

ORDINANCE NUMBER O- 20557 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 04 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PLANNED DEVELOPMENT PERMIT NO. 1366476, SITE DEVELOPMENT PERMIT NO. 1366477, AND MHPA BOUNDARY LINE ADJUSTMENT FOR CASTLEROCK AMENDMENT PROJECT NO. 388889 AMENDING 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; and

WHEREAS, on September 16, 2013, the City Council of the City of San Diego held a public hearing for the purpose of considering Site Development Permit No. 19032, Planned Development Permit No. 19031, and a Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment for the residential project known as the Castlerock Project (Project No. 10046) under dual scenarios where 109 acres of the Castlerock Project would be annexed into the City of Santee (Annexation Scenario) upon the San Diego Local Area Formation Commission's (LAFCO) approval, and in the event LAFCO did not approve the Annexation Scenario, the Castlerock Project would be developed in the City of San Diego (No Annexation Scenario); and

WHEREAS, on October 1, 2013, the City Council of the City of San Diego adopted Ordinance No. O-20304 granting Site Development Permit No. 19032, Planned Development Permit No. 19031, and a MHPA Boundary Line Adjustment; and

WHEREAS, the effective date of the approvals described in Ordinance No. O-20304 implementing either the Annexation Scenario or the No Annexation Scenario is contingent upon a final decision of LAFCO regarding the reorganization, which is still pending; and

WHEREAS, Pardee Homes has redesigned a 44.9-acre site known as Unit 5 of the Castlerock Project to avoid the northern drainage area on-site while still meeting the basic project objectives (Castlerock Amendment Project); and

WHEREAS, Unit 5 is 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, filed February 28, 1918, in the Office of the County Recorder, County of San Diego, state of California, within the East Elliott Community Plan area, in the RS-1-8 zone which is proposed to be rezoned to the RX-1-1 and OC-1-1 zones; and

WHEREAS, in order to implement the redesigned Unit 5, Pardee Homes has applied for Planned Development Permit No. 1366476, Site Development Permit No. 1366477, and a MHPA Boundary Line Adjustment for Castlerock Amendment Project No. 388889 proposing to amend Site Development Permit No. 19032, Planned Development Permit No. 19031 and a MHPA Boundary Line Adjustment for the Castlerock Project applicable to either development scenario; and

WHEREAS, on June 25, 2015, the Planning Commission of the City of San Diego considered the Castlerock Amendment Project and voted 3:2 to recommend City Council approval and 4:1 to forward the split vote to the City Council; and

WHEREAS, the matter was set for public hearing on July 21, 2015, testimony having been heard, evidence having been submitted, and the City Council having fully considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, 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 Site Development Permit No. 1366477 and Planned Development Permit No. 1366476.

Section 2. That it adopts the following findings with respect to Planned Development Permit No. 1366476 and Site Development Permit No. 1366477:

I. 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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts to the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the

public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The Project is located within the area covered by the East Elliott Community Plan (Plan) adopted in April 1971, as amended by Resolution No. R-308433, October 1, 2013, 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 87 additional housing units, while minimizing the environmental impacts of the development and dedicating more than 11.1 acres of land into the MHPA.

The Project design is consistent with the Plan policies through the provision of 87 dwelling units, dedicating more than 11.1 acres of open space, implementation of contoured grading techniques wherever possible, and providing the possibility of annexation into the City of Santee. As amended in 1997, the 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 rights. Further, the Plan anticipated that up to 500 dwelling units would be provided in the area of the project and the proposed 87 dwelling units are consistent with the East Elliott Community Plan. The proposed Unit 5 amendment and proposed East Elliott Community Plan amendment to the Castlerock subdivision 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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The proposed grading, as approved by the City Engineer, in connection with the Project 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. 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. All grading will meet or exceed the requirements of the City's regulations.

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. This plan will define safe removal strategies and methods to minimize impacts to the environment. Implementation of the Removal Action Work Plan and compliance with applicable regulations will result in a project that is not detrimental to public health, safety, and welfare.

