

RESOLUTION NUMBER R- 313408

DATE OF FINAL PASSAGE JAN 12 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING PLANNED DEVELOPMENT
PERMIT NO. 2383727 SITE DEVELOPMENT PERMIT
NO. 2383728 FOR THE PACIFIC HIGHLANDS RANCH
(PHR) UNIT 22B AMENDMENT-PROJECT NO. 655758.

WHEREAS, PARDEE HOMES, a California corporation, Owner and Permittee, filed an application with the City of San Diego for a Planned Development Permit and Site Development Permit to amend Planned Development Permit No. 4652 and Site Development Permit No. 4651 to amend the previously approved single-family dwelling subdivision to increase the lots from 76 to 81 and allocating one (1) additional affordable unit off-site to the Del Mar Highlands Estates (Parcel B of Parcel Map 19205), known as the Pacific Highlands Ranch (PHR) Unit 22B Amendment project (Project). The 19.67-acre project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road (APN 305-021-4500 and APN 305-022-0600) in the AR-1-1 (Agricultural-Residential) and RS-1-14 (Residential-Single Unit) Zones within the Pacific Highlands Ranch Subarea Plan area. In addition, the Project site is located within the City's Multi-Habitat Planning Area (MHPA) and the Multiple Species Conservation Program (MSCP) Subarea; and

WHEREAS, the Project site is legally described as: Lots 1 through 76 and Lots A through I of Pacific Highlands Ranch Unit 22B, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 16367, filed in the Office of the County Recorder of said County, September 12, 2019; and

WHEREAS, on October 8, 2020, the Planning Commission of the City of San Diego considered Planned Development Permit No. 2383727 and Site Development Permit No. 2383728, and pursuant to Resolution No. 5110-PC voted to recommend the Council of the City of San Diego (Council) approve the Permit; and

WHEREAS, under San Diego Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the 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 JAN 12 2021, testimony having been heard, evidence having been submitted, and the 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. 2383727 and Site Development Permit No 2383728:

A. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

1. Findings for all Site Development Permits SDMC Section 126.0505(a):

- a. The proposed development will not adversely affect the applicable land use plan.**

The Pacific Highlands Ranch (PHR) Unit 22B Amendment project (Project) proposes to amend the previously approved single-family dwelling subdivision to increase the number of lots from 76 to 81. In addition to the residential lots, the Project will also reconfigure the street pattern, and include a detention basin (Lot I), passive park (Lot A), monument signage (Lot D), the Gonzales Canyon urban amenity open space (Lot B), and emergency fire access to Rancho Santa Fe Farms Road to the east. The 19.67-acre Project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road in the AR-1-1 and RS-1-14 Zones within the PHR

Subarea Plan area. The RS-1-14 requires minimum 5,000-square-foot per lot and the community plan designates the site for Low-Density Residential at 2-5 dwelling units per acre (du/ac), which would allow a density of 39-98 residential units. One additional low-income dwelling unit will be built (20-percent of five additional dwelling units) at an off-site location at Del Mar Highlands Estates Lot 149 as part of an affordable housing project. The affordable housing unit is being separately processed through a concurrent application under Del Mar Highlands Amendment (Project No. 655778).

On September 21, 2004, the San Diego City Council (Council) approved PHR Units 17-22A (Project No. 2692), which included Street Vacation No. 126273, Vesting Tentative Map (VTM) No. 4653, Planned Development Permit (PDP) No. 4651 and Site Development Permit (SDP) No. 4652. The PHR Units 17-22A project site allows for the construction of 676 single-family dwelling units, a private community recreational center, 60 affordable housing units within PHR Unit 22A or the Village at the PHR (Village), as well as dedication of an approximately 11.01-acre elementary school site (portions of PHR Unit 22) and dedication of approximately 42.22-acres of open space inside the City's Multiple Species Conservation Program, Multi-Habitat Planning Area (MSCP/MHPA), and dedication of approximately 14.02 acres of urban amenity open space. A portion of PHR Unit 22 allows for 21 units and an additional 55 residential units would be allowed on the school site area as an optional use if the site is not purchased by the Solana Beach School District and an additional ten (10) affordable housing units in PHR Unit 22A or the Village, which is identified as optional site for PHR Unit 22 within approved VTM No. 4653.

