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(O-2015-168)

ORDINANCE NUMBER O- 20558 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 04 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AMENDED VESTING TENTATIVE MAP NO. 1366479, PUBLIC RIGHT-OF-WAY VACATION NO. 1487841 AND EASEMENT VACATION NO. 1366480 FOR CASTLEROCK AMENDMENT PROJECT NO. 388889.

WHEREAS, on September 16, 2013, the City Council of the City of San Diego held a public hearing for the purpose of considering Vesting Tentative Map No. 1004468, including Public Right-of-Way Vacation No. 1004469 and Easement Vacation No. 1004471, for the residential project known as the Castlerock Project (Project No. 10046) under a dual scenario 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-20305 granting Vesting Tentative Map No. 1004468, including Public Right-of-Way Vacation No. 1004469 and Easement Vacation No. 1004471 (Map); and

WHEREAS, among other things, the Map proposes the subdivision of a 44.9 acre site, into 87 lots for single family development, 8 lots for a homeowners association, 2 lots for Multi-Habitat Planning Area open space and 1 lot for public park; and

WHEREAS, Section 7 of Ordinance No. O-20305, approving Vesting Tentative Map No. 1004468 provides that Exhibit "A(1)" applicable to the Annexation Scenario, shall take effect only upon a final decision by the Local Agency Formation Commission to grant the proposed reorganization, but not less than thirty days from and after its final passage; and

WHEREAS, the LAFCO decision on the Reorganization is still pending; and

WHEREAS, Pardee Homes has redesigned Unit 5 of the Castlerock Project to avoid the northern drainage area on-site while still meeting the basic project objectives; and

WHEREAS, Pardee Homes, Subdivider, and C. John Eardensohn, Engineer, submitted an application to the City of San Diego for an Amended Vesting Tentative Map No. 1366479, Public Right-of-Way Vacation No. 1487841 and Easement Vacation No. 1366480 for the Castlerock Amendment project. The project site is located north of Mast Boulevard, between Medina Drive and West Hills Parkway. The property 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; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, the Castlerock Amendment project would apply to Unit 5 under both the Annexation Scenario and Non-Annexation Scenario, and includes 87 single-family lots, 1 public park lot, 2 Multi-Habitat Planning Area lots, and 7 Homeowners Association lots; 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 the matter and being fully advised concerning the same; and

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

WHEREAS, on July 21, 2015, the City Council of the City of San Diego considered Vesting Tentative Map No. 1366479, Public Right-of-Way Vacation No. 1487841 and Easement Vacation No. 1366480 and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0491 and 125.1040 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

Section 1. That notwithstanding the tentative map utilization period in San Diego Municipal Code section 125.0460, the utilization date shall be as set forth in section 1 of Conditions of Amended Vesting Tentative Map No. 1366479, Public Right-of-Way Vacation No. 1487841 and Easement Vacation No. 1366480, to allow for the LAFCO process to occur.

Section 2. That it adopts the following findings with respect to Vesting Tentative Map No. 1366479, Public Right-of-Way Vacation No. 1487841 and Easement Vacation No. 1366480:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The Project is consistent with the City of San Diego General Plan and the East Elliott Community Plan, which designates the area for residential use and Multiple Species

Conservation Program open space. 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 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. The subdivision will retain the community character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

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.

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 Multiple Habitat Planning Area lands within the community through either purchase of undeveloped lots or through the dedication of 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 to the Castlerock subdivision is consistent with the City's General Plan and implements the goals and policies through expansion of the Multiple Habitat Planning Area and providing needed housing units for the region.

Therefore, the proposed subdivision and its design and improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

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>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 Project site has physical constraints that require a careful balancing of the policy goals of the 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 the 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.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The site is physically suitable for residential development. The 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. The density does not exceed that density allowed by the East Elliott Community Plan, thereby maintaining consistency with the goals and policies of the City General Plan Housing Element. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned and the residential properties in Santee. In addition, approximately 11.1-acres of open space would be dedicated as part of the proposed project will be contiguous with surrounding areas of the MHPA. As a result, the site is physically suitable for the design and siting of the proposed project and for the type and density of development.