Additionally, the Project will implement the Multiple Habitat Planning Area within the East Elliott Community Planning area while providing brush management zones consistent with the Municipal Code requirements. All brush management required for the Project will be conducted in a manner consistent with the Land Development Manual, the City approved alterative compliance, and the applicant's Fire Protection Plan which is a project design feature.

The Project subdivision will have adequate levels of essential public services available to residents, visitors and employees, including but not limited to police, fire, and medical services, and will not have an impact on the provision of such services. Other public services, such as schools, public parks, and libraries, will also be adequate for the proposed Project, as will the necessary utilities such as electricity, water, and wastewater. Conditions of approval required for the Project will address lighting, the generation of noise, the appearance of landscaping and the placement of buildings, and the development of the site and address the continued operation of the site for the intended uses. Storm water impacts from the proposed project will be avoided through Best Management Practices (BMPs), including site design and the installation of appropriate filtration devices.

The Project's permit controlling the development and continued use of the project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations. These requirements will assure the continued health, safety and general welfare of persons residing or working in the area. Therefore, the Project will not be detrimental to public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1

acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the graded footprint will increase by 3.4-acres. The Project includes three deviations to the development regulations.

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 three deviations from the Land Development Code. These deviations are specifically:

<u>Deviation</u>	<u>RX-1-1 Zone</u>	<u>Proposed</u>
• Maximum Building Height	30 feet	33 feet
• Front Yard Setback	15 feet	10 feet
• Exceed the maximum encroachment into steep hillsides		

The first deviation addresses the maximum height of the proposed chimneys of single family structures. The original Castlerock project includes eleven sets of architectural designs for the RX-1-1 zoned portion of the site for the development of single-family lots. Four of the proposed homes have chimneys that exceed the maximum height limitation of thirty-feet. The deviation to exceed the thirty-foot height limit will allow a maximum height of thirty-three-feet for these homes at the highest point. The eleven types of homes will be spread throughout the Project and not clustered in any one area. 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 second deviation addresses the front yard setback. Consistent with the adjacent neighborhood, the Project includes ten foot front yard setback which represents a deviation from the Land Development Code for the RX-1-1 zone which requires a fifteen foot front yard setback. 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 front 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.

The third deviation addresses encroachment into steep hillsides. The ESL regulations limit encroachment into steep hillsides in San Diego Municipal Code section 143.0142. Section 143.0142 states that where a site is “outside of the MHPA, the allowable development area includes all portions of the premises without steep hillsides. Steep hillsides shall be preserved in their natural state, except that development is permitted in steep hillsides if necessary to achieve a maximum development area of 25 percent of the premises.” The site is 44.9 acres and proposes

to grade 31.1 acres of that area. Within the area to be graded there are 0.94 acres of steep hillsides or three percent of the site. The Project would grade all of the 0.94 acres and a deviation is required.

The Project site has physical constraints that require a careful balancing the policy goals of East Elliott Community Plan, the Housing Element and other policies of the City's General Plan with the regulations of the Environmentally Sensitive Lands section 143.0142. The application of the section 143.0142 would create a conflict with policies that identify the goal of providing a variety of housing types and for residential density to be concentrated in the south west corner of Plan area which is the location of the Project. The Project has been designed to limit the amount of disturbance in the remaining areas of the site. In order to accomplish the goals of the East Elliott Community Plan, impacts to steep hillsides cannot be avoided. If the density goals of East Elliott were dispersed across the Plan area rather than clustered in the southwest corner of the Plan, then such actions would create even greater impacts to steep slopes. In fact the Plan designates development in the southwest area of the Plan and prevents development in the other areas. Implementation of the Project is consistent with the policies the Plan envisioned yet results in unavoidable impacts to steep slope at the Project site while preserving steep hillsides in other areas of the Plan.

The Project with its proposed three deviations results in a more desirable project than could be achieved with strict compliance with the Land Development Code, for several reasons. 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 will also be consistent overall with the City's General Plan.