The Solana Beach School District did not utilize their option to purchase portions of PHR Unit 22 for a school site. Therefore, on September 12, 2019, Map No. 16367 was recorded utilizing the optional site for a total of 76 single-family dwelling unit lots (21 existing dwelling units + 55 additional dwelling units). In addition, the title of PHR Unit 22 was changed to PHR Unit 22B to make it distinguishable from PHR Unit 22A (the affordable housing units' site).

The PHR Subarea Plan, on page 107, states as a goal to "provide and economically and socially diverse community through varied housing styles, tenancy types, and unit prices." In this vein, the affordable units will contribute to a variety of housing types in the community. The community plan also states on page 97, that for Low-density Residential that "these neighborhoods will provide a housing product within the traditional single-family dwelling market." Densities are intended to range from 2-5 du/ac. This current proposal states that the density will be in the range of 2-5 du/ac, which would be consistent with the community plan goals. The community plan on page 27, Section 2.2.2 D, Low-Density Residential, recommends for this area for single-family dwelling units. The proposed Project is consistent with the previously approved 76 single family dwelling unit neighborhood and by adding an additional five single-family dwelling units fulfills the community plan goals. Furthermore, the proposed

Project is consistent with the General Plan adopted in 2008 in that it concentrates development in already approved and planned neighborhoods, and protects the remaining lands as open space, per UD-4 which recommends to build a "compact, efficient and environmentally sensitive pattern of land development." Therefore, for these reasons, the development would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The Project proposes to amend the previously approved single-family dwelling subdivision to increase the number of lots from 76 to 81. In addition to the residential lots, the Project will also reconfigure the street pattern, and include a detention basin (Lot I), passive park (Lot A), monument signage (Lot D), the Gonzales Canyon urban amenity open space (Lot B), and emergency fire access to Rancho Santa Fe Farms Road to the east. The 19.67-acre Project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road in the AR-1-1 and RS-1-14 Zones within the PHR Subarea Plan area. The R S-1-14 requires minimum 5,000-square-foot per lot and the community plan designates the site for Low-Density Residential at 2-5 du/ac, which would allow a density of 39-98 residential units. One additional low-income dwelling unit will be built (20-percent of five additional dwelling units) at an off-site location at Del Mar Highlands Estates Lot 149 as part of an affordable housing project. The affordable housing unit is being separately processed through a concurrent application under Del Mar Highlands Amendment (Project No. 655778).

Master Environmental Impact Report (MEIR) Findings to MEIR No. 96-7918/SCH No. 97111077 has been prepared for the Project in accordance with California Environmental Quality Act (CEQA) guidelines Section 15177. Based upon a review of the current Project, it has been determined that there are no new significant environmental impacts not considered in the previous MEIR, no new additional mitigation or alternatives are required, and the Project is within the scope and consistent with the analysis of the MEIR.

The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this Project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The Project will comply with the development conditions in effect for the subject property as described in Planned Development Permit No. 2383727 and Site Development Permit No. 2383728, and other regulations and guidelines pertaining to the subject property per the SDMC for the site. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a

grading and public improvement permit. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

c. 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 Project proposes to amend the previously approved single-family dwelling subdivision to increase the number of lots from 76 to 81. In addition to the residential lots, the Project will also reconfigure the street pattern, and include a detention basin (Lot I), passive park (Lot A), monument signage (Lot D), the Gonzales Canyon urban amenity open space (Lot B), and emergency fire access to Rancho Santa Fe Farms Road to the east. The 19.67-acre Project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road in the AR-1-1 and RS-1-14 Zones within the PHR Subarea Plan area. The R S-1-14 requires minimum 5,000-square-foot per lot and the community plan designates the site for Low-Density Residential at 2-5 du/ac, which would allow a density of 39-98 residential units. One additional low-income dwelling unit will be built (20-percent of five additional dwelling units) at an off-site location at Del Mar Highlands Estates Lot 149 as part of an affordable housing project. The affordable housing unit is being separately processed through a concurrent application under Del Mar Highlands Amendment (Project No. 655778).

