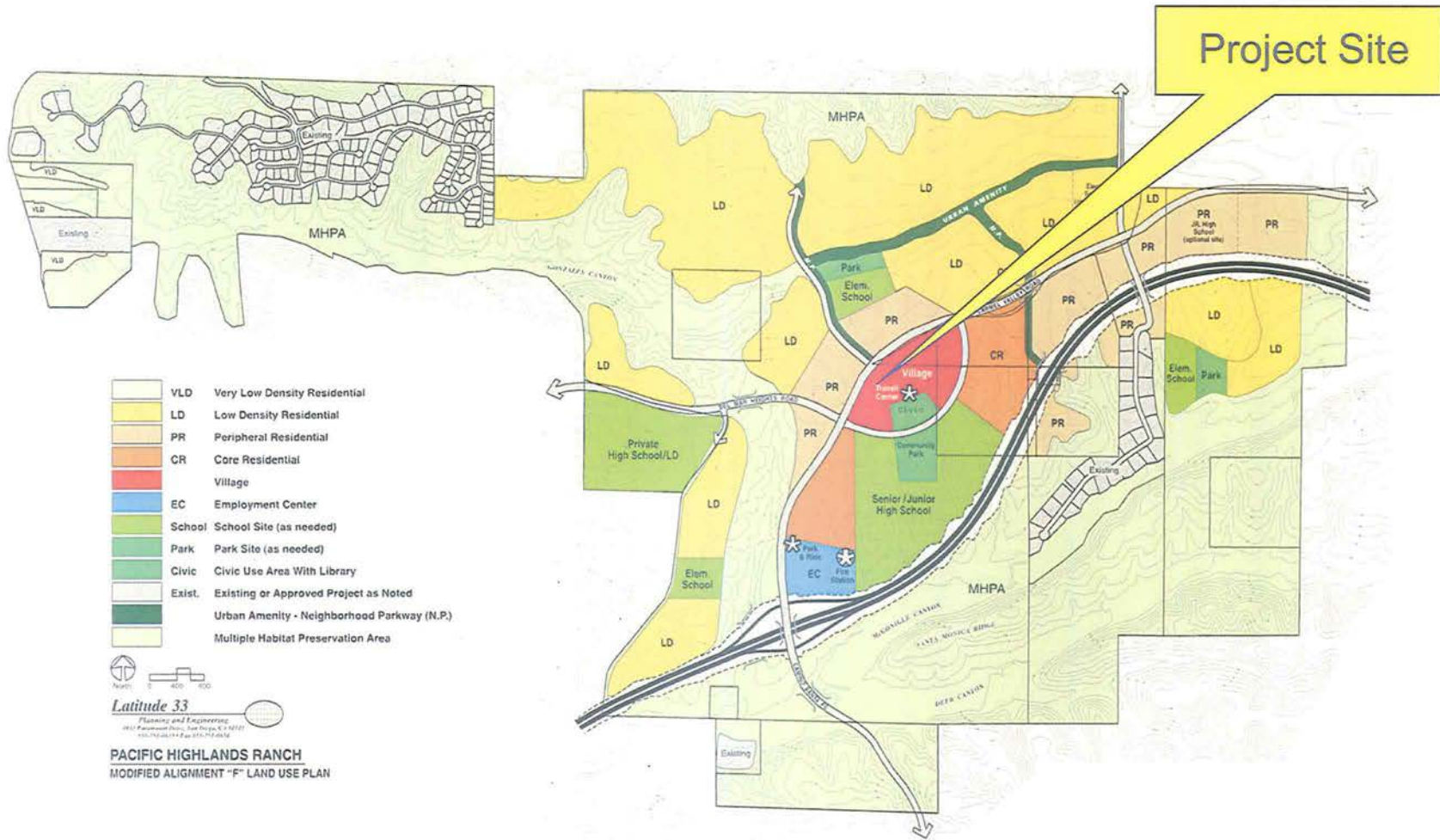




Aerial Photo

THE VILLAGE AT PACIFIC HIGHLANDS RANCH
PROJECT NO. 317590

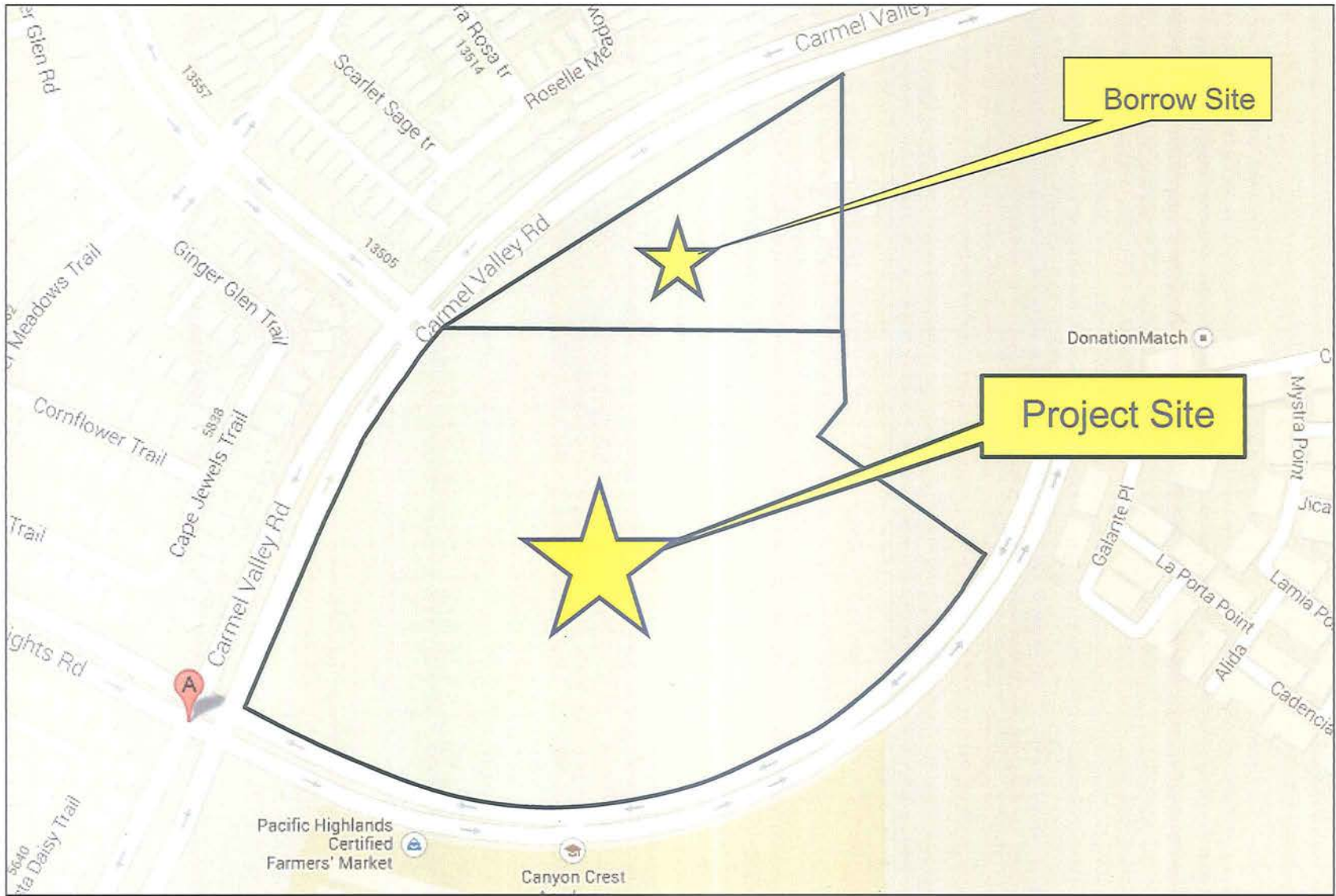




Land Use Map

THE VILLAGE AT PACIFIC HIGHLANDS RANCH
PROJECT NO. 317590





Project Location Map

THE VILLAGE AT PACIFIC HIGHLANDS RANCH
PROJECT NO. 317590



PLANNING COMMISSION RESOLUTION NO. XXXX-PC
PLANNED DEVELOPMENT PERMIT NO. 1113595
SITE DEVELOPMENT PERMIT NO. 1113598
THE VILLAGE AT PACIFIC HIGHLANDS RANCH
PROJECT NO. 317590 [MMRP]

WHEREAS, PHR Village, LLC, a California Limited Liability Company, by Coast PHR Village, LLC, a California Limited Liability Company, its manager, by Coast Income Properties, Inc., a California Corporation, its manager, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a total of 331 residential units, 79 affordable housing units and 252 market rate housing units; 195,000 square feet commercial space, a library site and a civic use area (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 1113595 and Site Development Permit No. 1113598, on portions of a 27.88 acre site;

WHEREAS, the project site is located at the northeast corner of Carmel Valley Road and Del Mar Heights Road in the CC-1-3 Zone within the Urban Village Overlay Zone and the Pacific Highlands Ranch Community Planning Area;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 20936, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, December 21, 2011, as File No. 2011-0622067 of Official Records;

WHEREAS, on January 26, 2010, the City Council of the City of San Diego approved Planned Development Permit No. 12852, Site Development Permit No. 433515 and Conditional Use Permit No. 628324 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 12, 2013, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1113595 and Site Development Permit No. 1113598, amending the prior entitlements, pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated December 12, 2013.

FINDINGS:

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

The proposed development is located within the area covered in the Pacific Highlands Ranch Subarea Plan, 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 multi-use urban village with 252 market rate

residential condominiums and 79 affordable residential units, 195,000 square feet of commercial space, a library and a civic use area. The residential component of this proposed development provides a portion of the housing needs within the community with 331 multi-family units concentrated in the heart of the “Village” within the Town Center area identified in the Pacific Highlands Ranch Subarea Plan. These high density units are the residential core of the community, and combined with the commercial, retail, office, and civic uses, form a mixed-use and pedestrian-oriented development located along the regional transit system. The proposed development utilizes design components that facilitate pedestrian orientation, such as a modified grid system, bulb-out sidewalks at intersections, diagonal and parallel street-side parking, a pedestrian village green and a town square gathering space. Therefore, the proposed development will not adversely affect the applicable land use plans.

2. 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 Pacific Highlands Ranch Subarea Plan 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. The proposed development will construct necessary sewer and water facilities to serve the residents and 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 Associate 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’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.