The Project has 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 wherever possible, 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 designed to work with the natural environment and the site's topographic conditions and visually prominent location to create pleasant, safe neighborhoods while minimizing the environmental impacts of the development. In these ways, the Project will fulfill a community need for additional housing products while implementing the purposes of the East Elliott Community Plan and the other relevant policy documents, and therefore will be beneficial to the community as a whole.

The Project will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) which 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.

**II. 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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3-acres (gross), as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area. The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The Project is located within the area covered by the East Elliott Community Plan (Plan) adopted in April 1971, as amended by Resolution No. R-308433, October 1, 2013, which is the applicable land use plan for the Project area along with the City's General Plan. Together with the permit and subdivision actions, the Project includes an amendment to the East Elliott Community Plan to facilitate consistency between the land use policies and the proposed Project. Overall the Project will implement 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 87 additional housing units, while minimizing the environmental impacts of the development and dedicating more than 11.1 acres of land into the Multiple Habitat Planning Area. For additional information see PDP Finding No. 1 above.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area. The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The Project's permit controlling the development and continued use of the project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are

implemented in accordance with the approved plans and the final construction will comply with all regulations. These requirements will assure the continued health, safety and general welfare of persons residing or working in the area. Therefore, the Project will not be detrimental to public health, safety and welfare. For additional information see PDP Finding No. 2 above.

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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3-acres (gross), as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area. The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increases by 3.4-acres. The Project includes three deviations to the development regulations.

The Project complies with the relevant regulations of the San Diego Municipal Code, including requirements for floor area ratio, street design, open space, grading, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed through the Planned Development Permit. For additional information see PDP Finding No. 3 above.

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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

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 Unit 5 amendment 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.

The applicant submitted a geotechnical report, Update Geotechnical Report, Castlerock, San Diego, California, prepared by Geocon, Incorporated, dated December 2, 2014, which indicate the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project for the purposes of environmental review and the site is physically suitable for the design and siting of the proposed development. A Drainage Study and Water Quality Technical Report were also submitted which indicate the proposed development will be suitable for the proposed development and adhere to all engineering and water quality standards that apply to the Project and will result in minimum disturbance to environmentally sensitive lands. A Biology Report was updated for the Project reflecting the current conditions of the site which concludes the site is physically suitable for the design and siting of the proposed development.

With the incorporation of the mitigation measures, the use of contour grading techniques, 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 the minimum disturbance of environmentally sensitive lands and will not adversely affect environmentally sensitive lands. All impacts created by the Project will be mitigated at the appropriate ratios in accordance with the City's adopted Biology Guidelines. The Owner/Permittee has agreed to all conditions in the Mitigation Monitoring and Reporting Program 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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4 acres. The Project includes three deviations to the development regulations.

The East Elliott Community Plan was designed to minimize alterations to natural landforms. The Project limits of development and grading has been located to minimize erosion, flood, and fire hazards. The Project 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 BMPs as related to storm water runoff. The Project area is not within a 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 applications and plans 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 Land Development Manual adopted by the City of San Diego, the City approved alternative compliance. Fire protection with respect to finished landscaping and required fire protection water supplies will be provided. Therefore, the Project 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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The site is located in and adjacent to the Multiple Habitat Planning Area. The Project is generally consistent with the adopted East Elliott Community Plan as envisioned in the 1997 Plan Amendment; however, a minor amendment to Multiple Habitat Planning Area Boundary Line Adjustment (MHPA BLA) is required to implement the Plan. The MHPA BLA will increase the dedicated acreage of the MHPA and, with the mitigation measures outlined in the Addendum to the EIR No. 388889 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 adopted Biology Guidelines. With the implementation of the Mitigation Monitoring and Reporting Program, the Project will not adversely impact adjacent environmentally sensitive lands. Upon implementation of the mitigation in the Mitigation Monitoring and Reporting Program 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. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails,