The Project proposes a deviation from San Diego Municipal Code (SDMC) Section 131.0431(b) and Table 131-04D, to reduce the front yard setbacks to 10 feet for lots with a side-loaded garage and 18 feet for lots with a front-loaded garage; where a 15 feet (Minimum) and 20 feet (Standard) front yard setback is required. This deviation is intended to allow PHR Unit 22B to be consistent with the other subdivision within PHR Units 17-22A where the front setbacks are 10 feet pursuant to the previously approved PDP No. 4651/SDP No. 4652. The deviation is minor and will not adversely affect the land use plan, adjacent properties or persons working or living in the area.

The Project proposes a deviation from SDMC Section 131.0431(b) and Table 131-04D, to reduce the street frontage to a minimum of 20 feet for lots with constricted frontage, where 50 feet (or 30 feet on curving street) is required for Lots 12-16, 45-47, and 57-62. This deviation is intended to allow PHR Unit 22B to be consistent with PHR Units 17-22A where the reduced street frontage to achieve the Subarea Plan density and increase width of driveway percentage to lot frontage for shared driveways and lots with constricted frontage. The deviation was previously approved with PDP No. 4651/SDP No. 4652.

Other than the requested front yard setback and street frontage deviations, the Project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Land Development Code (LDC). In addition, the

proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities by constructing one affordable dwelling units off-site within the Del Mar Highlands Estates, which is part of the PHR Subarea Plan.

2. Supplemental Findings SDMC Section 126.0505(b) – Environmentally Sensitive Lands:

- a. 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 Project site is bordered by existing residential development to the west and east, and the Gonzales Canyon Urban Amenity open space that is within the MHPA is to the north, and Carmel Valley Road to the south. In addition, the Project site is located in a developed area currently served by existing public services and utilities. Elevations within the Project site range from 272 feet above mean sea level in the northwest corner to 325 feet above mean sea level at the southeast corner. The site was mass-graded in conjunction with the grading and development of PHR Units 17–22 Subarea (PDP No. 4651/SDP No. 4652/VTM No. 4653). In addition, grading for the previously approved map for the PHR Unit 22B site for 76 single-family dwelling unit lots (Map No. 16367) is nearly complete and the area of disturbance would remain unchanged.

MEIR Findings to MEIR No. 96-7918/SCH No. 97111077 has been prepared for the Project in accordance with CEQA guidelines Section 15177. Based upon a review of the current Project, it has been determined that there are no new significant environmental impacts not considered in the previous MEIR, no new additional mitigation or alternatives are required, and the Project is within the scope of the MEIR.

Although the site has been previously graded, there is a potential for the Project to have indirect impacts on nesting bird species in the adjacent Gonzales Canyon urban amenity habitat due to noise levels generated during Project grading. Indirect impacts may also result from excess lighting. Direct and indirect impacts to nesting birds may be significant without mitigation measures. A Mitigation Monitoring and Report Program (MMRP) would be implemented to reduce any indirect impacts to nesting birds to below a level of significance.

Additionally, the Project site is adjacent to the Gonzales Canyon Urban Amenity open space that is within the MHPA is to the north, but does not contain any jurisdictional waters or wetlands. Further, the site is immediately restricted by residential development and Carmel Valley Road to the south, and ultimately restricted by residential development and State Route (SR)-56 to the south. The Project site does not contain a major movement corridor for wildlife species. Thus, development of the Project site would not result in any impacts to biological resources beyond those identified in the original MEIR. Based on the

foregoing analysis and information, the site is physically suitable for the design and siting of the proposed development and the development would result in minimum disturbance to environmentally sensitive lands.

- b. 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.**

Elevations within the Project site range from 272 feet above mean sea level in the northwest corner to 325 feet above mean sea level at the southeast corner. The site was mass-graded in conjunction with the grading and development of PHR Units 17–22 Subarea (PDP No. 4651/SDP No. 4652/VTM No. 4653). In addition, grading for the previously approved map for the PHR Unit 22B site for 76 single-family dwelling unit lots (Map No. 16367) is nearly complete and the area of disturbance would remain unchanged with the addition of the five single-family residential lots. A site-specific drainage study for the current 81-unit residential map was prepared for the Project by Project Design Consultants (March 2020). The drainage report was prepared in support of the new vesting tentative map design of the storm drain improvements for PHR Unit 22B. Based on the analysis, all of the existing drainage facilities will not be adversely impacted by proposed improvements.