The applicant's consultants submitted an Update to Geotechnical Investigation, Castlerock, San Diego, California, prepared by Geocon, Incorporated, dated December 1, 2014 and December 12, 2014, a Preliminary Hydrology Study prepared by Latitude 33 Planning and Engineering dated February 6, 2015, a Water Quality Technical Report prepared by Chang Consultants, dated February 4, 2015, an Updated Jurisdictional Delineation Report prepared by Glenn Lukos Associates, dated September 10, 2014 and a Biological Resources Assessment prepared by Natural Resource Consultants, dated December 12, 2014, all which find the site is physically suitable for the type and density of the proposed development. Therefore, the site is physically suitable for the type and density of the development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

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.

Implementation of a Mitigation Monitoring and Reporting Program includes such measures as 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 regulations and the Biology Guidelines. In addition, water quality measures and storm water detention facilities are incorporated into the Project design to avoid onsite or offsite impacts to fish or wildlife or their habitats to the maximum extent feasible.

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. 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. Therefore, design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

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 associated 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 design of the subdivision or the type of improvement will not be detrimental to public health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The Project and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision. All easements granted to the City over the property have been left in place or have been relocated and improved in a manner that allows for public access that is substantially equivalent to, and, in some cases, superior to the access formerly provided to the public by the unimproved easements, as reflected on the map. For additional information, refer to Street Vacation and Easement Vacation findings below.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The Project will not impede or inhibit any future passive or natural heating and cooling opportunities. The Project has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. With the independent design of the proposed subdivision each structure will provide to the extent feasible, for future passive or natural heating and cooling opportunities through use of building materials, site orientation, architectural treatments, placement and selection of plant materials that provide passive or natural heating and cooling opportunities.

For example, through its participation in the California Green Builder Program and the California Green Building Code, the Project will be constructed with high performance energy efficient windows, improved insulation, radiant barriers and insulated attic ducts that minimize heat gains in the summer and heat losses in the winter. Combined, these design features and the proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and San Diego Municipal Code Section 125.0440(g) as these features promote passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The Project proposes to develop up to 87 dwelling units with a variety of lot sizes and to provide MHPA open space within the RX-1-1 and OC-1-1 Zones and the East Elliott Community Plan, which encourages residential development at this location. The Project will comply with the City's Inclusionary Housing Ordinance and will contribute towards meeting the affordable housing needs of the region. These housing needs have been balanced against the need for public services. All appropriate public services, including fire, police, medical, schools, public parks, and libraries, as well as necessary utilities such as electricity, water, and sewer, will be available to and adequate for the Project prior to occupancy. The effects of the Project on the housing needs of the region has been considered, and those needs are balanced against the needs for public services and the available fiscal and environmental resources in conformance with the Subdivision Map Act Section 66412.3 and the San Diego Municipal Code Section 125.0440(h).

Section 3. That portions of public sewer easements, located within the project boundaries as shown on Amended Vesting Tentative Map No. 1366479, shall be vacated, contingent upon the recordation of the Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

1. There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The, slope, sewer easements, utility and other non-road easements (Public Service Easements) identified on the Amended Vesting Tentative Map proposed to vacated are appropriate because they are part of an easement relocation plan that will allow for the reasonable development of the project while maintaining or improving the level of use for other landowners in the East Elliott Community Plan Area.

These Public Service Easements were created by the federal government for access roads, slopes, and sewers to its surplus properties and were drawn without regard to topography or practical engineering design to establish legal access and sewer service access to the parcels prior to their sale. The City of San Diego accepted these road, slope, and utility easements through a series of resolutions in 1962, 1965, and 1967, which terminated private road, slope and utility easements by the terms of such private easements. The new location and dedication of the easements and/or public right-of-way will either continue to provide or improve reasonable use to the public facility and for the purpose for which the Public Service Easements was originally acquired, to the extent the purpose of the Public Service Easement still exist. Providing access for public utility and sewer to privately owned lots will continue under the proposed relocation plan as identified on the Amended Vesting Tentative Map. In addition, no public improvements or facilities were constructed within the areas proposed for vacation. Therefore, there is no present or prospective use for the existing Public Service Easements, or for the facility for which

they were originally acquired or for any other public use or a like nature that can be anticipated that requires it to remain in its current location.

2. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment. (San Diego Municipal Code § 125.1040(b)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The land made available by the easement vacation will be improved to provide additional housing capacity, providing up to 87 housing units, while preserving more than 11.1 acres of land by including it in the MHPA. 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 Project would also be consistent with the City's General Plan.

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

Overall, the Project is designed to work with the natural environment and the site's topographic conditions to create pleasing neighborhoods while minimizing the environmental impacts of the development. Therefore, the public will benefit from the utilization of the vacated Public Service Easement area that makes the Project possible. The vacation of the Public Service Easements will benefit the public through making additional land available for development in an orderly fashion. The public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

3. The abandonment is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The Project is located within the area covered by the Elliott Community Plan adopted in April 1971 and amended by Resolution No R-308433, October 1, 2013 (the "East Elliott Community Plan"), which is the applicable land use plan for the Project area along with the City's General Plan. The East Elliott Community Plan lists residential development among the allowable uses for the site. The Project implements the goals and policies of these documents by creating a subdivision that accommodates a portion of the housing needs within the community, providing up to 87 additional housing units, while minimizing the environmental impacts of the development and dedicating land in the MHPA. For additional information, refer to Vesting Tentative Map Findings 1 and 5 above.

4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The Public Service Easements to be vacated are appropriate because the vacations allow for the reasonable development of the Project while maintaining or improving the level of services for and to other landowners in the East Elliott Community Planning area and the public by means of an improved system of dedicated public rights-of-way built to the City's Street Design Manual standards and those of the Green Book Standards for public works including the provision of public services. The Public Service Easements for which the easements were originally acquired will not be detrimentally affected by the vacation because the new location and dedication of the public right-of-way will either continue or improve the level of service where none presently exist and service to nearby properties and to the public, which is the purpose for which the Public Service Easements was originally acquired. Providing public services to privately owned parcels in the East Elliott Community Planning area will continue under the proposed Amended Vesting Tentative Map for the same reasons discussed in the findings cited above.

Section 4. That portions of public road easements, located within the project boundaries as shown on Amended Vesting Tentative Map No. 1366479, shall be vacated, contingent upon the recordation of the Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

1. There is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.0941(a)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The public road easements identified on Sheet 3 of Amended Vesting Tentative Map proposed (collectively "Public Road Easements") to be vacated are appropriate as the vacation will allow for the reasonable development of the Project while maintaining or improving the level of access for other landowners in the East Elliott Community Planning Area. An easement relocation plan is on file with the City.

During the period between 1962 and 1970, the federal government provided easements for access roads, slopes and sewers to these surplus properties to the City of San Diego; these easements were drawn without regard to topography or practical engineering design, but only to establish legal access and sewer service access to the parcels prior to their sale. The City of San Diego accepted these road, slope, and utility easements through a series of resolutions in 1962,

1965, and 1967, which terminated private road, slope and utility easements by the terms of such private easements.

The new location and dedication of the public right-of-way as shown on the Amended Vesting Tentative Map will either continue to provide or improve reasonable access to the public facility and purpose for which the Public Road Easements were originally acquired, to the extent the purpose of the Public Road Easements still exist. Providing public access to privately owned lots will continue under the proposed relocation plan. Although some parcel owners in the East Elliott Community Planning Area may need to drive slightly longer distances on the relocated Public Road Easements, often this will result in an improved level of service to those parcels because few, if any, of the Public Road Easements have been developed or maintained by the City, due to the rugged terrain and lack of development on those parcels.

When the United States Government originally created the Public Road Easements in the 1960's, the easements were drawn for the convenience of establishing legal access to legal lots that only existed on paper. Commonly known as "paper easements," these easements were drawn without regard to the physical terrain, sound engineering practices, biological habitat impacts, or the design of any specific development project. Some Public Road Easements enter the sides of steep slopes, sensitive habitats, or canyons where no civil engineer would have placed them if the purpose were to provide affordable, safe, and convenient access to developable lots. In contrast, the proposed easement relocation plan requires the Project developer, as a condition of the project, to construct an actual road within the Project boundaries on which the public can travel and access Mast Boulevard safely via an improved, signaled intersection, thus either maintaining or improving the level of service provided by the public right-of-way.