and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

As part of the Project, a Multiple Habitat Planning Area Boundary Line Adjustment (MHPA BLA) is proposed to allow for modification to the MHPA boundary line on the site to conserve specific sensitive biological resources. Through the incorporation of conditions contained within the Mitigation Monitoring and Reporting Program, the MHPA boundaries shown in the adopted MSCP Subarea Plan will be functionally equivalent to the MHPA boundary proposed by the original Castlerock project. The proposed MHPA BLA 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 will be provided in accordance with the MSCP. The Project will dedicate lands within the MHPA which assures those lands are preserved and eliminates the potential introduction of other uses in the preserve. The California Department of Fish and Wildlife and United States Fish and Wildlife Service were consulted on the MHPA BLA and support the boundary line adjustment. In addition, the controls imposed on drainage and toxics, lighting, noise, barriers, invasive plant species, brush management and grading will be consistent with the Land Use Adjacency Guidelines contained in the MSCP Subarea Plan. For these reasons, the Project will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The proposed development is located approximately fourteen miles inland from public beaches and local shoreline. The Project will not contribute to erosion of public beaches or adversely affect shoreline sand supply. The Project will include BMPs in compliance with local and state regulations to ensure downstream hydrology and water 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. Therefore, the Project will not contribute to the erosion of public beaches or adversely impact 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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

A site specific impact analysis was prepared for the Project that identifies the Project design features and a Mitigation Monitoring and Reporting Program, 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 conclusions in the Addendum to the original EIR have been made, are part of the administrative record, and are hereby incorporated by reference. In addition, all mitigation measures identified in the EIR that are associated with the Project have been adopted and are incorporated into the conditions of approval.

As described in the Addendum to 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 Project will create visual impacts associated with the construction of on-site retaining walls which are included in the Project design to limit impacts to sensitive natural resources. No mitigation is feasible to reduce these impacts to below a level of significance, and the visual impact has been partially mitigated through the use of landscaping to provide visual relief from the walls. All feasible mitigation reasonably related to and calculated to alleviate negative impacts created by the Project 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. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

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 the features included in the Project design are retaining walls, 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 as a means of avoiding encroachment by brush management into the vernal pool areas. The Project design provides a bridge span crossing for a public road, in order to preserve a drainage that extends through Unit 5. While the drainage is not an environmentally sensitive lands feature, its preservation represents an environmentally superior design.

The Project, when combined with Units 1 through 4, will impact habitats which constitute environmentally sensitive biological habitats, yet those impacts will be mitigated at the ratios required by the adopted Biology Guidelines. Permanent impacts to sensitive vegetation communities include less than 0.1 acre of emergent wetlands, 13.6 acres of native grassland, 35.1 acres of coastal sage scrub (including disturbed), 46.5-acres of non-native grassland, and 9.1-acres of eucalyptus woodland/disturbed habitat on-site. Off-site impacts would consist of 0.3-acre of native grassland, 0.1-acre of coastal sage scrub, and 1.6-acre of non-native grassland. The Project, when combined with Units 1 through 4, would also have temporary impacts, which are estimated to be 0.7-acre of native grassland, 1.2-acre of coastal sage scrub, and 0.6-acre of non-native grassland on-site. It is acknowledged at this time that temporary impacts associated with landslide remediation is estimated to be 1.7-acres and the Owner/Permittee will attempt to reduce those impacts through additional geologic testing and engineering design. The Project design will avoid impacts to and will preserve five small vernal pools in the northern portion of the site.

The impacted 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.

The Mitigation Monitoring and Reporting Program includes measures to fully mitigate for sensitive biological resource impacts. Mitigation will be completed in compliance with the adopted Biology Guidelines. Upland and wetland habitat mitigation will be provided through preservation and creation at the appropriate Biology Guideline mitigation ratios. Impacts to sensitive plant species will be mitigated through the translocation to suitable MHPA lands, where feasible. Where translocation is not feasible, preservation mitigation will be provided at an appropriate ratio, depending on location. Impacts to the Coastal California gnatcatcher are less than significant because the MSCP adequately covers impacts to this species and the Project complies with MSCP regulations. Impacts to the San Diego fairy shrimp will be mitigated through a vernal pool restoration plan and populated with this species. An on-site mitigation area was established in the MHPA to compensate for these impacts. The Project design avoids impacts to and preserves five small vernal pools in the northern portion of the site. Mitigation

will be provided to avoid potential indirect impacts related to material storage, unauthorized intrusion, drainage, water quality, brush clearing, lighting and noise.

