

ORDINANCE NUMBER O- 20304 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 01 2013

ITEM #536  
10/1/13

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT  
NO. 19032, PLANNED DEVELOPMENT PERMIT NO.  
19031, AND MHPA BOUNDARY LINE ADJUSTMENT FOR  
THE CASTLEROCK – PROJECT NO. 10046.

WHEREAS, Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit and Planned Development Permit to construct up to 283 Single Family detached dwelling units, 147 Multi-Family detached condominium units, and a public park on a vacant 203.64-acre site known as the Castlerock project, located on the north side of Mast Boulevard between Medina Drive and West Hills Parkway, and legally described as Portions of Lots 4, 5, 8, and 9 of the Resubdivision of a part of Fanita Rancho, Map No. 1703, within the East Elliott Community Plan area, in the RS-1-8 zone which is proposed to be rezoned to the RX-1-1, RM-2-4, and OC-1-1 zones; and

WHEREAS, the project includes a Multiple Species Conservation Program (MSCP), Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment; and

WHEREAS representatives of the City of San Diego, City of Santee, Padre Dam Municipal Water District, and Pardee Homes have negotiated an agreement, for the independent review and approval of public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Castlerock project described herein (“Annexation Agreement”); and

WHEREAS, the project has two possible scenarios: The annexation scenario would allow the construction of 430 total dwelling units within the disturbed portion of the site being detached from the City of San Diego, annexed to the City of Santee, and the Open Space portion

of the site would remain within the City of San Diego as a part of the Mission Trails Regional Park. If the reorganization is not approved, the no annexation scenario allows the construction of 422 dwelling units, which would remain in the City of San Diego jurisdiction; described and identified by size, dimension, quantity, type, and location on the approved Exhibits A(1), annexation scenario; and A(2), no annexation scenario; and

WHEREAS, on July 11, 2013, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 19032 and Planned Development Permit (PDP) No. 19031, and pursuant to Resolution No. 4533-PC voted to recommend approval of the Permit for the Annexation Scenario; and

WHEREAS, the matter was set for public hearing on September 16, 2013, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That notwithstanding the development permit utilization period in San Diego Municipal Code section 126.0108, the utilization date shall be as set forth in section 1 of SDP No. 19032 and PDP No. 19031, to allow for the LAFCO process to occur.

Section 2. That it adopts the following findings with respect to SDP No. 19032 and PDP No. 19031:

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

**A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The development is located within the area covered by the Elliott Community Plan adopted in April 1971, as amended by Resolution No. R-307682 in September 2012 (the "East Elliott Community Plan"), which is the applicable land use plan for the project area along with the City's General Plan. Overall the project implements the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community, providing up to 430 additional housing units, while minimizing the environmental impacts of the development and dedicating approximately 90 acres of land into the Multiple Habitat Preservation Area (MHPA).

The project design is consistent with the community's land use plan text and graphic through the provision of 430 dwelling units, dedicating approximately 90 acres of open space, implementation of contoured grading techniques, and providing the possibility of annexation into the City of Santee. As amended in 1997, the East Elliott Plan envisioned an expansion of the MHPA lands within the community through either purchase of undeveloped lots or through the dedication undeveloped land in conjunction with granting of development right. Further, the community plan anticipated that up to 500 dwelling units would be provided in the area of the project and the 430 dwelling units is consistent with the East Elliott Community Plan. The project provides the opportunity for the Cities of San Diego and Santee to annex the property into the City of Santee as identified in the East Elliott plan. The proposed Castlerock project is consistent with the City's General Plan and implements the, goals and policies through expansion of the MHPA and providing needed housing units for the region.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The development will not be detrimental to the public health, safety, and welfare. The project, together with the existing surrounding land development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the East Elliott Community Plan area conforms with a wide variety of 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 project is consistent with these City's policies and requirements. Additionally, the permit controlling the development and continued use of the single-family development proposed for this site 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 along with permit conditions, the MMRP, and implementation of project design features would result in a project which will not be detrimental to the public health, safety, and welfare.

The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability which would affect public health, safety and welfare as approved by the City Engineer. Flooding or severe scarring will not occur as a result of grading operations. Conditions

included within the permit require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

The potential presence of subsurface unexploded ordnances on the project site will be remediated through removal actions in accordance with a Removal Action Work Plan (RAWP). This plan will define safe removal strategies and methods to minimize impacts to the environment. Implementation of the RAWP and compliance with applicable regulations will result in a project that is not detrimental to public health, safety, and welfare.

Additionally, the project implements the MHPA within the East Elliott Community Planning Area while providing brush management zones consistent with the City of San Diego, Land Development Code and Municipal Code (LDC/MC) requirements. All brush management at the project will be conducted in a manner consistent with the Landscape Technical Manual, the City approved alternative compliance, and the applicants Fire Protection Plan proposed as a project design feature.

The project under both development scenarios will have adequate levels of essential public services available to it (including police, fire, and medical) and will not have a significant unmitigated impact on the provision of such services with the implementation of mitigation measures. Other services, such as schools, public parks, and libraries, would also be adequate for the proposed project, as would necessary utilities such as electricity, water, and sewer. The project is required to comply with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. Conditions of approval address lighting, the generation of noise, the appearance of landscaping and the placement of buildings, and the development of the site specifically addresses the continued operation of the site. Storm water impacts from the proposed project would be avoided through Best Management Practices (BMPs), including site design and the installation of appropriate filtration devices. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of residential units on the subject property, City staff will review building permit plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's 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 project complies with the regulations of the LDC/MC, including requirements for floor area ratio, street design, open space, grading, landscaping, etc., and all other requirements of the development criteria for its zoning, except where deviations are allowed through this Planned Development Permit/Site Development Permit (PDP/SDP).

Implementation of the project will require an allowable deviation from the Environmentally Sensitive Lands (ESL) Regulations adopted in 2000 as part of the City's LDC with respect to encroachment into steep hillsides containing sensitive biological resources. Consistent with the provisions of the LDC, the project includes deviations from certain LDC

Regulations. These include: allowed building height in the RX-1-1 zone (a maximum height of thirty-three-feet where thirty-feet is allowed); seven residential lots less than four-thousand square-feet; reduced interior side yard setbacks (four-feet where five-feet is required in the R-1-1 zone), front yard setbacks (ten-feet where fifteen-feet are required in the RX-1-1 zone), front yard setbacks (three-feet where fifteen-feet is required in the RM-2-4 zone), and rear yard setbacks (ten-feet where fifteen-feet is required in the RM-2-4 zone); driveway widths that exceed forty percent of street frontage for three lots on cul-de-sacs; reduced lot front for a limited number of lots (thirty-feet where thirty-five-feet is required in the RX-1-1 zone); a reduction in parking spaces (provision of three-hundred-eighty-nine parking spaces where four-hundred-twenty are required in the RM-2-4 zone); and elimination of loading areas in the RM-2-4 zone. These deviations are justified based upon the desire to reduce grading, maximize lands dedicated to the MHPA, provide varied and interesting architecture, and create a unique community that responds to the existing built and natural environment. The above deviations are described in greater detail in the PDP findings.