3. 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 regulations of the Land Development Code. Conditions of approval require compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 1113598, Planned Development Permit No. 1113595 and Vesting Tentative Map No. 1113594. The project proposes a total of seven (7) deviations from the Land Development Code. These deviations

provide for a project that meets the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required ground floor restriction. Building AH2 on Lot No. 16, Building AH1 on Lot No. 20, Building MR1 on Lots Nos. 21 and 23, and Building MR2 on Lots Nos. 27 and 29 will have residential uses on the ground floor when the zone prohibits residential uses in the front half of the lot on the ground floor. The purpose and intent of the Pacific Highlands Ranch Subarea Plan is to have a mixed-use, pedestrian friendly and higher density within the village area as a focal point within the community. The proposed development complies with this intent, by placing residential and commercial uses near to each other, and in some cases directly abutting each other. The proposed development functions as a whole as a mixed use development with a horizontal mixing of uses rather than vertical. The community is pedestrian oriented with commercial uses and outdoor public spaces within an easy walk as proposed within this development.

A deviation is being requested for the maximum building height of the proposed structures. The maximum height proposed within the project is 75 feet, where 45 feet is required. Building AH2 on Lot No. 16, Buildings M3 and R7 on Lot No. 17, Buildings R5, R6 and C1 on Lot No. 19, Building AH1 on Lot No. 20, Building MR1 on Lot Nos. 21 and 23, and Building MR2 on Lot Nos. 27 and 29 have proposed heights that vary between 48 feet and 75 feet. The proposed clock towers are proposed at 75 feet, proposed residential buildings at 60 feet and commercial/office buildings ranging in height from 48 feet to 58 feet maximum. The Commercial Retail/Service and Residential buildings comprise the core of the density component within the proposed development, which is the focal point within the community and complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development. In order to incorporate the amount and variety of residential dwelling units called for in the Pacific Highlands Ranch Subarea Plan and to include the required amount of Affordable Housing units, the building height deviation is being requested.

A deviation is being requested for the required side setback and rear setback. Lots Nos. 4, 7, 8, 9, 12, 15, 17, 19, and 21 have proposed side setbacks that vary between 4.2 feet to 9.3 feet, where 10 feet is required, or building at the property line; Lots Nos. 4, 7, 8, 9, 12, 15, 17, 19, and 21 have proposed rear setbacks that vary between 2.9 feet to 5 feet where 10 feet is required, or building at the property line. The proposed development functions acts as a single project. Lot lines have been drawn primarily for financing purposes and should not be viewed as discontinuous. This deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required lot width. Lot Nos. 1, 4, 10, 11 and 12 have proposed lot widths ranging from 55 feet to 95 feet, where 100 foot lot width is required. The proposed development functions as a single project. This deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required building articulation. Lot Nos. 2, 3, 4, 7, 8, 9, 12, 15, 16, 17, 19, 20, 21, 23, 27, and 29 have buildings with facades that do not conform to the mathematical standards for building articulation. The proposed buildings within this development

are configured in the Early California style and comply with the Design Guidelines stated in the Pacific Highlands Ranch Subarea Plan.

A deviation is being requested for the required garage setback. Building AH2 on Lot No. 16, Building MR1 on Lot Nos. 21 and 23, Building MR2 on Lot Nos. 27 and 29 and Building AH1 on Lot No. 20, propose a 0 foot setback from the building façade, where a 5 foot setback is required. The proposed parking entries for Building AH1 on Lot No. 20 and Building AH2 on Lot No. 16 are designed to be located directly underneath the residential habitable area. The proposed parking entries for Building MR1 on Lot Nos. 21 and 23, Building MR2 on Lot Nos. 27 and 29 open up to the main portion of the proposed parking areas on Lot No. 22 and Lot No. 28 respectively at distances greater than the required 5 foot minimum. This deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required ground floor habitable area. Building AH1 on Lot No. 20 and Building AH2 on Lot No. 16, propose less than 50 percent of the ground floor as habitable area, where 50 percent of the buildings are required to have ground floor habitable area. Proposed parking for Building AH1 on Lot No. 20 and Building AH2 on Lot No. 16 are designed entirely on the ground floor. Habitable area comprises all upper stories of the buildings. Due to the layout and design of the proposed development, and with allowing for open space, this deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits:

1. The proposed development will not adversely affect the applicable land use plan;

The proposed development is located within the area covered in the Pacific Highlands Ranch Subarea Plan, 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 multi-use urban village with 252 market rate residential condominiums and 79 affordable residential units, 195,000 square feet of commercial space, a library and a civic use area. The residential component of this proposed development provides a portion of the housing needs within the community with 331 multi-family units concentrated in the heart of the "Village" within the Town Center area identified in the Pacific Highlands Ranch Subarea Plan. These high density units are the residential core of the community, and combined with the commercial, retail, office, and civic uses, form a mixed-use and pedestrian-oriented development located along the regional transit system. The proposed development utilizes design components that facilitate pedestrian orientation, such as a modified grid system, bulb-out sidewalks at intersections, diagonal and parallel street-side parking, a pedestrian village green and a town square gathering space. Therefore, the proposed development will not adversely affect the applicable land use plans.

