village Commercial Phase II project, located at the southeast corner of Carmel Valley Road and Pacific Highlands Ranch Parkway, north of Village Way, and legally described as Lots 11, 12, 13, and 15 of Pacific Highlands Ranch Unit No. 2 and 3 of Final Map No. 15966, filed February 21, 2014, together with Parcels 1 and 3 of Parcel Map No. 21390 filed September 16, 2016 as Instrument No. 2016-07000396 of Official Records; and

WHEREAS, on December 14, 2017, the Planning Commission of the City of San Diego considered Planned Development Permit (PDP), Permit No. 1830261 and Site Development Permit (SDP), Permit No. 1830262, and pursuant to Resolution No. 4909-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 March 5, 2018, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 1830261 and Site Development Permit No. 1830262:

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

**(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 1999 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 site is designated as the "Village" area by the PHRSP and "Multiple Use" by the General Plan. The "Village" is the residential, commercial and civic core of the town center. The 33-acre Village will include 500 residential dwellings, 150,000 square feet of retail space, 150,000 square feet of office space, a transit center and a civic use area.

The proposed project site is located within Zone 1, where auto-accessible development should be located. It is also the outer edge of the Village, and can accommodate larger parking areas and anchor stores. Arterial-oriented anchor tenants and other auto-dependent users should attempt to balance the needs of pedestrians and automobiles. The proposed project is consistent with zone 1 recommendations by providing continued pedestrian access to existing commercial pathways as well as pathways for planned residential development. This will implement PHRSP pedestrian connectivity policies and will promote walkability and bike-ability for future users. The proposed parking lot has been placed at the interior of the block within the structures, so that parking does not interfere with movement of pedestrian as the PHRSP recommends. Additionally, extra landscape screening will be provided to ensure future residential development north of the proposed project will not be affected by being in close proximity with one another.

The Urban Design Element Village section's primary goal is to guide the future development of a more pedestrian-oriented environment that will feature a mix of residential and commercial uses. The proposed project is consistent with the recommendations by providing adequate pedestrian access, matching existing building façades, and orienting parking in the interior of the structures to focus on pedestrian-oriented development. Moreover, the buildings fronting Pacific Highlands Ranch Parkway and Village Way focus more on pedestrian-oriented activities while accommodating automobile uses.

The project will also implement the specific General Plan policy for *Mixed-Use Villages* (UD-C.2.) which recommends creating "design villages centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points." The proposed project will provide pedestrian-friendly access points throughout the site design, and integrate building orientation and façade with existing commercial buildings.

The purpose of the General Plan's Mobility Element is to improve mobility through development of a balanced, multi-modal transportation system. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design, and a safe and comprehensive local and regional bikeway network. As previously discussed, the proposed project will increase pedestrian access and comfort by providing multiple points of pedestrian access within the site and avoiding multiple driveway crossings of existing sidewalks adjacent to public streets.

Given the project is consistent with the General plan and the Subarea plan as described above, the proposed development will not adversely affect the applicable land use plans.

**(b) The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development as currently designed will not be detrimental to the public health, safety and welfare. The development, together with the existing surrounding development of the Village, grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, et cetera, in the PHRSPhas been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The proposed development will construct necessary sewer and water facilities to serve the occupants. The proposed development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance. The proposed development will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. 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 policies and regulations. Additionally, the permit controlling the development contains conditions addressing the project's 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 will 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 proposed development complies with the relevant sections of the Land Development Code as allowed through the approval of deviations by the Planned Development Permit process. The project proposes a total of four deviations from the Land Development Code. These deviations provide for a project that meets the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development which will be an integral component of the Pacific Highlands Ranch Village. Further, the deviation complies with the purpose of the Planned Development Permit Procedures which state: "The purpose of these procedures is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure the development achieves the purpose and intent of the applicable land use plan and that it will be preferable to what would be achieved by strict conformance with the regulations." All of the four deviations contribute to a development which achieves a cohesive, seamless site design so that the resulting project blends with the other previously constructed portions of the Village. Of the four deviations, three are minor and will not be visible to users of the site or the general public in that the deviations are related to lot area, lot width, side-yard setbacks. These development parameters are theoretical constructs invisible to the common observer. Only the deviation for the maximum retaining wall height, from nine feet to ten feet six inches, will be visible yet will be so minor as to be inconsequential. In light of the benefits derived from the deviations and the nature of the deviations, it is determined these deviations are consistent with the Planned Development Permit regulations.