## **B. Supplemental Findings--Environmentally Sensitive Lands**

**1. 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 East Elliott Community Plan was amended in 1997 to implement the City's adopted Multiple Species Conservation Program (MSCP) and to preserve the maximum area for the MHPA. The project has been located on the least sensitive areas of the site to the maximum extent feasible. The proposed residential development is on a location and scale consistent with the East Elliott Community Plan, and is consistent in types and intensity of use with surrounding residential developments. For the reasons set forth below, the Castlerock development will result in minimum disturbance to ESL.

With the incorporation of the mitigation measures of contour grading, strategic use of retaining walls, reduction of roadway widths, minimization of roadway curve radii, and revegetation of graded slopes with native and drought tolerant plant materials the project will result in minimum disturbance of environmentally sensitive lands and will not adversely affect environmentally sensitive lands. The Owner/Permittee has agreed to all conditions in the MMRP and the City will monitor compliance with these conditions.

**2. 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.** The East Elliott Community Plan was designed to minimize alterations to natural landforms. The project footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the Region-wide erosion control plan. The project meets or exceeds the otherwise city-wide applicable requirements related to storm water runoff and Best Management Practices as related to storm water runoff. The project area is located out of the floodway.

The project will not result in undue or significant risks from geologic forces based on the review of geotechnical reports provided by the geotechnical consultant and project design measures. Additional geotechnical review meeting City performance standards will be provided

with the construction documents for the improvement of the site in accordance with City regulations.

The project will not result in undue or significant risks from fire hazards through the implementation of the Brush Management Plan proposed in connection with the development of the site. The Brush Management Plan establishes two zones to reduce the potential of wildfires from reaching the proposed development consistent with the Landscape Technical Manual adopted by the City of San Diego, the City approved alternative compliance, and the applicant's Fire Protection Plan proposed as a project design feature. Fire protection with respect to finished landscaping and required fire protection water supplies will be provided.

As such, the development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The site is located in and adjacent to the MHPA. The project is generally consistent with the adopted East Elliott Community Plan as envisioned in the 1997 Plan Amendment; however, a minor MHPA boundary line adjustment (BLA) is required to implement the plan. The BLA will increase the size of the MHPA and, with the mitigation measures outlined in the EIR and/or elsewhere in the administrative record, meets the requirement of providing functionally equivalent biological habitat.

The project has been sited and designed to minimize its adverse impacts to adjacent environmentally sensitive lands such as the adjoining areas of the MHPA, including by implementation of controls on runoff, noise, lighting and invasive plants, construction of appropriate barriers, landscaping, and implementation of brush management techniques in accordance with the City's Land Development Code (including the Biology Guidelines). With the incorporation of measures contained within the MMRP, the project will not adversely impact adjacent environmentally sensitive lands, except for encroachment into steep hillsides containing sensitive natural resources for which a request for deviation from the ESL Regulations has been accepted by the City. Upon the approval of such deviation, and the implementation of the mitigation in the MMRP and conditions of the permit, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands,

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** As part of the project, an MHPA Boundary Line Adjustment is proposed to allow for modification to the MHPA boundary line on the site to conserve certain sensitive biological resources. The adjustment, as proposed, will maintain the size of the MHPA. The incorporation of conditions contained within the MMRP, the MHPA boundaries shown in the adopted MSCP Subarea Plan will be functionally equivalent to the MHPA boundary proposed by the Castlerock project. The proposed MHPA boundary with native grassland restoration will result in the equivalent overall habitat function, wildlife movement, preserve configuration and management of the MHPA. Mitigation for all impacts to the MHPA areas would be provided in accordance with the MSCP. In addition, the controls imposed on drainage and toxics, lighting, noise, barriers, invasive plant species, brush

management and grading would all be consistent with the Land Use Adjacency Guidelines contained in the MSCP Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed development is located approximately fourteen inland from public beaches and local shoreline and therefore it is unlikely that on-site development will contribute to erosion of public beaches or adversely affect shoreline sand supply. The project would include BMPs in compliance with local and state regulations to ensure downstream hydrology quality is not significantly affected. Specifically, detention/desiltation basins will be provided on-site to reduce surface water runoff and reduce water runoff velocities to the extent water runoff might increase downstream siltation and contribute to the erosion of public beaches or adversely affect local shoreline sand supply.

**6. 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.** The City conducted a site specific impact analysis for this proposed development and its alternatives in the EIR, which identifies the applicant's project design features, an MMRP, which when combined with implementation of the federal, state, and local rules and regulations and the Project's permit conditions are reasonably related to and are calculated to alleviate negative impacts created by the proposed development. Findings to support the EIR's conclusion have been made, are part of this project's record, and are hereby incorporated by reference. In addition, all mitigation measures identified in the EIR that are associated with this proposed development have been adopted and are incorporated into the conditions of approval.

As described in the EIR and elsewhere in the administrative record, the permit conditions and mitigation measures alleviate the negative impact of this development except in one instance. The proposed project would have a significant visual landform alteration impact associated with construction of on-site retaining walls. No mitigation is feasible to reduce these impacts to below a level of significance, but they have been partially mitigated through the use of landscaping to provide visual relief from long or high flat walls. This impact is not an ESL issue because the proposed retaining walls would be utilized to reduce grading in ESL areas - steep slopes and biologically sensitive vegetation. All feasible mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development are incorporated into the conditions of approval.

### **C. Supplemental Findings--Environmentally Sensitive Lands Deviations**

**1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.** Development as anticipated in the East Elliott Community Plan will cause disturbance to environmentally sensitive biological resources and steep hillsides. All feasible measures were incorporated into the project to minimize the effects of the project on environmentally sensitive lands. Among them are retaining walls, landform and contour grading, avoidance of vernal pools, planting native plant species, and incorporating water quality features to reduce storm water effects downstream. The project design includes concrete brow ditches at the base of slopes to divert drainage and eliminate indirect impacts to the vernal pools. Fire walls and other protection devices are required to

provide functional equivalent levels of fire protection without encroachment of brush management into the vernal pool areas.