In addition, the Project is designed to preserve the habitat adjacent to existing open space within the East Elliott Community Plan area and develop that portion of the site with the lower quality habitat adjacent to the existing developed area to the east and south. The proposed biological mitigation areas will be dedicated in fee simple to the City or require a Covenant of Easement to ensure their preservation. The Project has been designed to avoid the biologically significant vernal pools on-site and protect them within a Vernal Pool Preserve. The Project will also comply with the Land Use Adjacency Guidelines to avoid potential indirect impacts to the MHPA during the construction and operations of the project. The proposed biological mitigation would be protected by a Covenant of Easement to ensure its preservation in perpetuity.

The Project will impact 14.8 acres of land within the MHPA, including 14.3 acres of sensitive habitat described above. The Project will fully mitigate direct and indirect impacts to habitat and sensitive species located within the MHPA. The proposed MHPA BLA and Mitigation Monitoring and Reporting Program measures will result in a functionally equivalent or better habitat relative to the existing MHPA boundary. Mitigation for all impacts to the MHPA areas will be provided in accordance with the MSCP, the MSCP Implementing Agreement, and the City's adopted Biology Guidelines.

The majority of the site near Mast Boulevard is comprised of steep hillsides. Constructing a Circulation Element roadway in this area adjacent to Mast Boulevard requires portions of these steep hillsides to be disturbed. Completion of development contemplated by the East Elliott Community Plan amendments, as shown in the 1997 and 2012, would require disturbance of a portion of these steep hillsides and is anticipated by the Plan. The Project's grading was reduced significantly from that shown in the Plan in several areas to minimize the potential adverse effects on environmentally sensitive lands, specifically steep hillsides. Additionally, where feasible and without creating additional impacts to steep hillsides containing sensitive biological resources, the Project includes landform and contour grading.

The Project's grading design has incorporated all feasible measures to minimize impacts to steep hillsides, and there are no additional, feasible measures that can further minimize the potential adverse effects on the environmentally sensitive lands as the Project cannot be developed without the circulation element roadway and the roadway has a direct causal relationship to the impacts to steep slopes. In addition, a further reduction of dwelling units below a maximum of 424 unit level 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 the East Elliott community for residential development in order to meet the City's housing goals, while preserving most of the rest of the East Elliott as open space within the MHPA. Clustering of residential development in this corner of East Elliott, instead of spreading development out over the whole of the community directly preserves steep hillsides and other environmentally sensitive lands within the remainder 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 Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3 gross acres, as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The Project design 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 meeting this goal the Project design encroachments into steep slopes containing sensitive biological resources are 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 topography of the site, 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 encroachments into sensitive hillside that are not of the applicant's making. Consideration of these constraints and goals, while still being responsive to engineering, access and grading requirements, creates the need to disturb sensitive hillsides. The Project maintains the overall grading design and City access requirements as approved with the original Castlerock project.

Given the foregoing, the request for a deviation to encroach into steep slopes is the minimum necessary to afford relief from special circumstances or conditions of the land and is not of the applicant's making. For additional information, refer to PDP Finding 3 above.

D. Supplemental Findings--Steep Hillside Development Area Regulations Alternative Compliance

1. The proposed development is in conformance with the Steep Hillside Guidelines. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3-acres (gross), as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the

City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

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. 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. For additional information, refer to PDP Finding 3 and Supplemental Findings--Environmentally Sensitive Lands Deviations 1 and 2 above.

2. The proposed development conforms to the applicable land use plan. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural drainage within Unit 5, and increases the on-site park from 4 to 5.3-acres (gross), as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

The development is located within the area covered by the Elliott Community Plan adopted in April 1971, as amended by Resolution No. R-308433, October 1, 2013, 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 424 additional housing units, while minimizing the environmental impacts of the development and dedicating over 11.1 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 424 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. For additional information see PDP Finding No. 1 above.

3. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans. The Castlerock Amendment (Project) proposes to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduces the impacts the natural

drainage within Unit 5, and increases the on-site park from 4 to 5.3-acres (gross), as well as a modest increase in the pocket park acreage, maintain access to the public open space and trails, and the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City of San Diego as open space within the Multiple Habitat Planning Area (MHPA). The overall limits of the original subdivision remain unchanged with the proposed project; however, the limits of the grading increase by 3.4-acres. The Project includes three deviations to the development regulations.

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 and specifically in areas of steep hillsides. In order to develop the adopted East Elliott Community Plan as envisioned, impacts to steep hillsides containing sensitive biological resources cannot be avoided. For additional information, refer to PDP Finding 1 and 3, SDP Finding 3 and Supplemental Findings--Environmentally Sensitive Lands Deviations 1 and 2 above.

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

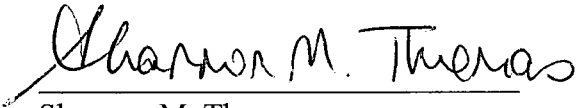
Section 5. That the Site Development Permit No. 1366477 and Planned Development Permit No. 1355476 are granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this ordinance.

Section 6. That the MHPA boundary line adjustment as shown on Exhibit "A" is approved.

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

Section 8. That the approvals for the development in Exhibit "A" shall take effect only upon a final decision by the Local Agency Formation Commission on the proposed reorganization, but not less than thirty days from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als:dkr
07/02/2015
Or.Dept: DSD
Doc. No.: 1040943_2

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: 24005111

PLANNED DEVELOPMENT PERMIT NO. 1366476,
SITE DEVELOPMENT PERMIT NO. 1366477 and MHPA Boundary Line Adjustment
CASTLEROCK AMENDMENT PROJECT NO. 388889 [MMRP]
Amending Planned Development Permit No. 19031, Site Development Permit No. 19032 and
MHPA Boundary Line Adjustment
CITY COUNCIL

This Planned Development Permit No. 1366476, Site Development Permit No. 1366477 and MHPA Boundary Line Adjustment, amending Planned Development Permit No. 19031 and Site Development Permit No. 19032, is granted by the City Council of the City of San Diego to PARDEE HOMES, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0604 and 126.0504. The 44.9 acre site is located north of Mast Boulevard, between Medina Drive and West Hills Parkway, in the existing RS-1-8 Zone (proposed RX-1-1 and OC-1-1 Zones) of the East Elliott Community Plan. The project site is legally described as portions of Lots 4, 5, 8 and 9 of the re-subdivision of a part of Fanita Ranch, Map thereof No. 1703, filed February 28, 1918, in the Office of the County Recorder, County of San Diego, state of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to redesign Unit 5 to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, reduce impacts to the natural drainage within Unit 5, increase the on-site park from 4 to 5.3 gross acres, increase the pocket park acreage, maintain access to the public open space and trails, reduce the on-site open space area, revise Unit 5 site plan increasing the development footprint by 3.4 acres, with three deviations to the development regulations and dedication of approximately 11.1 acres to the City of San Diego as open space within the Multi-Habitat Planning Area. The overall limits of the original subdivision remain unchanged with the proposed project; however, the graded footprint increases by 3.4 acres described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 21, 2015, on file in the Development Services Department.

The project shall include:

- a. Redesign of Unit 5 to reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, reduce impacts to the natural drainage within Unit 5, increase the on-site park from 4 to 5.3 gross acres, increase the pocket park acreage, maintain access to the public open space and trails, reduce the on-site open space area, revise Unit 5 site plan increasing the development footprint to 3.4 acres, with three deviations to the development regulations and dedication of approximately 11.1 acres to the City of San Diego as open space within the Multi-Habitat Planning Area. The overall limits of the original subdivision remain unchanged with the proposed project; however, the graded footprint increases by 3.4 acres;
- b. Three deviations relative to maximum building height, minimum front yard setback, and encroachment into steep hillsides; specifically described as:

<u>Deviation</u>	<u>RX-1-1 Zone</u>	<u>Allowed</u>
• Maximum building height	30 feet	33 feet
• Minimum Front Yard Setback	15 feet	10 feet
• Exceed the maximum encroachment allowed into steep hillsides;		
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. The utilization period for this Planned Development Permit/Site Development Permit is tolled for five years from AUG 04 2015 , (date of final passage of Ordinance No. 0-20557 approving the Amended 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.