The first deviation is requested for the minimum lot area. Lot 1, an entry monument lot, has a lot area of 3,197 square feet where 5,000 is required. The proposed design of the development will function as a single cohesive project without regard for lot area and/or property line setbacks and be visually consistent and compatible with the previously constructed portions of the Village. The deviation request allows the project to comply with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

The second deviation is requested for lot width. Lots 1 and 5 have proposed lot widths of 54 feet and 90 feet, where 100 feet is the minimum required. The proposed design of the development will function as a single cohesive project without regard for lot width and property lines and be visually consistent and compatible with the previously constructed portions of the Village. The deviation allows the project to comply with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

The third deviation is requested for the required side setback. Lot 6 has a proposed side setback of five feet, where a minimum of ten feet or 0 feet, is required. The proposed design of the development will function as a single cohesive project without regard for the required side

setback and property lines and be visually consistent and compatible with the previously constructed portions of the Village. Lot lines have been drawn primarily for financing purposes and have no material bearing on the quality of the proposed development. The deviation request allows the project to comply with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

The fourth deviation is requested for retaining wall height. Lot 6 proposes a retaining wall of ten feet six inches where nine feet is the maximum allowed. The proposed retaining wall height will not be visible from the public right-of-way of Carmel Valley Road or any other sensitive public vantage point. The retaining wall will be below the surrounding features, as it will be lower and retains soil between the road and the parking structure. The deviation will allow the development of a project that functions as part of a single cohesive project and complies with the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development as an integral component of the Pacific Highlands Ranch Village.

All four deviations are appropriate for this location in that the proposed development is part of a larger community commercial, residential and civic urban village. The deviations will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone by encouraging a creative approach to challenging design parameters and planning dynamics. The resulting project will be a more desirable solution than otherwise obtainable by strict adherence to the Land Development Code. The development will achieve the purpose and intent of the PHRSP and will be preferable to what would be achieved by strict conformance with the regulations, as allowed by the Planned Development Permit process.

**II. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)  
SECTION 126.0504**

**(a) The proposed development will not adversely affect the applicable land use plan.** The proposed development is located within the area covered in the PHRSP, adopted in 1999, which is the applicable land use plan for the project area along with the City's General Plan, adopted in 2008. The proposed development implements the goals and policies of these documents by creating a portion of the previously approved commercial development within a multi-use urban village, which included market rate and affordable dwelling units, commercial space, a library, and a civic use area. For additional information, see the Planned Development Permit No. 1 above.

**(b) The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development as currently designed will not be detrimental to the public health, safety and welfare. The proposed development, together with the existing surrounding development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the PHRSP has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of

the public's health, safety, and welfare. For additional information, see the Planned Development Permit No. 2 above.


**(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 proposed development complies with the relevant sections of the Land Development Code as allowed through the approval of deviations. The project proposes a total of four deviations from the Land Development Code. These deviations provide for a project that meets the purpose and intent of the PHRSP to create a high density, mixed-use, pedestrian friendly development. For additional information, see the Planned Development Permit No. 3 above.

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 Planned Development Permit No. 1830261 and Site Development Permit No. 1830262 is granted to PHR Village II, LLC, Owner/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

  
\_\_\_\_\_  
Casey C. Shaw  
Deputy City Attorney

CS:jvg:nja  
02/09/18  
Or.Dept: DSD  
Doc. No.: 1686097

Attachment: Planned Development Permit No. 1830261 and Site Development Permit No. 1830262

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

**WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A**

INTERNAL ORDER NUMBER: 24007066

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 1830261 AND  
SITE DEVELOPMENT PERMIT NO. 1830262  
PHR VILLAGE COMMERCIAL PHASE II - PROJECT NO. 519369 (MMRP)  
AMENDMENT TO PDP No. 1113595, SDP No. 1113598 AND SDP No. 1218176  
CITY COUNCIL**