The project will impact habitats which constitute environmentally sensitive biological resources, including on-site impacts to upland Tier I (13.46 acres), Tier II (32.00 acres), and Tier IIB (47.59 acres), and City defined wetlands comprising 0.07 acres of land area on-site. The impacted City wetlands do not contain sensitive species; however, the sensitive upland areas do include the following rare, endangered, and threatened or narrow endemic species: San Diego barrel cactus; variegated dudleya, San Diego goldenstar, and coastal California gnatcatcher. In addition, the endangered San Diego fairy shrimp was located in basin features within sensitive upland and disturbed habitats to be impacted by the project. While the project would comply with the Land Use Adjacency Guidelines to avoid potential indirect impacts to the MHPA, the project would potentially have short-term construction impacts to the MHPA.

The MMRP includes measures to fully mitigate for sensitive biological resource impacts. Mitigation will be completed in compliance with the Land Development Code Biology Guidelines. Upland and wetland habitat mitigation would be provided through preservation and creation at the LDC Biology Guidelines mitigation ratios. Significant sensitive plant species impacts will be mitigated through translocation to suitable MHPA lands, where feasible. Where translocation is not feasible, preservation mitigation will be provided at an appropriate ration (dependent on location). Coastal California gnatcatcher impacts are less than significant because the MSCP adequately covers impacts to this species and the project complies with MSCP regulations. San Diego fairy shrimp impacts would be mitigated through vernal pool restoration and population with this species. An on-site mitigation area was established in the MHPA to compensate for the impacts. The City defined wetlands do not contain federally listed endangered species. The project design avoids impacts to and preserves five small vernal pools in the northern portion of the site. Mitigation would be provided to avoid potential indirect ESL impacts related to material storage, unauthorized intrusion, drainage, water quality, brush clearing, lighting, and noise.

The project would impact 9.43 acres of land within the MHPA, including 9.05 acres of sensitive habitat described above. Also described above, the project would fully mitigate direct and indirect impacts to habitat and sensitive species located within the MHPA. The proposed BLA with incorporated MMRP measures would result in functionally equivalent or better habitat relative to the existing MHPA boundary. Mitigation for all impacts to the MHPA areas would be provided in accordance with the MSCP and Land Development Code Biology Guidelines.

The majority of the area near Mast Boulevard is comprised of steep hillsides. Connecting a Collector classification roadway to Mast Boulevard requires that portions of these steep slopes be disturbed. Completion of the development contemplated by the East Elliott Community Plan, as shown in the 1997 plan amendment, requires disturbance of a portion of steep slopes. The project's grading was reduced significantly from that shown in the Community Plan's Land Use Plan in several areas to minimize the potential adverse effects on environmentally sensitive lands, specifically steep hillsides. Additionally, where feasible without additional impacts to steep slopes containing sensitive biological resources, the project includes landform and contour grading.



Based upon the factors described above, the project's grading design has incorporated all feasible measures to minimize impacts to hillsides, and there are no feasible measures that can further minimize the potential adverse effects on the environmentally sensitive lands as the project cannot be conducted without the "collector" roadway classification and a further reduction of dwelling units below a maximum of 430 unit level proposed for the project would be inconsistent with the East Elliott Community Plan's goal to provide approximately 500 dwelling units in this portion of the Community Plan area. The East Elliott Community Plan specifically set aside this portion of East Elliott for residential development in order to meet the City's housing goals, while preserving most of the rest of the East Elliott for open space within the MHPA. Clustering of residential development in this corner of East Elliott, instead of spreading development out over East Elliott to achieve the housing goals, indirectly preserves steep slopes within the entirety of the community.

**2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.** The project incorporates the City of San Diego Street Design Manual requirements, while endeavoring to minimize impacts to steep slopes containing sensitive biological resources. The design of the entry road from Mast Boulevard north must comply with City engineering standards as well as the East Elliott Community Plan in order to fulfill the City's mandate to protect public health and safety. In doing so, encroaching into steep slopes containing sensitive biological resources is unavoidable. The project proposes contour grading, the reduction in the roadways width, and minimizing curve radii, to minimize impacts to steep slopes containing sensitive habitat while still providing much needed housing for the community.

The project terrain, the requirement for design compatibility with adjacent projects, the requirement for a safe entry road from Mast Boulevard, the requirement to develop projects that meet the City housing goals consistent with the East Elliott Community Plan density, and the requirement to minimize impacts to views from neighboring properties impose a number of constraints relative to sensitive hillside impacts that are not of the applicant's making. Consideration of these constraints, while still being responsive to engineering, access and grading requirements, creates the need to disturb sensitive hillsides.

Given the foregoing, the request for a deviation to encroach into steep slopes containing sensitive biological resources is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. All feasible mitigation for the sensitive biological resources will be provided in compliance with the Land Development Code Biology Guidelines.

**E. Supplemental Findings--Steep Hillsides Development Area Regulations Alternative Compliance**

**1. The proposed development is in conformance with the Steep Hillside Guidelines.** The northern reach of the project has a series of development constraints that severely limit the developable portion of the site. These constraints include vernal pools and their watersheds, the MHPA, steep slopes, and the existing neighborhood to the east. In addition, the middle of the site is occupied by an existing and operating San Diego Gas and Electric

substation. These constraints generally cannot be relocated. The project proposes contour grading, the reduction in the roadways width, and minimizing curve radii, to minimize impacts to steep slopes containing sensitive habitat while still providing much needed housing for the community. While working with and around these features, the project has been designed to conform to the Steep Hillside Guidelines.

**2. The proposed development conforms to the applicable land use plan.** The development is located within the area covered by the Elliott Community Plan adopted in April 1971, as amended by Resolution No. R-288456 in March 1997 (the "East Elliott Community Plan"), which is the applicable land use plan for the project area along with the City's General Plan. The project implements the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community, providing up to 430 additional housing units, while minimizing the environmental impacts of the development and dedicating approximately 90 acres of land into the MHPA along with public roads and trails.

The project provides more acres of MHPA land than anticipated in the East Elliott Community Plan, while including up to 430 dwelling units, where up to 500 dwelling units are permitted. The project has been designed to be consistent with the East Elliott Community Plan and the City's General Plan and implements their plan, goals, and policies, and therefore conforms to the applicable land use plan.