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

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 Pacific Highlands Ranch Subarea Plan 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. The proposed development will construct necessary sewer and water facilities to serve the residents and 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 Associate 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'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 proposed development that will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed development complies with the relevant regulations of the Land Development Code. Conditions of approval require compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 1113598, Planned Development Permit No. 1113595 and Vesting Tentative Map No. 1113594. The project proposes a total of seven (7) deviations from the Land Development Code. These deviations provide for a project that meets the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required ground floor restriction. Building AH2 on Lot No. 16, Building AH1 on Lot No. 20, Building MR1 on Lots Nos. 21 and 23, and Building MR2 on Lots Nos. 27 and 29 will have residential uses on the ground floor when the zone prohibits residential uses in the front half of the lot on the ground floor. The purpose and intent of the Pacific Highlands Ranch Subarea Plan is to have a mixed-use, pedestrian friendly and higher density within the village area as a focal point within the community. The proposed development complies with this intent, by placing residential and commercial uses near to each other, and in some cases directly abutting each other. The proposed development functions as a whole as a mixed use development with a horizontal mixing of uses rather than vertical. The community is pedestrian oriented with commercial uses and outdoor public spaces within an easy walk as proposed within this development.

A deviation is being requested for the maximum building height of the proposed structures. The maximum height proposed within the project is 75 feet, where 45 feet is required. Building AH2 on Lot No. 16, Buildings M3 and R7 on Lot No. 17, Buildings R5, R6 and C1 on Lot No. 19,

Building AH1 on Lot No. 20, Building MR1 on Lot Nos. 21 and 23, and Building MR2 on Lot Nos. 27 and 29 have proposed heights that vary between 48 feet and 75 feet. The proposed clock towers are proposed at 75 feet, proposed residential buildings at 60 feet and commercial/office buildings ranging in height from 48 feet to 58 feet maximum. The Commercial Retail/Service and Residential buildings comprise the core of the density component within the proposed development, which is the focal point within the community and complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development. In order to incorporate the amount and variety of residential dwelling units called for in the Pacific Highlands Ranch Subarea Plan and to include the required amount of Affordable Housing units, the building height deviation is being requested.

A deviation is being requested for the required side setback and rear setback. Lots Nos. 4, 7, 8, 9, 12, 15, 17, 19, and 21 have proposed side setbacks that vary between 4.2 feet to 9.3 feet, where 10 feet is required, or building at the property line; Lots Nos. 4, 7, 8, 9, 12, 15, 17, 19, and 21 have proposed rear setbacks that vary between 2.9 feet to 5 feet where 10 feet is required, or building at the property line. The proposed development functions acts as a single project. Lot lines have been drawn primarily for financing purposes and should not be viewed as discontinuous. This deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required lot width. Lot Nos. 1, 4, 10, 11 and 12 have proposed lot widths ranging from 55 feet to 95 feet, where 100 foot lot width is required. The proposed development functions as a single project. This deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required building articulation. Lot Nos. 2, 3, 4, 7, 8, 9, 12, 15, 16, 17, 19, 20, 21, 23, 27, and 29 have buildings with facades that do not conform to the mathematical standards for building articulation. The proposed buildings within this development are configured in the Early California style and comply with the Design Guidelines stated in the Pacific Highlands Ranch Subarea Plan.

A deviation is being requested for the required garage setback. Building AH2 on Lot No. 16, Building MR1 on Lot Nos. 21 and 23, Building MR2 on Lot Nos. 27 and 29 and Building AH1 on Lot No. 20, propose a 0 foot setback from the building façade, where a 5 foot setback is required. The proposed parking entries for Building AH1 on Lot No. 20 and Building AH2 on Lot No. 16 are designed to be located directly underneath the residential habitable area. The proposed parking entries for Building MR1 on Lot Nos. 21 and 23, Building MR2 on Lot Nos. 27 and 29 open up to the main portion of the proposed parking areas on Lot No. 22 and Lot No. 28 respectively at distances greater than the required 5 foot minimum. This deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

A deviation is being requested for the required ground floor habitable area. Building AH1 on Lot No. 20 and Building AH2 on Lot No. 16, propose less than 50 percent of the ground floor as habitable area, where 50 percent of the buildings are required to have ground floor habitable area. Proposed parking for Building AH1 on Lot No. 20 and Building AH2 on Lot No. 16 are designed

entirely on the ground floor. Habitable area comprises all upper stories of the buildings. Due to the layout and design of the proposed development, and with allowing for open space, this deviation request complies with the purpose and intent of the Pacific Highlands Ranch Subarea Plan to create a high density, mixed-use, pedestrian friendly development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1113595 and Site Development Permit No. 1113598 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 1113595 and Site Development Permit No. 1113598, a copy of which is attached hereto and made a part hereof.