In addition, no roads have been built on these public right-of-way. Therefore, there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the vacation through improved use of the land made available by the vacation. (San Diego Municipal Code § 125.0941(b)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The land made available by the public right-of-way vacation will be improved to provide additional housing capacity, providing up to 87 housing units, while preserving more than 11.1 acres of land by including it in the MHPA. The Project has been designed and will be developed in accordance with the intent of the East Elliott Community Plan to assure that the residential theme, architectural character, development considerations, and other functional concepts of the East Elliott Community Plan are implemented. The proposed project would also be consistent with the City's General Plan.

Development areas have been sited in response to a range of environmental considerations including steep slopes and sensitive biological habitats. Revisions to the Project have been incorporated into the design by blending manufactured slopes to the existing topography where 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 through the use of retention walls.

Overall, the Project is designed to work with the natural environment and the site's topographic conditions to create pleasing neighborhoods while minimizing the environmental impacts of the development. Therefore, the public will benefit from the utilization of the vacated public right-of-way area that makes the Project possible.

3. The vacation does not adversely affect any applicable land use plan. (San Diego Municipal Code § 125.0941(c)).

The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The Project is located within the area covered by the Elliott Community Plan adopted in April 1971 and amended by Resolution No R-308433, October 1, 2013 (the "East Elliott Community Plan"), which is the applicable land use plan for the Project area along with the City's General Plan. The East Elliott Community Plan lists residential development among the allowable uses for the site. The Project implements the goals and policies of these documents by creating a subdivision that accommodates a portion of the housing needs within the community, providing up to 87 additional housing units, while minimizing the environmental impacts of the development and dedicating land in the MHPA. For additional information, refer to Vesting Tentative Map Findings 1 and 5 above.

4. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. (San Diego Municipal Code § 125.0941(d)).

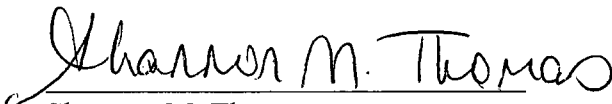
The Castlerock Amendment (Project) includes 87 single-family lots, one public park lot, two Multi-Habitat Planning Area lots and seven Homeowners Association lots.

The public right-of-way to be vacated are appropriate because the vacations allow for the reasonable development of the Project while maintaining or improving the level of access for other landowners in the East Elliott Community Planning area and the public by means of an improved system of dedicated public rights-of-way built to the City's Street Design Manual standards and those of the Green Book Standards for public works. The road easement for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation because the new location and dedication of the public right-of-way will either continue or improve the level of access and service to nearby properties and to the public, which is the purpose for which the road easement was originally acquired. Providing reasonable legal and physical access to privately owned parcels in the East Elliott Community Planning area will continue under the proposed Amended Vesting Tentative Map for the same reasons discussed in the findings cited above.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

Section 5. That based on the Findings hereinbefore adopted by the City Council, Amended Vesting Tentative Map No. 1366479, Public Right-of-Way Vacation No. 1487841 and Easement Vacation No. 1366480 are hereby granted to Pardee Homes subject to the attached conditions which are made a part of this resolution by this reference

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als:dkr
07/02/2015
Or.Dept: DSD
Doc. No.: 1042300_3

ATTACHMENT: Conditions of Amended Vesting Tentative Map

CITY COUNCIL

CONDITIONS FOR AMENDED VESTING TENTATIVE MAP NO. 1366479,
EASEMENT VACATION NO. 1366480 AND STREET VACATION NO. 1487841
FOR CASTLEROCK AMENDMENT - PROJECT NO. 388889