**3. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.** Strict application of the Steep Hillside Development Area Regulations would conflict with the East Elliott Community Plan, as well as with the Housing Element and other policies of the City of San Diego General Plan that call for provision of a variety of housing types. Much of the area near Mast Boulevard and the western half of the site contain steep hillsides, of which disturbance ideally should be avoided. However, the impacts near Mast Boulevard could only be avoided through substantial roadway deviations from the City's Design Standards, which would be inconsistent with the City's mandate to protect the public health and safety. The project has been designed to limit the amount of disturbance in the remaining areas of the site. In order to develop the East Elliott Community Plan, as envisioned, impacts to steep hillsides containing sensitive biological resources cannot be avoided.

#### **PLANNED DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0604)**

##### **A. Findings for all Planned Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The development is located within the area covered by the Elliott Community Plan adopted in April 1971, as amended by Resolution No. R-288456 in March 1997 (the "East Elliott Community Plan"), which is the applicable land use plan for the project area along with the City's General Plan. Overall the project implements the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs

within the community, providing up to 430 additional housing units, while minimizing the environmental impacts of the development and dedicating approximately 90 acres of land into the MHPA.

The East Elliott Community is part of the San Diego General Plan's Land Use Element. The Annexation Scenario would amend both the San Diego General Plan Map and the East Elliott Community Plan Map to exclude the developable portions of proposed project from the General Plan and Community Plan.

The project provides more acres of MHPA land than anticipated in the Community Plan while including up to 430 dwelling units, where up to 500 dwelling units are permitted. As described in these findings, the project has been designed to be consistent with the East Elliott Community Plan and the City's General Plan and implements their plan, goals and policies, and therefore will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The development will not be detrimental to the public health, safety, and welfare. The project, together with the existing surrounding land development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the East Elliott Community Plan area, conforms with a wide variety of 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 project is consistent with these City's policies and requirements. Additionally, the permit controlling the development and continued use of the single-family development proposed for this site 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, permit conditions, the MMRP, and project design features would result in a project which will not be detrimental to the public health, safety, and welfare.

The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability which would affect public health, safety, and welfare as approved by the City Engineer. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within the permit require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

Additionally, the project implements the MHPA within the East Elliott Community Planning Area, while providing brush management zones consistent with the City of San Diego LDC/MC requirements. All brush management at the Castlerock project will be conducted in a manner consistent with the Landscape Technical Manual, the City approved alternative compliance, and the applicant's Fire Protection Plan included as a project design feature.

The project will have adequate levels of essential public services available to it (including police, fire, and medical) and will not have a significant impact on the provision of such services with the implementation of mitigation measures, permit conditions, project design features, and federal, state, and local regulations. Other services, such as schools, public parks, and libraries,

would also be adequate for the proposed project, as would necessary utilities such as electricity, water, and sewer.

The project is required to comply with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. Conditions of approval address lighting, the generation of noise, the appearance of landscaping and the placement of buildings, and the development of the site specifically addresses the continued operation of the site. Storm-water impacts from the proposed project would be avoided through BMPs, including site design and the installation of appropriate filtration devices. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of residential units on the subject property, City staff will review building permit plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's 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 project complies with the regulations of the Land Development Code, including requirements for floor area ratio, street design, open space, grading, landscaping, etc. and all other requirements of the development criteria for its zones, except for deviations, which are more specifically described below.

Implementation of the Castlerock project will require an allowable deviation from the Land Development Code from the ESL and the following deviations from development regulations for the applicable zones:

- a. Building Height: A maximum of 33'-0" in height where 30'-0" is the maximum allowed in the RX-1-1 zone.
- b. Lot Area: Seven residential lots under the 4,000 square foot minimum lot area in the RX-1-1 zone.
- c. Interior Yard: 4'-0" interior side yard where 5'-0" minimum is allowed in the RX-1-1 zone; Front Yard: 10'-0" front yard where 15'-0" is allowed in the RX-1-1 zone, and 3'-0" Front Yard where 15'-0" minimum is allowed in the RM-2-4 zone; Rear Yard: 10'-0" front yard where 15'-0" minimum is allowed in the RM-2-4 zone.
- d. Driveway Width: Three lots with driveways exceeding 40% of the lot frontage.
- e. Lot Frontage: 30'-0" where 35'-0" minimum is allowed in the RX-1-1 zone.
- f. Required Parking: Providing a total of 389 off-street parking spaces in the RM-2-4 zone where 420 is required, and no loading zone in the RM-2-4 zone.

Strict application of the Steep Hillside Development Area Regulations would conflict with the East Elliott Community Plan, as well as with the Housing Element and other policies of the City of San Diego General Plan that call for provision of a variety of housing types and for residential density to be concentrated in the south west corner of East Elliott at the location of the project. Much of the area near Mast Boulevard and the western half of the site contain steep hillsides, of which disturbance ideally should be avoided. However, the impacts near Mast Boulevard could only be avoided through substantial roadway deviations from the City's Design Standards, which would be inconsistent with the City's mandate to protect the public health and safety. The project has been designed to limit the amount of disturbance in the remaining areas of the site. In order to develop the East Elliott Community Plan, as envisioned, impacts to steep hillsides containing sensitive biological resources cannot be avoided. If the density goals of East Elliott were spread out, instead of clustered in the south west corner, then such actions would create additional steep slope and biological impacts.

The project includes 11 sets of building architecture for the RX-1-1 zoned portion of the site (single-family lots). Four of the proposed homes have chimneys that exceed the code specified limit of thirty-feet. The deviation request will allow a maximum height of thirty-three-feet for these homes at the highest point. With 11 types of homes, they will be spread throughout the subdivision and located on single-family lots. The variety of architecture includes one and two story homes and reflects the desire to create a community with visual variety and avoid repetitive streetscapes. The use of varied architecture mirrors the diverse architectural styles of the adjacent community which includes one and two story homes with a wide variety of architectural styles and alternative home orientations.

The Green Court area, zoned RM-2-4, is covered by design guidelines and does not require a deviation for building height. The homes in the Green Court area may be designed up to three-stories, however, the design will comply with the forty-foot height limit of the zone.

Because of the site's steep topography, the position of the MHPA boundary, the location of the vernal pools, and required design compatibility with the abutting subdivision, the project includes seven lots that provide less than the minimum lot area of 4,000 square-feet. Since the East Elliott Community Plan promotes development of approximately 500 dwelling units within the assigned development area and the City has declared a housing emergency based upon a shortage of affordable housing, it is incumbent upon the project to maximize the project density. While seven of the two hundred and eighty three single-family lots are short of the minimum lot area, they accommodate the prospective homes and otherwise meet the intent of the underlying RX-1-1 zone. Further, the subdivision design avoids a monolithic aesthetic and creates a unique community.