A site-specific testing and observational Geotechnical Investigation was prepared by GEOCON (March 2020) to observe the grading that was nearly completed. The report determined that the Project would not result in any new impacts beyond those analyzed in the PHR Subarea Plan MEIR. Compliance with State and City building codes, along with proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would be less than significant. Erosion control measures would be implemented during the construction period, including the installation of fiber rolls and silt fencing. The site would be landscaped in accordance with City requirements, and all storm water requirements would be met. The Project would not result in any new impacts beyond those analyzed in

Brush Management Zones (BMZs) would be implemented with the Project which reduce potential fire hazards. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

- c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The Project site is bordered by existing residential development to the west and east, and the Gonzales Canyon Urban Amenity open space to the north, and Carmel Valley Road to the south. The Project site is adjacent to the Gonzales Canyon Urban Amenity open space that is within the MHPA, but does not contain

any jurisdictional waters or wetlands. Further, the site is immediately restricted by residential development and Carmel Valley Road to the south, and ultimately restricted by residential development and SR-56 to the south. The Project site does not contain a major movement corridor for wildlife species. Thus, development of the Project site would not result in any impacts to biological resources beyond those identified in the original MEIR.

Although the site has been previously graded, there is a potential for the Project to have indirect impacts on nesting bird species in the adjacent Gonzales Canyon urban amenity habitat due to noise levels generated during Project grading. Indirect impacts may also result from excess lighting. Direct and indirect impacts to nesting birds may be significant without mitigation measures. A MMRP would be implemented to reduce any indirect impacts to nesting birds to below a level of significance. Therefore, the proposed development would not have any adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

The Project site is adjacent to the Gonzales Canyon Urban Amenity open space that is within the MHPA is to the north, but does not contain any jurisdictional waters or wetlands. Further, the site is immediately restricted by residential development and Carmel Valley Road to the south, and ultimately restricted by residential development and SR-56 to the south. The Project site does not contain a major movement corridor for wildlife species. Furthermore, the site does not contain any vernal pools and not subject to the Vernal Pool Habitat Conservation Plan (VPHCP).

Although the site has been previously graded, there is a potential for the Project to have indirect impacts on nesting bird species in the adjacent Gonzales Canyon urban amenity habitat due to noise levels generated during Project grading. Indirect impacts may also result from excess lighting. Direct and indirect impacts to nesting birds may be significant without mitigation measures. A MMRP would be implemented to reduce any indirect impacts to nesting birds to below a level of significance. Therefore, the proposed development would be consistent with the City of San Diego's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The 19.67-acre Project site is located at Rancho Santa Fe Farms Road and Carmel Valley Road. The site is located approximately 5.35-miles from the Pacific Ocean, and would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

- f. 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.**

MEIR Findings to MEIR No. 96-7918/SCH No. 97111077 has been prepared for the Project in accordance with California Environmental Quality Act (CEQA) guidelines Section 15177. Based upon a review of the current Project, it has been determined that there are no new significant environmental impacts not considered in the previous MEIR, no new additional mitigation or alternatives are required, and the Project is within the scope of the MEIR. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which would reduce some of the potential impacts to below a level of significance for Biological Resources, Noise, and Paleontological Resources.

B. PLANNED DEVELOPMENT PERMIT [SDMC Section 126.0605]

1. Findings for all Planned Development Permits SDMC Section 126.0605(a):

- a. The proposed development will not adversely affect the applicable land use plan.**

As outlined in Site Development Permit Finding A.1.a. listed above, the Project is consistent with the goals, objectives, and proposals of the PHR Subarea Plan and the General Plan. 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.**

As outlined in Site Development Permit Finding A.1.b. listed above, the permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving compliance with the applicable regulations of the SDMC in effect for this Project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.