ADOPTED BY ORDINANCE O- 20558 (NEW SERIES) ON AUG 04 2015

GENERAL

1. The utilization period to file a final map for this Amended Vesting Tentative Map is tolled for five years from AUG 04 2015, date of final passage of Ordinance No. O- 20558, approving this Amended Vesting Tentative Map) or until a Local Agency Formation Commission final decision on the Reorganization occurs, whichever is earlier. This Amended Vesting Tentative Map will expire three years after the tolling period ends, absent further legal basis for extension under the Subdivision Map Act.
2. This Amended Vesting Tentative Map and Easement Vacation must be utilized in accordance with Chapter 12, Article 5, Division 4 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.
3. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Final Map shall conform to the provisions of Planned Development Permit No. 1366476 and Site Development Permit No. 1366477.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits, excepting services to and from the existing San Diego Gas and Electric substation. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Amended Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

10. Prior to the expiration of the Amended Vesting Tentative Map, a Final Map to subdivide lots shall be recorded in the office of the County Recorder.
11. Pursuant to California Government Code section 66434 (g), the following right-of-ways and public service easements, located within the project boundaries as shown in Amended Vesting Tentative Map No. 1366479, shall be vacated, contingent upon the recordation of the approved Final Map for the project:
 - a. Portions of the public road easement per document recorded June 7, 1965, as File No. 101350.
 - b. Portions of the public road easements per Miscellaneous Map No. 465, document recorded February 15, 1965, as File No. 26326.
 - c. Portions of the public road easements per document recorded May 3, 1966, as File No. 74588.
 - d. Sewer easements 2, 3 and 4 per document recorded July 6, 1965, as File No. 120547.
12. Prior to the recordation of the Final Map taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.

13. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
14. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
15. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
16. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

LANDSCAPE/BRUSH MANAGEMENT

17. Prior to recording the Final Map, the Subdivider shall submit for review, a Landscape Maintenance Agreement for all landscape improvements within the public right-of-way area consistent with Exhibit "A." The approved Landscape Maintenance Agreement shall be recorded and bonded prior to recordation of the Final Map.

PLANNING

18. Prior to recording the Final Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are (a) outside the allowable development area on the premises as shown on Exhibit "A" outside of the open space lands to be dedicated to the City of San Diego pursuant to the MSCP Conditions herein, for open space, in accordance with San Diego Municipal Code Section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibits Exhibit "A."

TRANSPORTATION

19. Prior to recording a Final Map, the Subdivider shall assure, by permit and bond, the construction of Street C from Street B to Street E as a two-lane collector street with a minimum pavement width of 32 feet within 56 feet of right-of-way with a twelve-foot parkway on each side, satisfactory to the City Engineer.
20. Prior to recording a Final Map, the Subdivider shall assure, by permit and bond, the construction of Street C from Street E to 350 feet east of Street E as a two-lane local residential street with a tree pop out, with a minimum pavement width of 36 feet within 60 feet of right-of-way with a twelve-foot parkway on each side, satisfactory to the City Engineer.
21. Prior to recording a Final Map, the Subdivider shall assure, by permit and bond, the construction of Street C from 350 feet east of Street E to the Cul-de-sac as a two-lane local residential street with a tree pop out with a minimum pavement width of 30 feet within 60 feet of right-of-way with an eighteen foot on east side and 12 foot parkway on west side, satisfactory to the City Engineer.
22. Prior to recording a Final Map, the Subdivider shall assure, by permit and bond, the construction of Street E as a two-lane collector street with a minimum pavement width of 36 feet within 60 feet of right-of-way with a twelve foot parkway on each side, satisfactory to the City Engineer.
23. Prior to recording a Final Map, the Subdivider shall assure, by permit and bond, the construction of Street F as a two-lane local residential street with a minimum pavement width of 32 feet within 56 feet of right-of-way with a twelve foot parkway on each side, satisfactory to the City Engineer.