The East Elliott Community Plan limits residential development to the southeastern corner of the community abutting Mast Boulevard and adjacent neighborhood in the City of Santee. However, Mast Boulevard is the logical point to access the development area. Access through the existing development in Santee would create adverse impacts to the existing neighborhood. Mast Boulevard is four-lane major roadway abutting the southern boundary of the site – across from West Hills High School - with an existing traffic signal 840-feet east of the project entry at Medina. Based upon the City's Street Design Manual, the proposed project's

entry road is classified as a “collector” street; therefore, is subject to certain design criteria relative to the following: spacing from the traffic signal at Medina; the width and curve radii of the roadway; and whether single-family residential homes may access the street. The project design include fifteen (15) single-family homes that front on the collector street (Street ‘A’). The requested deviation provides on-site vehicle turn-arounds that allow each vehicle exiting the individual lot a front or facing egress rather than a typical rear or backward egress. Thereby allowing each driver to see on-coming street traffic and on-coming street traffic can see vehicles leaving the lots.

Consistent with the adjacent neighborhood, the project includes 4’-0” side yards; however, this represents a deviation from the Land Development Code for the RX-1-1 zone. As described previously, the project responds to the unique characteristic of the site; therefore, does not represent a “typical” subdivision. Rather the curvilinear street system results in a wide variety of lot configurations, thereby creating the need to seek relief from the strict application of the side-yard setback established in the RX-1-1 zone. The desired deviation is not applicable to every lot, rather will be applied to specific lots as appropriate for siting each home on the specific lot.

Because the project applies the design principle of curvilinear streets rather than the standard “grid” street pattern to a site with unique characteristics such as steep slopes and isolated vernal pools, there are instances where streets do not connect, thereby resulting in a limited number of cul-de-sacs. The use of cul-de-sacs reduces the amount of street frontage available to each lot and specifically causes three lots and driveways to exceed the City’s driveway to street frontage ratio of forty percent; therefore, the project seeks relief from the strict application of the forty percent ratio for those lots.

Among the project’s design constraints is the challenge of providing sewer service to the entire subdivision. The western half of the site is largely comprised of steep slopes while the eastern half has less severe topographic change; however, the relative slope from north to south along the eastern boundary is generally level. The topographic condition of the site represents a design challenge for the subdivision relative to providing a gravity sewer system in which all manholes are no deeper than fifteen-feet (15’). All other specifications detailed by the Public Utilities Department have been met.

The RM-2-4 zone requires that common area parking, including access parking stalls be provided for each project. The Green Court component of the project consists of 147 detached units cluster on several lots thereby constituting a multi-family element of the project; however, each home will look and feel like an individual dwelling. This includes the provision of garages and on-street parking. The homes will comply with the universal design criteria for accessible homes; therefore, accessible parking stalls will be available to each prospective home. This provides an alternative method for addressing the parking requirements of the RM-2-4 zone.

As described in the previous paragraph, the Green Court element of the project is classified as a multi-family portion of the project; however, it is designed as a single-family project. As with the accessible parking requirement, the RM-2-4 zone requires loading zones for moving vans and assorted deliveries common to apartment projects. This element of the project

has been designed as a compact single-family development; it will have individual services such as trash collection and unit specific garages. Additionally, as each unit will have garages and driveways, loading and unloading can be accommodated fronting each unit/garage.

The development with its proposed deviations results in a more desirable project than could be achieved with strict compliance with the Land Development Code, for several reasons. Significant public benefits to the City of San Diego would be realized by the preservation and dedication of approximately 90 acres of land into the MHPA and by providing up to 430 housing units. The project has been designed and will be developed in accordance with the intent of the East Elliott Community Plan to assure that the residential theme, architectural character, development considerations, and other functional concepts of the East Elliott Community Plan are implemented. The proposed project would also be consistent overall with the City's General Plan.

Development areas have been sited in response to a range of environmental considerations including sensitive landforms, steep slopes, and biological habitats. Revisions to the project have been incorporated into the design by blending manufactured slopes to the existing topography, by orienting the street and development pattern to be compatible with the natural topography of the land and by significantly reducing the boundaries of the proposed development.

Overall, the project is a plan designed to work with the natural environment and the site's topographic conditions and visually prominent location to create pleasing neighborhoods while minimizing the environmental impacts of the development. In those ways, the project would fulfill a community need for additional housing products while implementing the purposes of the East Elliott Community Plan and the other applicable policy documents, and therefore will be beneficial to the community as a whole.

Strict conformance would not permit the City to fulfill the East Elliott Community Plan for all the reasons discussed above.

Section 4. That the above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

Section 5. That Site Development Permit (SDP) No. 19032 and Planned Development Permit (PDP) No. 19031, is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this ordinance.

Section 6. That the MHPA boundary line adjustment as shown on Exhibits A(1) and A(2) is approved.

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

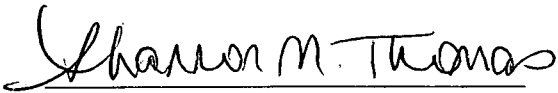
Section 8. That the approvals for the development in Exhibit A(1) shall take effect only upon a final decision by the Local Agency Formation Commission to grant the proposed reorganization, but not less than thirty days from and after its final passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of final passage of this ordinance.

Section 9. That the approvals for the development in Exhibit A(2) shall take effect only upon a final decision by the Local Agency Formation Commission to deny the proposed reorganization, or failure of either the City of Santee to approve the Annexation Agreement within 45 days (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District) of the City of San Diego's introduction of an ordinance approving the Annexation Agreement or the failure of Padre Dam Municipal Water District to approve the Annexation Agreement within 30 days of the latter of (i) the final passage of the City of San Diego ordinance approving the Annexation Agreement or (ii) the City of Santee's approval of the Annexation Agreement (or such dates as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District), or the City of Santee or the Padre Dam Municipal Water District's failure to adopt the Resolution of Application for Reorganization and Resolution of Support, respectively, within 60 days (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District) of the Annexation Agreement effective date, and no building permits for development inconsistent



with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of final passage of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
8/19/2013  
Or.Dept:DSD  
Doc. No. 614376

Attachment: Site Development Permit No. 19032/Planned Development Permit No. 19031

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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23421653

**SITE DEVELOPMENT PERMIT NO. 19032**  
**PLANNED DEVELOPMENT PERMIT NO. 19031**  
**CASTLEROCK - PROJECT NO. 10046 [MMRP]**  
**CITY COUNCIL**

This Site Development Permit No. 19032, and Planned Development Permit No. 19031, with a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment is granted by the City Council of the City of San Diego to Pardee Homes, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 203.64 -acre site is located at 8510 Mast Boulevard in the RS-1-8 zone, with Rezones to RX-1-1, RM-2-4, and OC-1-1; of the East Elliott Community Plan. The project site is legally described as: Portions of Lots 4, 5, 8, and 9 of the Resubdivision of a part of Fanita Rancho, Map No. 1703.

