



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 20, 2025

TO: City of San Diego Planning Commission

FROM: Karen Howard, Development Project Manager, Development Services Department

SUBJECT: Corrections to Draft Permit with Conditions, Planning Commission, June 26, 2025
Agenda Item No. 1 - PRJ-1103480 COX STONEBRIDGE PARKWAY CABINETS ROW
PC-25-014

The Draft Permit with Conditions for Project No. 1103480 was updated to include a condition that was inadvertently omitted.

Staff would like to make the modifications permanent in the record.

Attachment #3, Draft Permit with Conditions Page 3 of 5

Engineering Requirements:

14. The applicant assumes all liability and responsibility for the proposed improvements (cabinet/vault/antenna etc), including maintenance.

Thank you,

A handwritten signature in blue ink that reads "Karen Howard".

Karen Howard
Development Project Manager

Attachments: 1. Attachment 3, Draft Permit with Conditions

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 11003679 SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 3262671
COX STONEBRIDGE PARKWAY CABINETS-PROJECT NO. 1103480
PLANNING COMMISSION

This Site Development Permit Number 3262671 is granted by the Planning Commission of the City of San Diego, pursuant to San Diego Municipal Code [SDMC] sections 126.0502(d)(6), 126.0505, 131.0303 and 141.420. The site is located in the public right-of-way (PROW) at 16715-1/3 Stonebridge Parkway in the AR-1-1 zone of the Rancho Encantada Precise Plan and Council District 5.

Subject to the terms and conditions set forth in this Permit, permission is granted to COX Communications, Permittee to install two (2) ground mounted cabinets: described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 26, 2025, on file in the Development Services Department.

The project shall include:

- a. Install two (2) new communications cabinets within the City of San Diego's PROW, in the parkway, painted green to match nearby cabinets; and
- b. 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 June 26, 2028.

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 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 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 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 Permittee shall secure all necessary right-of-way permits pursuant to SDMC 129.0701. The 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. Right of Way 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.

10. If any condition of this Permit, on a legal challenge by the 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 Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall

have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The 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 Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the 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, 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 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 Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any building permit, the Permittee shall obtain a Right-of-Way Agreement, from the City Engineer.

13. Prior to the issuance of any construction permit the Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

14. The applicant assumes all liability and responsibility for the proposed improvements (cabinet/vault/antenna, etc.), including maintenance.

LANDSCAPE REQUIREMENTS:

15. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed, the Permittee shall repair and/or replace in kind and equivalent size to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

TELECOMMUNICATION AND UTILITY DEPARTMENT REQUIREMENTS:

16. This permit shall expire on June 26, 2035 and a new permit for this use shall be required in accordance with the regulations at the time of submittal. A ten-year expiration date is deemed necessary to allow the City of San Diego to evaluate technology and design improvements including but not limited to future undergrounding opportunities and/or a reduction/removal of cabinet.

17. The equipment and all associated mounting apparatus shall integrate with the surrounding landscaping and painted a dark green to the satisfaction of the Development Services Department.

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 Planning Commission of the City of San Diego on June 26, 2025, and Resolution Number XXXXX.

ATTACHMENT 3

SITE DEVELOPMENT PERMIT NO. 3262671

Date of Approval: June 26, 2025

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Howard
Development Project Manager

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

The undersigned 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.

COX COMMUNICATIONS
Permittee

By _____
NAME
TITLE

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