

**FINAL**

# Second Recirculated Sections of Final Revised Environmental Impact Report Fanita Ranch Project

February 2025 SCH No. 2005061118

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# **Second Recirculated Sections of Final Revised Environmental Impact Report**

## **Fanita Ranch Project**

**SCH No. 2005061118**

**February 2025**

Prepared for:



**City of Santee  
Department of Development Services  
10601 Magnolia Avenue  
Santee, California 92071**

Prepared by:



**Harris & Associates**

**2375 Northside Drive, Suite 125  
San Diego, California 92108**

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## Chapter 0 Preface

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This chapter describes why portions of the Final Revised Environmental Impact Report (REIR) for the Fanita Ranch Project (proposed project) are being revised and recirculated under the California Environmental Quality Act (CEQA), provides an overview of the content and scope of the Second Recirculated Sections of the Final REIR (Second Recirculated REIR), and summarizes the public comment period after the Second Recirculated REIR has been made available for public and agency review.

### 0.1 Summary

In September 2020, the City of Santee’s (City’s) City Council certified the Final REIR for the proposed project as compliant with CEQA. The Final REIR was prepared to analyze the potential significant environmental impacts resulting from the construction and operation of the proposed project. A lawsuit was filed challenging the adequacy of the Final REIR.

In March 2022, the San Diego County Superior Court (Hon. Katherine A. Bacal, presiding) issued a ruling identifying deficiencies in the Final REIR related to evacuation in the event of a wildfire. In March 2022, the trial court entered judgment and a writ of mandate (order) directing the City to set aside certification of the Final REIR and the project approvals for the proposed project. The matter was thereby remanded to the City to correct the deficient portions of the Final REIR.

Recirculated Sections were prepared in June 2022 to correct the deficiencies identified in the trial court’s 2022 ruling, judgment, and writ. The Recirculated Sections included new or replaced Chapter 0, Preface, and Section 4.18, Wildfire, in their entirety. The Recirculated Sections also included strikeout/underline changes to Chapter 3, Project Description, and Section 4.10, Land Use and Planning, because the proposed project no longer requested legislative approvals, including a General Plan Amendment, Specific Plan, Rezone, or Development Agreement, but instead requested adjudicatory approval of a Development Plan, Vesting Tentative Map, Development Review Permit, and Conditional Use Permits. On September 14, 2022, the City Council held a public hearing and voted unanimously to certify the Final Recirculated REIR and approve the proposed project.

Another lawsuit was filed challenging the adequacy of the Final Recirculated REIR. In September 2024, the San Diego County Superior Court (Hon. Katherine A. Bacal, presiding) issued a ruling identifying deficiencies in the Final Recirculated REIR related to Santee General Plan inconsistency. No other deficiencies in the Final Recirculated REIR were identified. The matter was remanded to the City to correct the deficient portions of the Final Recirculated REIR. The ruling, judgment, and writ are attached hereto as Appendix S.

This Second Recirculated REIR has been prepared to correct the deficiencies identified in the trial court’s 2024 ruling, judgment, and writ. Pursuant to CEQA, if revisions to an EIR are limited to chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified (CEQA Guidelines, Section 15088.5[c]). Therefore, this Second Recirculated REIR includes this Chapter 0, Preface, and strikeout/underline changes to Section 4.10, Land Use and Planning, because only portions thereof have been modified.

Those portions of the Final Recirculated REIR, inclusive of the Final REIR, that were not found deficient will not be recirculated. Pursuant to CEQA Guidelines, Section 15088.5(f)(2), the City will not seek or entertain any further comments on those portions of the Final Recirculated REIR.

The City will prepare written responses to comments received on the Second Recirculated REIR. Thereafter, the City will complete the Final Second Recirculated REIR, consisting of the Second Recirculated REIR, public comments, written responses to comments, and any revisions identified. The City Council will then review the Final Second Recirculated REIR, along with the portions of the Final Recirculated REIR that were not subject to revision, consider the information presented therein before acting on the proposed project, and determine if the Final Second Recirculated REIR, as modified, is adequate, complete, in compliance with CEQA, and reflects the City Council’s independent judgment and analysis.