Representatives of the City of San Diego, City of Santee, Padre Dam Municipal Water District, and Pardee Homes have negotiated an agreement, for the independent review and approval of public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Castlerock project described herein ("Annexation Agreement").

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct up to 283 Single Family detached dwelling units, 147 Multi-Family detached condominium units, pocket parks, and a public park on a vacant 203.64 acre site on the north side of Mast Boulevard between Medina Drive and West Hills Parkway within the East Elliott Community Plan. The project has two possible scenarios dependent on whether the associated Reorganization is approved by the San Diego Local Agency Formation Commission. The Reorganization scenario (also referred to as the Annexation scenario) would allow the construction of 430 total dwelling units within the disturbed portion of the site, to be detached from the City of San Diego and annexed to the City of Santee, with the Open Space portion of the site would remaining within the City of San Diego as a part of the Mission Trails Regional Park. Representatives of the City of San Diego, City of Santee, Padre Dam Municipal Water

District, and Pardee Homes, have negotiated an agreement for the independent review and approval of the public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Castlerock project described herein (“Annexation Agreement”). The No Reorganization scenario (also referred to as the No Annexation scenario) allows 422 dwelling units to be constructed, which would remain in the City of San Diego jurisdiction; these two scenarios are described and identified by size, dimension, quantity, type, and location on the approved Exhibits A(1), Reorganization; and A(2), No Reorganization, dated September 16, 2013, on file in the Development Services Department.

The project shall include:

- a. If Reorganization is approved the project shall include construction of up to 283 single-family dwelling units, 147 multi-family dwelling units for a total of 430 residential units, and up to 4.64-acres (gross) of public neighborhood, pocket parks, and a multi-use trail, as shown on Exhibits A(1);
- b. If Reorganization is not approved the project shall include up to 282 single-family dwelling units, 140 multi-family dwelling units for a total of 422 residential units, and up to 4.50-acres (gross) of public neighborhood, pocket parks, and a multi-use trail, as shown on Exhibits A(2);
- c. An MHPA Boundary Line Adjustment;
- d. An vernal pool preserve area;
- e. Irrevocable offer to dedicate approximately 90-acres of open space in fee simple to the City of San Diego;
- f. Deviations to Development Regulations as described in this permit, including height, lot area, lot and street frontage, interior yards, and parking;
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking;
- i. If the Reorganization is approved, Owner/Permittee shall satisfy the requirement to pay impact fees at the time of building permit issuance through payment of Santee development impact fees as identified in the Annexation Agreement; and
- j. Public and private accessory improvements determined by the City of San Diego 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 of San Diego Engineer’s requirements, zoning regulations, conditions of this Permit, the Castlerock Fire Protection Plan, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. If the City of Santee approves the Annexation Agreement within 45 days of [INSERT DATE OF INTRODUCTION OF CITY OF SAN DIEGO ORDINANCE O- 20306 SEP 16 2013 APPROVING ANNEXATION AGREEMENT] (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District) and Padre Dam Municipal Water District approves the Annexation Agreement within 30 days of the latter of (i) the final passage of the City of San Diego ordinance approving the Annexation Agreement [INSERT DATE OF FINAL PASSAGE OF CITY OF SAN DIEGO ORDINANCE O- 20306 OCT 01 2013 APPROVING ANNEXATION AGREEMENT] or (ii) the City of Santee's approval of the Annexation Agreement (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District), then the utilization period for this Site Development Permit/Planned Development Permit is tolled for five years from the [INSERT DATE OF FINAL PASSAGE OF CITY OF SAN DIEGO ORDINANCE O- 20304 OCT 01 2013 approving the Vesting Tentative Map] or until a Local Agency Formation Commission final decision on the Reorganization occurs, whichever is earlier. This Site Development Permit/Planned Development Permit must be utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within three years after the tolling period ends, unless an extension of time is approved in accordance with the San Diego Municipal Code. If the City of Santee or Padre Dam Municipal Water District fail to approve the Annexation Agreement within the above 45 day or 30 day period respectively, or fail to approve a Resolution of Application for Reorganization and Resolution of Support, respectively, within 60 days of the Annexation Agreement effective date, then this permit must be utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within thirty-six months of [INSERT DATE OF FINAL PASSAGE OF CITY OF SAN DIEGO ORDINANCE O- 20306 APPROVING ANNEXATION AGREEMENT], unless an extension of time is approved in accordance with the San Diego Municipal Code.
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 City of San Diego 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 of San Diego 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City of San Diego: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City of San Diego is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit A(1) if the project is annexed to the City of Santee, and A(2) if the project remains in the City of San Diego. Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. The development approved in this Site Development Permit No. 19032 and Planned Development Permit No. 19031 shall comply with the conditions of Vesting Tentative Map No. 1004468.
11. 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.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City of San Diego, 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.

13. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibits A(1) and A(2).

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

14. Mitigation requirements and other requirements described in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

15. The mitigation measures specified in the MMRP and outlined in **Environmental Impact Report** No. 10046, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 10046, to the satisfaction of the City of San Diego Development Services

Department and the City of San Diego Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City of San Diego Engineer. All mitigation measures and project features described in the MMRP shall be implemented for the following issue areas:

**Land Use, Landform Alteration/Visual Quality/Neighborhood Character**  
**Air Quality/Odor**  
**Biological Resources**  
**Cultural/Historical Resources**  
**Human Health/Public Safety/Hazardous Materials**  
**Noise**  
**Paleontological Resources**  
**Transportation/Circulation**  
**Public Facilities and Services (Cumulative)**

**AFFORDABLE HOUSING REQUIREMENTS:**

17. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City of San Diego's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**AIRPORT REQUIREMENTS:**

18. Prior to issuance of any building permits, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

**ENGINEERING REQUIREMENTS:**

19. All driveways and curb openings shall comply with City of San Diego Standard Drawings G-14A, G-14B, G-16 and SDG-100, satisfactory to the City of San Diego Engineer.

20. The Owner/Permittee shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City of San Diego City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City of San Diego Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement with the City of San Diego if Reorganization is not approved, or the City of Santee if Reorganization is approved for the ongoing permanent BMP maintenance.