PUBLIC UTILITIES

24. Prior to the approval of any public improvement drawings, the Subdivider shall provide an acceptable water study satisfactory to the Padre Dam Municipal Water District standards and practices if the Reorganization is approved, or City of San Diego Public Utilities Department if the Reorganization is not approved. The Subdivider will be responsible for installing all water facilities, as required by the approved water study, necessary to serve this development. Water facilities shown on the approved 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.
25. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public right-of-ways, satisfactory to the Padre Dam Municipal Water District standards and practices if the Reorganization is approved, or City of San Diego Public Utilities Department if the Reorganization is not approved. Easements shall be located within singles lots, when possible, and not split longitudinally. Vehicular access roadbeds shall be a minimum of 24 feet wide and

surfaced with suitable approved material satisfactory to the Padre Dam Municipal Water District standards and practices if the Reorganization is approved, or City of San Diego Public Utilities Department if the Reorganization is not approved.

26. The Subdivider shall install fire hydrants at locations satisfactory Padre Dam Municipal Water District and the City of Santee Fire Chief if the Reorganization is approved or the City of San Diego Fire Marshal and the City of San Diego Public Utilities Department if the Reorganization is not approved. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main then the Subdivider shall install a redundant water system satisfactory to the Padre Dam Municipal Water District standards and practices if the Reorganization is approved, or City of San Diego Public Utilities Department if the Reorganization is not approved.
27. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
28. The Subdivider shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Padre Dam Municipal Water District standards and practices if the Reorganization is approved, or City of San Diego Public Utilities Department if the Reorganization is not approved.
29. The Subdivider shall provide a 10 feet minimum (edge to edge) separation between water and sewer main and provide a 5 feet minimum separation between water main and face of curb per City of San Diego Sewer Design Guide and City regulations, if Reorganization is not approved, or Padre Dam Municipal Water District standards and practices, if Reorganization is approved.
30. The Subdivider shall design and construct all proposed public water facilities in accordance Padre Dam Municipal Water District standards and practices, if Reorganization is approved or City of San Diego Public Utilities Department, if Reorganization is not approved.
31. Prior to recording the first Final Map, the Subdivider shall assure by permit and bond the construction of sewer facilities, as shown on the Amended Vesting Tentative Map, to the satisfaction of the Padre Dam Municipal Water District standards and practices, if Reorganization is approved or City of San Diego Public Utilities Department requirements, if Reorganization is not approved.
32. Prior to recording the Final Map, the Subdivider shall grant sewer and access easements for the construction of sewer facilities within or necessary for said Final Map, as shown on the Amended Vesting Tentative Map, to the satisfaction of the Padre Dam Municipal Water District standards and practices if the Reorganization is approved, or City of San Diego Public Utilities Department if the Reorganization is not approved.

33. Prior to recording the Final Map, the Subdivider shall assure, by permit and bond, the construction of all off-site sewer and water facilities to provide service to the proposed development as required per the accepted water and sewer studies to the satisfaction of the Padre Dam Municipal Water District standards and practices if the Reorganization is approved, or City of San Diego Public Utilities Department if the Reorganization is not approved.

MSCP

34. Prior to the recordation of the Final Map, the Subdivider 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 the approved Amended Vesting Tentative Map. 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.

PARK & RECREATION

35. The Subdivider shall indicate on the final map an easement for public access over all multi-use trails on private property. All public access easements for trail purposes shall be maintained by the property owner or landscape maintenance district.
36. The Subdivider shall ensure that all remedial grading and associated infrastructure are privately owned and maintained.
37. The Subdivider shall deed Lots "U" and "V" to the City of San Diego for open space purposes.
38. The Subdivider shall indicate on the final map a Recreation Easement for Recreation Lots over all private park areas to allow for public access. These private park areas shall be maintained by the property owner or landscape maintenance district.
39. To the extent consistent with MSCP Condition herein, prior to recording the final map, the Subdivider shall ensure that the lot(s) to be deeded to the City as open space are free and clear of all private easements (other than pre-existing easements shown on the approved VTM permit), private encroachments, private agreements and/or liens.
40. The Subdivider shall deed Lot "Q" to the City of Santee for recreational purposes if the reorganization is approved, and to the City of San Diego for recreational purposes if the reorganization is not approved.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto if the Reorganization is not approved or to the satisfaction of the Padre Dam Municipal Water District standards and practices, if Reorganization is approved. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Passed by the Council of The City of San Diego on AUG 04 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri 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 *Janette Harte*, 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 *Janette Harte*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20558