The Second Recirculated REIR has been prepared to address the CEQA deficiency identified in the trial court’s ruling. Specifically, the court found that the Final Recirculated REIR failed to adequately disclose the proposed project’s inconsistency with the Santee General Plan, which violations were intertwined with the bases for finding inconsistencies with the Santee General Plan (Appendix S [Ruling pp. 5–8]):

- “According to respondents, the project is consistent with the general plan because it was certified as an essential housing project, and so the City was not required to analyze and disclose any claimed inconsistencies” (Appendix S [Ruling p. 5]). The City did not “clearly explain where and how” the City’s Essential Housing Program fits in the land use hierarchy (Appendix S [Ruling pp. 7–8]).
- Under the Housing Accountability Act (California Government Code, Section 65589.5), “concluding a particular basis for a project is not inconsistent with the general plan does not necessarily mean that a project is therefore consistent with a general plan” (Appendix S [Ruling pp. 7–8]).
- “[N]either the Density Bonus Law, including section 65915(n), nor the Housing Accountability Act are mentioned in the City’s findings of fact and statement of overriding considerations” and “relying on these bases after the findings of fact were made justifying approval the project are thus unpersuasive” (Appendix S [Ruling p. 8]).
- “The City’s most recent housing element acknowledged that it removed the prior density bonus program ordinance” to comply with state law. Therefore, the City’s

argument that “the ordinance no. 592 is essentially the local ordinance version of the density bonus law that gave it express statutory authority to proceed with its essential housing program based on Government Code section 65915(n)” was “unconvincing” (Appendix S [Ruling p. 8]).

The Second Recirculated REIR responds to the deficiencies in the following manner:

### **Revisions to Section 4.10, Land Use and Planning**

The City has revised the regulatory framework and analysis sections of Section 4.10, Land Use and Planning (Sections 4.10.2 and 4.10.5.2). A summary of these revisions is provided below.

#### ***Section 4.10.2, Regulatory Framework***

This section describing the existing regulatory framework has first been revised to include state housing laws relevant to the proposed project’s consistency with the Santee General Plan, including the Density Bonus Law (DBL) (California Government Code, Section 65915), the Housing Accountability Act (California Government Code, Section 65589.5), and the Housing Crisis Act of 2019 (Senate Bill 330).

This section has also been revised to better describe the Santee General Plan’s consideration and guidance for development of the Fanita Ranch property. Further, a discussion of Section 13.26.010 of the City’s Zoning Ordinance, which implements the minimum requirements to comply with the DBL in the City, has been added.

Finally, revisions have been made to the discussion of the City’s Essential Housing Program, Urgency Ordinance No. 592. The revisions address amendments to the program adopted in light of the court’s decision. These amendments clarify the City’s authority for adopting the program, including that the program has been adopted in accordance with subdivisions (n) and (r) of the DBL, which empower the City to adopt an ordinance to grant concessions, waivers, and density bonuses for housing projects that exceed or may not meet the strict requirements of the DBL. That is, the Essential Housing Program is not the City’s ordinance that specifies how minimum compliance with the DBL will be achieved (California Government Code, Section 65915 [a][1]) but is an authorized expansion of density bonus benefits to promote the efficient development of housing (California Government Code, Section 65915[n], [r]; see also, subdivision [s]).

#### ***Section 4.10.5.2, Project Impacts and Mitigation Measures, Threshold 2: Conflict with Land Use Plans, Policies, or Regulations***

This section analyzes the proposed project’s potential to “cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” The revisions more explicitly detail the relevant Santee General Plan policies and guidance, Planned Development designation, and “Guiding Principles”

framework for the project site. Limitations established in the Housing Accountability Act regarding “subjective” standards are also addressed.

The discussion of project consistencies and inconsistencies with the Guiding Principles for the project site has been revised to more explicitly identify each principle, whether it was “adopted for the purpose of avoiding or mitigating an environmental effect,” and to evaluate whether the project would result in a significant environmental impact due to a conflict with the “land use plan, policy, or regulation.” As detailed in Section 4.10.5.2, while the proposed project does not meet the exact requirements of Guiding Principles 3 (lot size), 9 (golf course or recreational facility), and 14(e) (development agreement), the proposed project would not result in significant environmental impacts due to any conflicts with the Guiding Principles specifically adopted to avoid or mitigate environmental effects per the CEQA threshold.

Additionally, revisions in the Second Recirculated REIR demonstrate that the proposed project does not conflict with these Guiding Principles because it is entitled to waivers of development standards under the DBL and the City’s Essential Housing Program.

### **Density Bonus Law Revisions**

The Second Recirculated REIR explains that the proposed project does not require a legislative act, such as a General Plan Amendment, Specific Plan, or Rezoning should the City find it is entitled to mandatory waivers and under the DBL (California Government Code, Section 65915, et. seq.) for the provision of a senior citizen housing development, as defined by statute (California Government Code, Section 65915[b][1][C] and [e][1]). As stated by the California Department of Housing and Community Development, “For the purposes of the S[tate] DBL, any hierarchy between planning documents is flattened.”<sup>1</sup>

The proposed project would provide approximately 445 age-restricted residential units in a variety of building types with densities ranging from five to 25 residential units per acre, far surpassing the 35 units needed to qualify the whole project for the density bonus and waiver benefits of the DBL (California Government Code, Section 65915[b][1][C], [e][1]).