- 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.**

As outlined in Site Development Permit Finding A.1.c. listed above, the Project includes deviations for front yard setback and street frontage deviations. The requested deviations have been reviewed as it relates to the proposed design of the

Project, the property configuration, and the surrounding development. The deviations are intended to allow PHR Unit 22B to be consistent with the other subdivision within PHR Units 17-22A pursuant to the previously approved PDP No. 4651/SDP No. 4652. The deviations are minor and will not adversely affect the land use plan, adjacent properties or persons working or living in the area.

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. 2383727 and Site Development Permit No. 2383728 is granted to PARDEE HOMES, a California corporation, Owner and 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 /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc

11/19/2020

Or.Dept: DSD

CC No. N/A

Doc. No.: 2531849

Attachments: Exhibit A: Planned Development Permit No.2383727, Site Development Permit No.2383728, PHR Unit 22B Amendment Project No.655758, Amendment to Planned Development Permit No.4651, and Site Development Permit No. 4652.

**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: 24008498 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT NO. 2383727
SITE DEVELOPMENT PERMIT NO 2383728
PACIFIC HIGHLANDS RANCH (PHR) UNIT 22B AMENDMENT-PROJECT NO.
655758 [MMRP]
AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 4651 AND
SITE DEVELOPMENT PERMIT NO. 4652
CITY COUNCIL**

This Planned Development Permit No. 2383727 and Site Development Permit No. 2383728, an amendment to Planned Development Permit No. 4652 and Site Development Permit No. 4651 is granted by the City Council of the City of San Diego to PARDEE HOMES, a California corporation, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0604 and 126.0505. The 19.67-acre site is located at Rancho Santa Fe Farms Road and Carmel Valley Road (APN 305-021-4500 and APN 305-022-0600) in the AR-1-1 and RS-1-14 Zones of the Pacific Highlands Ranch Community Plan area. The project site is legally described as: Lots 1 through 76 and Lots A through I of Pacific Highlands Ranch Unit 22B, in the City of San Diego, County of San Diego, State of California, according to Map thereof No.16367, filed in the Office of the County Recorder of said County, September 12, 2019.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to amend previously approved single-family dwelling subdivision to increase the lots from 76 to 81 and allocating one (1) additional affordable units off-site, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JAN 12 2021, on file in the Development Services Department.

The project shall include:

- a. Amend the previously approved single-family dwelling subdivision to increase the lots from 76 to 81 and allocating one (1) additional affordable housing units off-site to the Del Mar Highlands Estates (Parcel B of Parcel Map 19205);
- b. Deviations to the SDMC:
 1. Street Frontage- Deviation to SDMC Section 131.0431(b) and Table 131.04D to allow 20-foot street frontage, where 50 feet (or 30 feet on a curving street) is required for Lots 12-16, 45-47, and 57-62;
 2. Front Yard Setback - Deviation to SDMC Section 131.0431(b) and Table 131.04D to allow 10 feet for lots with a side-loaded garage and 18 feet for lots with a front-loaded garage; where the front yard setback is 15 feet (Minimum) and 20 feet (Standard);
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. 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

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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.

11. Planned Development Permit No.4652 and Site Development Permit No. 4651 shall remain in force and effect except where amended by this Permit.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Master Environmental Impact Report No. 96-7918/SCH No. 97111077 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Master Environmental Impact Report No. 96-7918/SCH No. 97111077 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

Noise

Paleontological Resources

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to issuance of the 77th building permit associated with this Project, the Owner/Permittee shall enter into a written agreement (Agreement) with the San Diego Housing Commission with respect to the Affordable Housing Project. The Agreement shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, recorded against the Affordable Housing Project and secured by a deed of trust, which will incorporate applicable affordability conditions consistent with the Pacific Highlands Ranch Subarea Plan. The Agreement will specify the occupancy and affordability restrictions applicable to the Affordable Housing Project, including the one (1) affordable unit. The affordable units will be either rental or for-sale properties occupied by families earning no more than sixty-five percent (65%) of the Area Median Income. If rental properties, the rental rates will not exceed 30% of

60% of Area Median Income for no fewer than 55 years from the date of issuance of a certificate of occupancy. If for-sale properties, the sales prices will not exceed affordable housing costs of 60% of Area Median Income.