Laura C. Black, AICP
Development Project Manager
Development Services Department

Adopted on: December 12, 2013

Job Order No. 24003650

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003650

PLANNED DEVELOPMENT PERMIT NO. 1113595
SITE DEVELOPMENT PERMIT NO. 1113598
THE VILLAGE AT PACIFIC HIGHLANDS RANCH, PROJECT NO. 317590 MMRP
AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 12852
SITE DEVELOPMENT PERMIT NO. 433515
CONDITIONAL USE PERMIT NO. 628324
PLANNING COMMISSION

This Planned Development Permit No. 1113595 and Site Development Permit No. 1113598, Amendment to Planned Development Permit No. 12852, Site Development Permit No. 433515 and Conditional Use Permit No. 628324, is granted by the Planning Commission of the City of San Diego to PHR Village, LLC, a California Limited Liability Company, by Coast PHR Village, LLC, a California Limited Liability Company, its manager, by Coast Income Properties, Inc., a California Corporation, its manager, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0604 and 126.0504. The 27.88-acre site is located at the northeast corner of Carmel Valley Road and Del Mar Heights Road in the CC-1-3 Zone within the Urban Village Overlay Zone and the Pacific Highlands Ranch Community Planning Area. The project site is legally described as: Parcel 1 of Parcel Map No. 20936, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, December 21, 2011, as File No. 2011-0622067 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a phased development to include a total of up to 331 residential units, up to 79 affordable housing units and up to 252 market rate housing units; 195,000 square feet commercial space, a library site and a civic use area, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 12, 2013, on file in the Development Services Department.

The project shall include:

- a. Construction of 195,000 square feet of commercial space;
- b. Construction of up to 331 residential dwelling units, (up to 252 market rate and up to 79 affordable units), totaling 504,730 square feet;
- c. Construction of a public library site on Lots 26 and 30, totaling 3 acres – Lot 26 to be improved at same time as the civic use area;
- d. Construction of a civic use area within a portion of Lots 18, 23, 27 and Lots 24 and 25, totaling 2 acres;
- e. Density transfer of up to 57 units from The Elms & Ivy Project (Project No. 296644; APN No. 305-021-2400);
- f. Density transfer of up to 55 units from the Rancho Milagro (Project No. 332547; APN No. 305-021-2900) - for a total density transfer of up to 112 residential units to the project site;
- g. A deviation to allow residential uses on the ground floor. Building AH2 on Lot No. 16, Building AH1 on Lot No. 20, Building MR1 on Lots Nos. 21 and 23, and Building MR2 on Lots Nos. 27 and 29 will have residential uses on the ground floor where the zone prohibits residential uses in the front half of the lot on the ground floor.
- h. A deviation from the maximum allowable building height. The maximum height proposed is 75 feet, where 45 feet is required. Building AH2 on Lot No. 16, Buildings M3 and R7 on Lot No. 17, Buildings R5, R6 and C1 in Lot No. 19, Building AH1 on Lot No. 20, Building MR1 on Lot Nos. 21 and 23, Building MR2 on Lot Nos. 27 and 29 have proposed heights that vary between 48 feet and 75 feet. The proposed clock towers are proposed at 75 feet, residential buildings at 60 feet and commercial/office buildings ranging in height from 48 feet to 58 feet maximum.
- i. A deviation from the minimum side and rear setback requirements. Lots Nos. 4, 7, 8, 9, 12, 15, 17, 19, and 21 have proposed side setbacks that vary between 4.2 feet to 9.3 feet, where a minimum of 10 feet is required, or building at the property line; Lots Nos. 4, 7, 8, 9, 12, 15, 17, 19, and 21 have proposed rear setbacks that vary between 2.9 feet to 5 feet where 10 feet is required, or building at the property line.
- j. A deviation from the minimum required lot width. Lot Nos. 1, 4, 10, 11 and 12 have proposed lot widths ranging from 55 feet to 95 feet maximum, where 100 feet is required.
- k. A deviation from building articulation requirements. Lot Nos. 2, 3, 4, 7, 8, 9, 12, 15, 16, 17, 19, 20, 21, 23, 27, and 29 have buildings with facades that do not conform to the mathematical standards for building articulation.

- l. A deviation for garage setback requirements. Building AH2 on Lot No. 16, Building MR1 on Lot Nos. 21 and 23, Building MR2 on Lot Nos. 27 and 29 and Building AH1 on Lot No. 20, propose a 0 foot setback from the building façade, where a 5 foot setback is required.
- m. A deviation for ground floor habitable area. Building AH1 on Lot No. 20 and Building AH2 on Lot No. 16, propose less than 50 percent of the ground floor as habitable area.
- n. Landscaping (planting, irrigation and landscape related improvements);
- o. Off-street parking; and
- p. 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 December 12, 2016.
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. This Permit may be developed in phases. Each phase shall be constructed prior to sale to individual owners or occupancy under lease to individual tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A." All phases of the development shall demonstrate conformance with the Pacific Highlands Ranch Transportation and Facility Phasing Plan satisfactory to the City Engineer.

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 Findings to Master Environmental Impact Report (MEIR), Project No. 317590, 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 Findings to Master Environmental Impact Report (MEIR), Project No. 317590, 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:

Paleontological Resources

AFFORDABLE HOUSING REQUIREMENTS:

15. The Owner/Permittee shall comply with the affordable housing requirements of the Pacific Highlands Ranch Subarea Plan for Affordable Housing, which requires that the project provide twenty percent (20%) of the pre-density bonus units as affordable ("Affordable Housing Requirements"). The Owner/Permittee is authorized to construct the market-rate residential units in (2) phases. One market-rate residential phase will include approximately 143 dwelling units ("Market-Rate Phase 1") and the other market-rate residential phase will include approximately 109 dwelling units ("Market-Rate Phase 2"), but not to exceed 252 total market-rate residential units. Nothing contained herein shall require Market-Rate Phase 1 to be constructed prior to Market-Rate Phase 2. In the event the total number of market-rate residential units constructed at the property is decreased, then the number of required affordable units shall be decreased, provided that the total number of affordable units shall not be less than twenty percent (20%) of the pre-density bonus market-rate units. Prior to issuance of the first residential building permit, the Owner/Permittee shall comply with the requirements of this Section.