22. 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.

23. The drainage system for this project will be subject to approval by the City of San Diego Engineer.

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

25. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001, as amended by Municipal Storm Water Permit Order No. R9-2013-0001. In accordance with Order No. 2009-0009-DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

26. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City of San Diego.

#### **GEOLOGY REQUIREMENTS:**

27. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the City of San Diego, Development Services Department with applicable guidelines, laws and regulations prior to issuance of any construction permits.

28. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City of San Diego'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 City of San Diego, Development Services Department with applicable guidelines, laws and regulations prior to exoneration of the bond and grading permit close-out.

#### **LANDSCAPE REQUIREMENTS:**

29. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the City of San Diego Land Development Manual Landscape Standards and to the satisfaction of the City of San Diego Development Services Director. All plans shall be in



substantial conformance to this permit (including Environmental conditions) and Exhibits A(1) and A(2), on file in the Office of the Development Services Department.

30. Prior to issuance of any engineering permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City of San Diego Development Services Director 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.

31. Prior to Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A City of San Diego "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

32. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

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 City of San Diego Development Services Director within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

34. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit 'A' and the Castlerock Fire Protection Plan.

35. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted, while non-combustible accessory structures may be approved within the designated Zone One area. If the Reorganization is approved, these structures will be subject to approval by the City of Santee. If the Reorganization is not approved, these structures will be subject to approval by the City of San Diego's Fire Marshall, and City of San Diego, Development Services approval.

#### **PARKS AND RECREATION REQUIREMENTS:**

36. Prior to issuance of the first building permit, the Owner/Permittee shall assure through a Park Development Agreement, the design, construction and conveyance of a 4.00 acre public park as shown on the Exhibits A(1) if reorganization is approved, and A(2), if Reorganization is not approved.

37. If the Reorganization is approved, the owner/permittee shall deed Lot "Q" to the City of Santee for recreational purposes. If the Reorganization is not approved, the owner/permittee shall deed Lot "Q" to the City of San Diego for recreational purposes.

38. The owner/permittee shall provide a pro rata share of the cost of a community recreation building and a community swimming pool, to be paid at the time of issuance of occupancy permits to the City of San Diego if the no- Reorganization project is approved. If the Reorganization is approved, owner/permittee shall satisfy this requirement through payment of Santee public facility development impact fees identified in the Annexation Agreement.

39. The owner/permittee shall deed Lots "N-P," "U," and "V" to the City of San Diego for open space purposes, in accordance with MSCP Conditions in Vesting Tentative Map No. 1004468.

40. The owner/permittee shall use gravel footings for all peeler log fencing to be maintained by the City of San Diego.

41. The owner/permittee shall insure that all irrigation proposed on City fee-owned open space be a temporary on-grade system that shall be removed upon acceptance of the revegetation by the City of San Diego Park & Recreation Department.

42. Prior to issuance of the first building permit, the Owner/Permittee shall ensure the Parks & Recreation Department review and approval of a revegetation plan that identifies all planting within the proposed City fee-owned open space has a minimum 25 month maintenance and monitoring period, that includes success criteria, prior to dedication of the property to the City of San Diego in fee-ownership.

43. The Owner/Permittee shall ensure that no City fee-owned open space shall have any brush management requirements placed on it.

44. The Owner/Permittee shall schedule an inspection with the Park & Recreation Department, Open Space Division prior to the City acceptance of grant deed for lot(s) deeded to the City. All trash, illegal use, and associated structures on the lot(s), shall be removed prior to the City acceptance.

45. Lot "A-A" shall be privately owned, used for vernal pool restoration and management purposes, and maintained by a qualified third party, approved by the City of San Diego Development Services Department.

46. The Owner/Permittee shall ensure that all remedial grading and associated infrastructure are privately owned and maintained.

47. The Owner/Permittee shall place Recreation Easements for Recreation Lots of all private park areas to allow public access. These private park areas shall be maintained by the property owner or landscape maintenance district.

## PLANNING/DESIGN REQUIREMENTS:

48. If the project is not annexed to the City of Santee, then prior to issuance of the first building permit for any dwelling units within the project, the applicant shall have demonstrated, to the satisfaction of the City of San Diego Fire-Rescue Department and the Director of the City of San Diego Development Services Department that fire protection services and emergency medical services shall be provided to all dwelling units within the project via an irrevocable agreement with the City of Santee to provide these services or an equivalent alternative.

49. Owner/Permittee shall maintain a minimum of 963 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit A(1), if the Reorganization is approved, and a minimum of 953 off-street parking spaces on Exhibit A(2), if the Reorganization is not approved. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City of San Diego decision maker in accordance with the SDMC.

50. If the project is annexed to the City of Santee, the following deviations to the City of San Diego development regulations will include:

- a. Building Height: A maximum of 33'-0" in height where 30'-0" is the maximum allowed in the RX-1-1 zone.
- b. Lot Area: Seven residential lots under the 4,000 square foot minimum lot area in the RX-1-1 zone.
- c. Interior Yard: 4'-0" interior side yard where 5'-0" minimum is allowed in the RX-1-1 zone; Front Yard: 10'-0" front yard where 15'-0" is allowed in the RX-1-1 zone, and 3'-0" Front Yard where 15'-0" minimum is allowed in the RM-2-4 zone; Rear Yard: 10'-0" front yard where 15'-0" minimum is allowed in the RM-2-4 zone.
- d. Driveway Width: Three lots with driveways exceeding 40% of the lot frontage.
- e. Lot Frontage: 30'-0" where 35'-0" minimum is allowed in the RX-1-1 zone.
- f. No loading zone in the RM-2-4 zone.

51. If the project is not detached and remains in the City of San Diego, the following deviations to development regulations will include:

- a. Building Height: A maximum of 33'-0" in height where 30'-0" is the maximum allowed in the RX-1-1 zone.
- b. Lot Area: Seven residential lots under the 4,000 square foot minimum lot area in the RX-1-1 zone.
- c. Interior Yard: 4'-0" interior side yard where 5'-0" minimum is allowed in the RX-1-1 zone; Front Yard: 10'-0" front yard where 15'-0" is allowed in the RX-1-1 zone, and 3'-0" Front Yard where 15'-0" minimum is allowed in the RM-2-4 zone; Rear Yard: 10'-0" front yard where 15'-0" minimum is allowed in the RM-2-4 zone.
- d. Driveway Width: Three lots with driveways exceeding 40% of the lot frontage.
- e. Lot Frontage: 30'-0" where 35'-0" minimum is allowed in the RX-1-1 zone.