The timing of the construction and occupancy of the Affordable Housing Project, acceptable to the San Diego Housing Commission, shall be included in the Agreement, provided that such timing shall comply with the following:

- a. Issuance of building permits for the Affordable Housing Project, the Del Mar Highlands Estates transfer site, shall occur on or before the issuance of the 77th dwelling unit building permit on Pacific Highlands Ranch Unit 22B.
- b. Completion of construction of the Affordable Housing Project, the Del Mar Highlands Estates transfer site, shall occur eighteen (18) months after the issuance of building permits for the Affordable Housing Project.
- c. Occupancy of the Affordable Housing Project, the Del Mar Highlands Estates transfer site, shall occur not later than one hundred eighty (180) days after the completion of construction of the Affordable Housing Project.
- d. For a good cause shown to the satisfaction of the President and CEO of the San Diego Housing Commission, or her/his designee, the thresholds and dates referenced herein may be adjusted and/or extended one or more times. Good cause shall include, but not be limited to, Acts of God, labor strikes, war, riots, etc., as shall be determined by the President and CEO of the San Diego Housing Commission, or her/his designee, in her/his sole discretion.

GEOLOGY REQUIREMENTS:

16. Prior to the issuance of any construction permit (either grading or building), the Owner/Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" 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.

17. 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.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any building permit, the Owner/Permittee shall comply with the previously approved public improvements and grading permit pursuant to Drawing No. 41046-D (Project No. 619932), satisfactory to the City Engineer.

19. Prior to the issuance of any building permit, the Owner/Permittee shall amend the existing Water Quality Technical Report (WQTR) for the development tied to Project No. 619932, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any grading permit, 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, Storm Water Design Manual, 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 Development Services Department.

21. Prior to issuance of any public improvement permit, 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.

22. Prior to issuance of any building permit (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 Exhibit "A," Landscape Development Plan, on file in 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 SDMC §142.0403(b)(5).

23. 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 another entity approved by the Development Services Department. 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.

24. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) 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 calendar days of damage or Final Inspection.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

25. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," on file in the Development Services Department.

26. The Brush Management Program shall be based on a Zone One of 30-feet in width and Zone Two of 40-feet in width as established under prior development permit PTS #2692, exercising the Alternative Compliance measures set forth under sections 142.0412(i), and 142.0412(j) of the Land Development Code for Unit 22B as follows:

Lots 59 - 73, and Lot A:
Zone One: 30 Feet
Zone Two: 40 Feet

Lots 60-68, 72, and 73:
Zone One: 30 Feet
Zone Two: 40 Feet
Alternative Compliance: DUAL-GLAZED, DUAL-TEMPERED PANES

Upgraded openings shall be dual-glazed, dual-tempered panes, brush side of the structure plus a 10-foot perpendicular return along adjacent wall faces.

27. Prior to issuance of any grading permit, 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."

28. Prior to issuance of any Building Permit, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A," on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

29. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

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

PLANNING/DESIGN REQUIREMENTS:

31. 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.
32. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
33. 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:

34. 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.
35. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of City standard curb, gutter and non-contiguous sidewalk, adjacent to the site along Golden Cypress Place and Rancho Santa Fe Farms Road, satisfactory to the City Engineer.
36. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two 30-foot wide driveways in the locations shown on Exhibit "A," satisfactory to the City Engineer
37. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a 30-foot wide driveway for emergency access only along Rancho Santa Fe Farms Road in the location shown on Exhibit "A," satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

38. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
39. 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. BFPDs shall be

located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

40. All proposed private water and sewer facilities 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.

41. 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.

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
JAN 12 2021 and pursuant to Resolution Number
R-313408

Permit Type/PTS Approval No.: Planned Development Permit No. 2383727
and Site Development Permit No 2383728

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
Development Project Manager
Development Services Department

**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.**

PARDEE HOMES
a California corporation
Owner/Permittee

By _____

Name:
Title:

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

R-313408

Passed by the Council of The City of San Diego on JAN 12 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 12 2021.

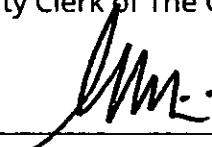
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313408