(a) Owner/Permittee shall assure the construction and occupancy of two (2) on-site affordable housing projects (“Affordable Housing Projects”) totaling a minimum of fifty (50) affordable housing units. Two (2) of those fifty (50) affordable housing units shall satisfy the Affordable Housing Requirements for the ten (10) market rate units being constructed on the Owner/Permittee’s Rancho Milagro, Project No. 332547, which two (2) affordable units shall be included in the first of the two (2) Affordable Housing projects that is constructed.

Owner/Permittee is authorized to construct an additional twenty-nine (29) affordable housing units within the Affordable Housing projects and as otherwise authorized in the Affordable Housing Agreement. Owner/Permittee shall execute a Master Affordable Housing Agreement (“Affordable Housing Agreement”), subject to the approval of the President and CEO of the San Diego Housing Commission, or his designee, addressing the following issues:

(1) Performance security for the construction of the Affordable Housing Projects and dedication of land on-site for construction of the Affordable Housing Projects, in the form of bond(s), letter(s) of credit, lien(s) and/or other forms of security acceptable to the President and CEO of the San Diego Housing Commission, or his designee;

(2) Approval of the timing of the construction and occupancy of the Affordable Housing Projects, acceptable to the President and CEO of the San Diego Housing Commission, or his designee, shall be included in the Affordable Housing Agreement, provided that the following timetable shall be incorporated into the Affordable Housing Agreement:

(A) The Affordable Housing project that is being constructed to satisfy the Affordable Housing Requirements attributable to Market-Rate Phase 1 (“Affordable Phase 1”) shall include: (i) twenty-eight (28) affordable units to satisfy the Owner/Permittee’s affordable housing obligation for the 143 market rate dwelling units being constructed in Market-Rate Phase 1 (provided, however, if the number of market rate dwelling units being constructed in Market-Rate Phase 1 is more or less than 143 units, then the number of affordable units required to be constructed as set forth in this clause (i) shall be increased or decreased proportionately to the increase or decrease in the number of market rate units); plus (ii) if, and only if, Affordable Phase 1 is the first of the Affordable Housing projects to be constructed, two (2) affordable units to satisfy the Affordable Housing Requirements for the ten (10) market rate units being constructed on the Owner/Permittee’s Rancho Milagro, Project No. 332547.

(i) Issuance of building permits for Affordable Phase 1 shall occur on or before the date which is eighteen (18) months after issuance of the residential building permit for Market-Rate Phase 1.

(ii) Completion of construction of Affordable Phase 1 shall occur upon the earlier of: (i) eighteen (18) months after the issuance of building permits for Affordable Phase 1; or (ii) the date which is three (3) years after issuance of the residential building permit for Market-Rate Phase 1.

(iv) Occupancy of Affordable Phase 1 shall occur not later than one hundred eighty (180) days after the completion of construction of Affordable Phase 1.

(B) The Affordable Housing project that is being constructed to satisfy the Affordable Housing Requirements attributable to Market-Rate Phase 2 (“Affordable Phase 2”) shall include: (i) twenty (20) affordable units to satisfy the Owner/Permittee’s affordable housing obligation for the approximately 109 market rate dwelling units being constructed in Market-Rate Phase 2 (provided, however, if the number of market rate dwelling units being constructed in Market-Rate Phase 2 is more or less than 109 units, then the number of affordable units required to be constructed as set forth in this clause (i) shall be increased or decreased proportionately to the increase or decrease in the number of market rate units);; plus (ii) if, and only if, Affordable Phase 2 is the first of the Affordable Housing projects to be constructed, two (2) affordable units to satisfy the Affordable Housing Requirements for the ten (10) market rate units being constructed on the Owner/Permittee’s Rancho Milagro, Project No. 332547.

(i) Issuance of building permits for Affordable Phase 2 shall occur on or before the date which is eighteen (18) months after issuance of the residential building permit for Market-Rate Phase 2.

(ii) Completion of construction of Affordable Phase 2 shall occur upon the earlier of: (i) eighteen (18) months after the issuance of building permits for Affordable Phase 2; or (ii) the date which is three (3) years after issuance of the building permit for Market-Rate Phase 2.

(iv) Occupancy of Affordable Phase 2 shall occur not later than one hundred eighty (180) days after the completion of construction of Affordable Phase 2.

(3) For “good cause” shown to the satisfaction of the President and CEO of the San Diego Housing Commission, or 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 his designee, in his/her sole discretion.