This Planned Development Permit No. 1830261 and Site Development Permit No. 1830262, amending Planned Development Permit No. 1113595, Site Development Permit No. 1113598 and Site Development Permit No. 1218176 (collectively, "Permit"), is granted by the City Council of the City of San Diego to PHR Village II, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0602 and 126.0502. The 2.28-acre site is located at Pacific Highlands Ranch Parkway between Carmel Valley Road and Village Way in the CC-1-3 Zone and Urban Village Overlay Zone within the Pacific Highlands Ranch Subarea Plan area. The project site is legally described as Lots 11, 12, 13, & 15 of Pacific Highlands Ranch Unit No. 2 and 3 of Final Map No. 15966, filed February 21, 2014, together with Parcels 1 & 3 of Parcel Map No. 21390 filed September 16, 2016 as Instrument No. 2016-07000396 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct two commercial buildings totaling 26,000 square foot and one two-level parking garage. This square footage defines a portion of the as yet not utilized square footage from VTM No. 1113594, allowing for 195,000 square feet of commercial space in accordance with PDP No. 1113595, SDP No. 1113598, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAR 05 2018, on file in the Development Services Department.

The project shall include:

- a. To construct two commercial buildings totaling 26,000 square foot and one two-level parking garage. This square footage defines a portion of the as yet not utilized square footage from VTM No. 1113594, allowing for 195,000 square feet of commercial space in accordance with PDP No. 1113595, SDP No. 1113598;
- b. The approved project includes deviations to minimum lot area, minimum lot width, reduced side setbacks and increased retaining wall height;

<b>CC-1-3 REGULATION TABLE (SDMC Sec. 131.0531)</b>			
Regulation No.	Required	Proposed Deviation	Lots with Deviation
Minimum Lot Area 131.0531(c), Table 131-05E	5000 s.f.	3,197 s.f.	1
Minimum Lot Depth 131.0531(c), Table 131-05E	100'	54' & 90'	1 & 5
Side Yard Setback 131.0531(c), Table 131-05E, 131.0543(b)(1)	0' or 10'	5'	6
Retaining Wall Height 142.03	9' (maximum)	10.5'	6

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Retaining walls, exterior lighting, walkways, trash enclosures;
- f. Sidewalk Cafés in accordance with SDMC Section 141.0621 and the Pacific Highlands Ranch Subarea Plan; and
- 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 MAR 05 2021.
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. 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.
  8. 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.
  9. 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.

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

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. 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.

12. The mitigation measures specified in the MMRP and outlined in Master Environmental Impact Report, No. 96-7918, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Master Environmental Impact Report, No. 96-7918, 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:

Paleontological Resources

**ENGINEERING REQUIREMENTS:**

14. 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.

15. Prior to issuance of any building permit, the Owner/Permittee shall close existing driveway on Carmel Valley Road and restore curb/gutter and sidewalk per City standards to satisfaction of City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report 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.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, 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. 2009-0009DWQ, 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.

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.

#### **LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and the approved Exhibit "A."

21. 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 forty-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water services, and sewer laterals shall be designed so as not to prohibit the placement of street trees.

22. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department 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.'

23. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for

approval. The construction documents shall be in substantial conformance with "A." Construction plans shall provide a forty-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per § 142.0403(b)(5).

24. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, 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 consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

25. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or final inspection.

**PLANNING/DESIGN REQUIREMENTS:**

26. Owner/Permittee shall maintain a minimum of 116 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

27. 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.

28. All signs associated with this development shall be consistent with sign criteria established by either the City-wide sign regulations or the previously approved The Village at Pacific Highlands Ranch Comprehensive Signage and Graphics Program in accordance with Neighborhood Use Permit No. 1249459.

29. 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.

30. Prior to installation of any furniture or improvements in the public right-of-way and prior to operation of a sidewalk café, a sidewalk café maintenance and removal agreement shall be recorded in the office of the San Diego County recorder and the owner/permittee shall obtain a public right-of-way permit or building permit as applicable.

**TRANSPORTATION REQUIREMENTS:**

31. 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.

**GEOLOGY REQUIREMENTS:**

32. Prior to the issuance of any building 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.

33. 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.

**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 MAR 05 2018, by Resolution No. R- 311573.

Permit Type/PTS Approval No.: PDP No. 1830261/SDP No. 1830262  
Date of Approval: MAR 05 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Morris E. Dye  
Development Project Manager

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

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

**PHR Village II, LLC,  
Owner/Permittee**

By: \_\_\_\_\_  
Mee-Sun Joe, Managing Partner

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

Passed by the Council of The City of San Diego on MAR 05 2018, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 05 2018.

(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.

(Seal)

By Aty Brady, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311573