- f. Required Parking: Providing a total of 389 off-street parking spaces in the RM-2-4 zone where 420 is required, and no loading zone in the RM-2-4 zone.

52. 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.

53. Prior to issuing certificate of occupancy permits, the Owner/Permittee shall provide verification that the project design features listed in Section 3.2.1.11 of the Environmental Impact Report, Project No. 10046/ SCH No. 2004061029 and elsewhere in the EIR, or their equivalents, are included to the satisfaction of the Director of Development Services.

54. Prior to issuing certificate of occupancy permits, the Owner/Permittee shall provide verification that the greenhouse gas emissions generated directly by the project are within the projected levels per the Environmental Impact Report, Project No. No. 10046/ SCH No. 2004061029, satisfactory to the Director of Development Services.

55. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibits A(1) and A(2), or City of San Diego sign regulations.

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

57. 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**

58. All construction permits for public improvements shall be consistent with the conditions in Vesting Tentative Map No. 1004468 and Exhibits A(1) and A(2).

59. Prior to the issuance of the first Certificate of Occupancy, the Owner/Permittee shall construct a raised median on Mast Boulevard between SR-52 WB Off/On Ramps and West Hills Parkway, satisfactory to the City Engineer, Caltrans, and the City of Santee.

60. Prior to the issuance of the first Certificate of Occupancy, the Owner/Permittee shall install a third 12-foot wide eastbound lane on Mast Boulevard between SR-52 Westbound Off/On Ramps and West Hills Parkway, satisfactory to the City Engineer, Caltrans and the City of Santee.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

61. Prior to approval of public improvement plans, the Owner/Permittee is required to provide a sewer study for all proposed public sewer facilities (and proposed private sewer facilities serving more than one lot) consistent with Exhibits A(1) and A(2) and in accordance with the

City of San Diego's current Sewer Design Guide, if Reorganization is not approved, or Padre Dam Municipal Water District's current Sewer Design Guide, if Reorganization is approved, to determine appropriate sewer facilities needed to serve this development and to show that the existing and proposed public sewer facilities will have adequate capacity and cleansing velocities necessary to serve this development and the drainage basin in which it lies.

62. The Owner/Permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Vesting Tentative Map may require modification based on the accepted sewer study.

63. An Encroachment Maintenance and Removal Agreement (EMRA) will be required for and prior to proposed improvements of any kind, including landscape, hardscape (i.e. medians, curbs, etc.), and enriched paving, to be installed in or over easements.

64. Prior to the issuance of any building permits, the Owner/Permittee shall provide evidence, satisfactory to the City of San Diego Public Utilities Department Director, if Reorganization is not approved or Padre Dam Municipal Water District, if Reorganization is approved, indicating that each lot will have its own sewer lateral or provide recorded CC&R's for the operation and maintenance of onsite private sewer facilities that serve more than one lot/ownership.

65. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of sewer service(s) outside of any driveway, in a manner satisfactory to the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer, if Reorganization is not approved or Padre Dam Municipal Water District, if Reorganization is approved.

66. Prior to the issuance of any certificates of occupancy, all public sewer facilities shall be completed and operational in a manner satisfactory to the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer, if Reorganization is not approved, or Padre Dam Municipal Water District, if Reorganization is approved.

67. All proposed public sewer facilities must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Sewer Design Guide and City regulations, if Reorganization is not approved, or Padre Dam Municipal Water District, standards and practices pertaining thereto, if Reorganization is approved, except as shown on Exhibits A(1) and A(2), respectively.

68. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

69. No trees may be located within ten feet of any sewer facilities or in any sewer access easement.

70. No shrubs exceeding three feet in height at maturity may be located within 10 feet of any sewer main or within access easements.

71. In the event that Reorganization is not approved, a private sewer lift station will be provided by the Owner/Permittee on Lot 'X', as shown on Exhibit A(2), to the satisfaction of the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer. Construction of the facility shall be assured by permit and bond prior to the issuance of the first building permit.

72. Prior to the approval of any public improvement drawings, the Owner/Permittee shall provide a water study consistent with Exhibit A(2) and satisfactory to the City of San Diego Director of the Public Utilities Department if Reorganization is not approved, or Exhibit A(1) and satisfactory to the Padre Dam Municipal Water District if Reorganization is approved. The Developer will be responsible for installing all water facilities, as required by the approved water study, necessary to serve this development. Water facilities shown on the approved Vesting Tentative Map may require modification based on the accepted water study. The study shall include redundancy throughout construction phasing. If phasing of the development is proposed, then a phasing plan shall be included in the studies.

73. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer, if Reorganization is not approved, or Padre Dam Municipal Water District, if Reorganization is approved, as shown on Exhibits A(1) and A(2).

74. If the property is not annexed to the City of Santee, a public water tank and access road shall be provided by the Owner/Permittee on Lot 'Y' which will be conveyed to the City of San Diego Public Utilities Department in fee, as shown on Exhibit A(2), to the satisfaction of the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer. Construction of the facility shall be assured by permit and bond prior to the issuance of the first building permit.

#### **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.

- The Owner/Permittee may request that the City of San Diego establish a means of collecting reimbursement (funding mechanism) from developers of other property for the Owner/Permittee 's cost of installing public improvements which are of size, length or capacity than needed to serve or mitigate the impacts of development of the project and which will serve such other property or for other property that has an obligation to construct such public improvements. "Funding mechanism" means a cost reimbursement district, reimbursement agreement, assessment district, community facilities district, infrastructure financing district, conditions of approval of land use entitlements of any benefiting developer or property owner, or any other financing mechanism available for collecting reimbursement from other developers. If the improvement is included in the East Elliott Public Facilities Financing Plan (EPPFFP), Owner/Permittee may elect to be reimbursed from development impact fees collected from other properties located within the EPPFFP, reimbursement may be in the form of either cash or credit against the Owner/Permittee 's payment of EPPFFP fees at the time the fees would otherwise be due and payable to the City.

APPROVED by the City Council of the City of San Diego on OCT 01 2013 and Ordinance No. 20304.

Permit Type/PTS Approval No.: \_\_\_\_\_  
Date of Approval: \_\_\_\_\_

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Jeannette Temple  
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.**

**Pardee Homes**  
Owner/Permittee

By: \_\_\_\_\_  
Beth Fischer  
TITLE

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



Passed by the Council of The City of San Diego on OCT 01 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 01 2013.

AUTHENTICATED BY: TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

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

By *Janette J. Parks*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 16 2013

and on OCT 01 2013.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

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

By *Janette J. Parks*, Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20304