(b) Owner/Permittee shall execute and record a declaration of covenants, conditions and restrictions (“Declaration”) in first priority position against each of the two (2) Affordable Housing projects, restricting the occupancy and affordability of the same for a period of fifty-five (55) years from the date of issuance of a certificate of occupancy. During the first thirty (30) year period the rental rates for all affordable units shall not exceed those rents that are affordable to families earning sixty (60%) percent of the area median income for the San Diego-Carlsbad-San Marcos Metropolitan Statistical Area as promulgated by the U.S. Department of Housing and Urban Development (“HUD”), adjusted for family size in accordance with the San Diego Housing Commission’s policies and procedures. During the last twenty-five (25) years of affordability, all Affordable Units, shall be rented at rates that do not exceed rents that are affordable to families earning sixty-five percent (65%) of the area median income for the San Diego-Carlsbad-San Marcos Metropolitan Statistical Area as promulgated by HUD, and adjusted for assumed family size and utilities in accordance with the San Diego Housing Commission’s policies and procedures.

(c) Owner/Permittee shall execute and record a deed of trust against each of the two (2) Affordable Housing Projects, in second lien priority (junior only to the Declarations), assuring the timely performance of the Declarations and the Affordable Housing Agreement. The deed(s) of trust in favor of the San Diego Housing Commission may be subordinated to construction deed(s) of trust and/or permanent financing deed(s) of trust in favor of institutional lenders, as approved by the President and CEO of the San Diego Housing Commission, or his designee, in her/his sole discretion, if deemed essential to construction and/or operation of the Affordable Housing projects and upon such terms and conditions as she/he may impose.

(d) Owner/Permittee shall enter into and execute such other and further documents as the President and CEO of the San Diego Housing Commission, or his designee, shall require, from time to time, as may be needed to effectuate the Affordable Housing Requirements.

ENGINEERING REQUIREMENTS:

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

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

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

19. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

20. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.
22. Planned Development Permit (PDP) No. 1113595 and Site Development Permit (SDP) No. 1113598 shall comply with the conditions of Vesting Tentative Map No.1113594.
23. The easterly and westerly driveways and curb openings at Village Center Loop Road shall comply with City Standard Drawings SDG- 159, 163 and 164 satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for private storm drain connections to public storm drain systems satisfactory to the City Engineer.
25. The drainage systems proposed for this development that are private shall be privately maintained and are subject to approval by the City Engineer.

LANDSCAPE REQUIREMENTS:

26. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards, the San Diego Low Impact Development 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 Office of the Development Services Department.
27. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft 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.
28. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall provide a 40 square foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).
29. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' 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 Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections as identified within each Phase of the development.
31. 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.
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.
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, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

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. The project shall include up to 331 residential dwelling units consisting of up to 252 market rate units and up to 79 affordable units. The 331 residential dwelling units shall include a density transfer of up to 57 units from The Elms & Ivy Project, Project No. 296644 and up to 55 units from the Rancho Milagro, Project No. 332547, for a total density transfer of up to 112 residential units to the project site. The density transfer(s) shall be documented by recorded Deed on each property and shall be confirmed by each project's recorded Planned Development Permit (PDP).
36. Construction of the civic use area indicated on "Exhibit A" within Lots 24-26 shall occur prior to issuance of the Certificate of Occupancy permit for the last residential building, located on lots 21, 23, 27, and/or 29. In the event that on the 10 year anniversary date of project approval (December 12, 2013), the construction of the civic use area is not underway and the residential buildings have not been constructed on Lots 21, 23, 27 and/or 29, it shall be the responsibility of the owner(s) of Lots 1-15 and Lots 17-19, 31 to construct the 1.5 acre civic use area on Lots 24-26, as shown on "Exhibit A".
37. All signs associated with this development shall be consistent with City-wide sign regulations.

38. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

39. 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.

40. This Planned Development Permit and Site Development Permit shall supersede all previous entitlements granted to this site.

TRANSPORTATION REQUIREMENTS:

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

42. Prior to issuance of the first building permit, the Owner/Permittee shall record a shared parking agreement in favor of all parcels within the project site, to the satisfaction of the City Engineer.

43. Prior to issuance of the first building permit, the Owner/Permittee shall record a mutual access agreement between all parcels that are a part of the project site and APN 305-190-10, satisfactory to the City Engineer.

44. Prior to issuance of the first building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Pacific Highlands Ranch Parkway within the project as a modified 4-lane Urban Collector Street with 84 feet of pavement curb to curb with a 10-14 foot raised median in 114 foot right-of-way including 15 foot parkways with noncontiguous sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

45. Prior to issuance of the first building permit in Phase One, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Village Way (Phase One) within the project as a 2-lane Urban Collector Street with 69 feet of pavement curb to curb with a 12 foot two-way left turn lane in 99 foot right-of-way including 15 foot parkways with noncontiguous sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

46. Prior to issuance of the first building permit in Phase Two, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Village Way (Phase Two) within the project as a 2-lane Urban Collector Street with 69 feet of pavement curb to curb with a 12 foot two-way left turn lane in 99 foot right-of-way including 15 foot parkways with noncontiguous sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

47. Prior to issuance of the first building permit, the Owner/Permittee shall dedicate and shall assure by permit and bond the construction of Highlands Place within the project as a 2-lane Urban Collector Street with 69 feet of pavement curb to curb with a 10 foot two-way left turn lane in 99 foot right-of-way including 15 foot parkways with noncontiguous sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