2. This Planned Development Permit No. 1366476, Site Development Permit No. 1366477 and MHPA Boundary Line Adjustment (Permit) amends and supersedes Planned Development Permit No. 19031 and Site Development Permit No. 19032 as to Unit 5, as described by the drawings marked Exhibit "A." Where there is a conflict between this Permit and the Planned

Development Permit No. 19031 and Site Development Permit No. 19032, this Permit shall prevail and the conditions of Planned Development Permit No. 19031 and Site Development Permit No. 19032 shall be considered null and void having no force or effect.

3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

5. 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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. 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.).

8. 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 Wildlife (CDFW) pursuant to California Fish and Wildlife 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: (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 CDFW, 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 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.

9. 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.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. The development approved in this Planned Development Permit No. 1366476 and Site Development Permit No. 1366477 shall comply with the conditions of Amended Vesting Tentative Map No. 1366479.

12. 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.

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

settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

14. 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 Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

16. The mitigation measures specified in the MMRP and outlined in Addendum to Environmental Impact Report No. 388889 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Environmental Impact Report No. 388889, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

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

AFFORDABLE HOUSING REQUIREMENTS:

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

AIRPORT REQUIREMENTS:

19. 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.

GEOLOGY REQUIREMENTS:

20. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
21. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

ENGINEERING REQUIREMENTS:

22. All driveways and curb openings shall comply with City Standard Drawings SDG-160 and SDG-164, satisfactory to the City Engineer.
23. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
24. 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.
25. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
26. The drainage system for this project will be subject to approval by the City Engineer.
27. 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 Engineer.
28. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
29. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire

site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

30. 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 Land Development Manual Landscape Standards, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to the Exhibit "A."

31. 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 Development Services Department for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

33. 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.

34. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

35. 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."

36. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.

PLANNING/DESIGN REQUIREMENTS:

37. 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.

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

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

40. 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.

41. 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 Owner/Permittee 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.

42. Prior to final inspection of any building permit, 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.

43. Prior to final inspection of any building permit, the Owner/Permittee shall provide verification that greenhouse gas emissions generated directly by the project are within the projected levels described in the Environmental Impact Report, Project No. No. 10046/ SCH No. 2004061029, satisfactory to the Director of Development Services.

MSCP REQUIREMENTS:

44. The Owner/Permittee shall ensure that there is no net loss of biological functions and values of all property identified as MHPA conveyed by covenant of easement, or fee-title, upon approval of Amended Vesting Tentative Map No. 1366479.

45. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area to the City's Multiple Species Conservation Program preserve through either a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, or in fee title to the City through an Irrevocable Offer of Dedication, as shown on Exhibit "A." Said offer of fee-title shall

be accepted by the City upon completion of the project grading and construction and after approval from the Park and Recreation Department Open Space Division Deputy Director.

46. The Owner/Permittee shall ensure all property approved for conveyance in fee title to the City for MHPA purposes exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas and graded slopes and be free and clear of all private easements, private encroachments, private agreements and/or liens.

47. The Owner/Permittee shall grant a covenant of easement in favor of the City and United States Fish and Wildlife Service and California Department of Fish and Wildlife on any on-site MHPA lands that are not dedicated in fee title to the City.

48. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed by the City.

49. Prior to acceptance of fee-simple dedication, the Owner/Permittee shall schedule an inspection with the Park and Recreation Department Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City's acceptance.

PARK AND RECREATION REQUIREMENTS:

50. 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 4.47 acre public park to the City of Santee if the related reorganization application is approved, or to the City of San Diego if the related reorganization application is not approved, as shown on the approved Exhibit "A."