48. Prior to issuance of the first building permit on any of Lots 16, 27, 28, or 29 in Phase Three, the Owner/Permittee shall assure by permit and bond the construction of Pacific Place within the project as a Private Driveway with 26 feet to 51.5 feet of pavement curb to curb to accommodate diagonal parking on north side in 56 foot to 81.5 foot right-of-way including 15 foot parkways with noncontiguous sidewalks, curb and gutter, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

49. Prior to issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the modification of traffic signal and the improvement of the intersection of Highlands Place and Village Center Loop Road with an eastbound left, thru, thru/right, westbound left, thru, thru/right, northbound left/thru and right and southbound left/thru, right turning lanes, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

50. Prior to issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the modification of traffic signal and the improvement of the intersection of Pacific Highlands Ranch Parkway and Carmel Valley Road with northbound left, left/thru, thru/right and bike lane; southbound left/thru/right, right, eastbound dual left, thru and thru/right and westbound dual left, thru and thru/right turning lanes, satisfactory to the City Engineer. These improvements shall be completed and accepted by the City Engineer prior to the issuance of any occupancy permit.

51. Prior to build out of the project, the Owner/Permittee shall provide 1,506 off street automobile parking spaces including 30 accessible, 4 van, 75 designated parking spaces for carpool vehicles and zero emissions vehicles, 52 motorcycle, and 165 bicycle parking spaces plus 47 short term bicycle parking stalls and 47 long term bicycle parking spaces with two showers and 7 loading spaces shall be permanently maintained on the property. In the event the non-residential uses (retail, restaurant, office) are modified and/or dwelling unit or bedroom count increased or decreased from the project's approved Exhibit A, the Owner/Permittee shall provide existing and proposed parking counts demonstrating compliance with the City's Municipal Code Parking Requirements prior to building permit issuance. All parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

52. The Owner/Permittee shall not install any gates restricting automobile access on the entry level of the parking structures to the satisfaction of the City Engineer.

53. The project is approved for a total of 195,000 square feet of non-residential development (retail, restaurant, and office). Phase Three of the Transportation Phasing Plan for the Pacific Highlands Ranch Community limits 150,000 square feet of non-residential development.

54. Any undeveloped lots within the development can be designed and utilized as temporary parking in order to ensure the non-residential uses (retail, restaurant, and office) located on Lots 1-15 and 17-19, and 31 comply with current parking regulations within the City of San Diego Municipal Code. This temporary parking allowance will remain until the proposed parking structures on Lots 22 and 28 are completed and operational.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

55. The Vesting Tentative Map No. 1113594 shall comply with all conditions of the Planned Development Permit No. 1113595 and Site Development Permit No. 1113598.

56. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond the design and construction of all public water and sewer facilities and associated easements, as shown on the approved Exhibit "A", in a manner satisfactory to the Director of Public Utilities and the City Engineer.

57. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.

58. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of Public Utilities and the City Engineer. All irrigation systems must be designed to utilize reclaimed water.

59. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service outside of any driveway, and the disconnection of the existing unused water and sewer service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

60. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. Back flow prevention device(s) shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

61. No trees shall be installed within ten feet of any water facilities or in any water easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public water main.

62. The Owner/Permittee shall process Encroachment Maintenance and Removal Agreements, for all acceptable encroachments into the water and sewer easement, including but not limited to structures, enhanced paving, or landscaping.

63. No approved improvements or landscaping, including private water and sewer facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

64. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

65. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on December 12, 2013 and Resolution No. XXXX-PC.

Planned Development Permit No. 1113595
Site Development Permit No. 1113598
December 12, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Laura C. Black, AICP
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.

PHR Village, LLC, a California Limited Liability Company

**By: Coast PHR Village, LLC, a California
Limited Liability Company, its manager**

**By: Coast Income Properties, Inc. a
California Corporation, its manager**

Owner/Permittee

By _____
Daniel J. Curran
Vice President

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

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003650

SITE DEVELOPMENT PERMIT NO. 1218176
THE VILLAGE AT PACIFIC HIGHLANDS RANCH
PROJECT NO. 317590 [MMRP]
PLANNING COMMISSION

This Site Development Permit No. 1218176 is granted by the Planning Commission of the City of San Diego to Village Triangle Partners, LLC, and TryAngle Farm LTD, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 5.7 -acre site is located at 6155 Carmel Valley Road in the AR-1-1 Zone in the Pacific Highlands Ranch Community Plan. The project site is legally described as: In the County of San Diego, State of California, a triangular parcel of land lying entirely south and east of the presently existing dirt road (being an extension of Fourth Street Extension and Black Mountain Road) and lying in the southeast quarter of the southeast quarter of Section 9, Township 14 South, Range 3 West.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to mass grade the site and provide dirt to the Village at Pacific Highlands Ranch, Project No. 317590, to assist that project's grading requirements, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], for The Village at Pacific Highlands Ranch, Project No. 317590, dated December 12, 2013, on file in the Development Services Department.

The project shall include:

- a. Mass grading of the 5.7-acre site, which includes impacts to sensitive biological habitat, for the use of the dirt on this site for the grading requirements for the Village at Pacific Highlands Ranch, Project No. 317590.

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 December 12, 2016.
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 Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees shall secure all necessary grading permits.
8. 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 Owners/Permittees 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 Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by