51. The Owner/Permittee shall provide a pro rata share of the cost of a community recreation building and a community swimming pool. The Owner/Permittee shall satisfy this requirement through payment of a City of Santee public facility development impact fees as identified in the Annexation Agreement or through the payment of development impact fees to the City of San Diego, if the related reorganization is not approved.

52. The Owner/Permittee shall use gravel footings for all peeler log fencing to be maintained by the City of San Diego.

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

54. Prior to issuance of the first building permit, the Owner/Permittee shall ensure the Park and 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.

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

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

TRANSPORTATION REQUIREMENTS:

57. The Owner/Permittee shall provide and maintain a 25 foot by 25 foot sight visibility triangular area along the property lines at the southeast and southwest corners of the intersection of Street C and Street F, the northeast and northwest corners of the intersection of Street C and Street E and the southeast and southwest corners of the intersection of Street C and Street F (west). No obstacles higher than 36 inches shall be located within these areas (landscape, hardscape, walls, columns, signs shrubs, et cetera).

58. The Owner/Permittee shall provide and maintain a minimum of two on-site parking spaces for each residential unit at all times. All on-site parking spaces shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

PUBLIC UTILITY REQUIREMENTS:

59. 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 the Amended Vesting Tentative Map and/or the Exhibit "A" and in accordance with the Padre Dam Municipal Water District's current Sewer Design Guide, if the related reorganization is approved, or City of San Diego's current Sewer Design Guide, if Reorganization is not 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.

60. 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 Amended Vesting Tentative Map may require modification based on the accepted sewer study.

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

62. Prior to the issuance of any building permits, the Owner/Permittee shall provide evidence, satisfactory to the Padre Dam Municipal Water District, if Reorganization is approved or City of San Diego Public Utilities Department, if the related reorganization is not approved indicating 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.

63. 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 Padre Dam Municipal Water District, if reorganization is approved or City of San Diego Public Utilities Department, if reorganization is not approved.

64. Prior to the issuance of any certificates of occupancy, all public sewer facilities shall be completed and operational in a manner satisfactory to the Padre Dam Municipal Water District, if reorganization is approved, or City of San Diego Sewer Design Guide and City regulations, if reorganization is not approved.

65. All proposed public sewer facilities must be designed and constructed in accordance with Padre Dam Municipal Water District, standards and practices pertaining thereto, if reorganization is approved, or City of San Diego Sewer Design Guide and City regulations, if reorganization is not approved.

66. 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.

67. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer and five feet of any water facilities. Trees and shrubs shall not be located within any sewer easement.

68. Prior to the approval of any public improvement drawings, the Owner/Permittee shall provide a water study consistent with the Amended Vesting Tentative Map and Exhibit "A," satisfactory to the Padre Dam Municipal Water District if reorganization is approved, or satisfactory to the City of San Diego Public Utilities Department if reorganization is not approved. The Owner/Permittee shall 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 Amended 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.

69. Prior to final inspection of any dwelling unit, all public water facilities shall be complete and operational in a manner satisfactory to the Padre Dam Municipal Water District, if reorganization is approved, or City of San Diego Public Utilities Department and the City of San Diego City Engineer, if reorganization is not approved, as shown on Amended Vesting Tentative Map and/or Exhibit "A."

70. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Padre Dam Municipal Water District standards and practices, if reorganization is approved, or City of San Diego Public Utilities Department and the City of San Diego City Engineer, if reorganization is not approved.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on AUG 04 2015 and Ordinance No. O- 20557

Permit Type/PTS Approval No.: PDP No. 1366476, SDP No. 1366477
Date of Approval: AUG 04 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
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, a California Corporation
Owner/Permittee

By _____
Jimmy Ayala
Division President – San Diego

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

Passed by the Council of The City of San Diego on AUG 04 2015, 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"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input 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 AUG 04 2015.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By *Debra J. Santos*, 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

JUL 21 2015

, and on

AUG 04 2015

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 *Debra J. Santos*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20557