If the City finds that the proposed project qualifies for benefits under the DBL, the revisions in Section 4.10 explain that the City must waive any development standard that will have the effect of physically precluding the project’s construction at the densities and with the amenities proposed. (California Government Code, Section 65915[e][1], [o][2]). The proposed project is entitled to mandatory waivers of the lot size standard in the Guiding Principles because it would physically preclude construction of the proposed project’s 2,949 to 3,008 units, including the 445 age-restricted senior units, as designed and with the amenities proposed. Waivers are similarly

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<sup>1</sup> Letter to City of Los Angeles, City of Los Angeles Density Bonus Law Implementation – Letter of Technical Assistance (July 31, 2024). <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/los-angeles-hau399-ta-qcondition-073124.pdf>.

appropriate for the few minor variations from Guiding Principle 9, discussed above. The DBL is to be “interpreted liberally in favor of producing the maximum number of total housing units,” supporting the application of waivers here (California Government Code, Section 65915[r]).

The granting of density bonus benefits “shall not require, or be interpreted, in and of itself, to require a General Plan Amendment, local coastal plan amendment, zoning change, or other discretionary approval” (California Government Code, Sections 65915(f)(5), (j)(1).) Further, “waived zoning standards are not ‘applicable’” to determine “consistency with applicable general plan designations and policies and applicable zoning designations and regulations” (Wollmer v. City of Berkeley [2011] 193 Cal.App.4th 1329, 1349; see also, California Government Code, Sections 65589.5[j][3], 65905.5[c][1]). (“The receipt of a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.”) Thus, with mandatory waivers and/or incentives, the proposed project is consistent with the Santee General Plan and other applicable ordinances.

### **Essential Housing Program**

As with the revisions to the Regulatory Framework section discussed above, revisions have been made in the analysis section to address amendments to the City’s Essential Housing Program adopted in light of the court’s decision. These amendments clarify the City’s authority to adopt the program and its relationship to the DBL. The revisions clarify that projects certified under the program are entitled to an appropriate density bonus, incentives, and/or waivers to develop at the density and with the amenities proposed to eliminate any inconsistency with zoning regulations or development standards. Projects are thereby established to be consistent with the Santee General Plan and do not require a General Plan Amendment or other legislative act for approval. Refer to the discussion above.

### **Table 4.10-1, Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Table 4.10-1 has been revised to address those policies adopted by Measure N—Objective 12.0 and Policies 12.1 through 12.4. The Second Recirculated REIR explains why each policy is inapplicable and negated because the proposed project does not require a General Plan Amendment through the use of DBL waivers, incentives, and/or Essential Housing Program certification, described above, and that Senate Bill 330’s limits on growth control measures preempt the requirement during the statewide housing crisis.

In sum, the Second Recirculated REIR more thoroughly discusses the Santee General Plan, discloses potential inconsistencies with the Guiding Principles, discusses the consistency with the policies adopted by Measure N, and details several separate and distinct bases for determining that there would be no significant environmental impact related to conflict with the Santee General Plan policies or regulations that were adopted to avoid or mitigate an environmental effect.



Chapter 3, Project Description, of the previously certified Final Recirculated REIR correctly describes both the physical features of the proposed project and discretionary approvals requested from the City to include EIR certification and approval of a Development Plan, Vesting Tentative Map, Development Review Permit, and Conditional Use Permits. Thus, the remainder of the Final Recirculated REIR accordingly remains unchanged.

### **Appendices S and T**

Appendices S and T have been included in the Second Recirculated REIR. Appendix S consists of the trial court’s ruling, judgment, and writ, and Appendix T consists of a memorandum providing additional legal support and analysis for the discussion in Section 4.10, Land Use and Planning.

Table 0-1 provides a brief overview of the Second Recirculated Sections of the Final REIR and their rationale for inclusion in the recirculation.

**Table 0-1. Second Recirculated Sections of the Final REIR**

Second Recirculated Sections	Rationale for Inclusion in Second Recirculation
<b>New Sections</b>	
Chapter 0, Preface	This preface is included in the second recirculation to provide the public with information concerning the trial court’s ruling and Second Recirculated REIR modifications to correct deficiencies identified in the trial court’s ruling. This preface is a new section of the Second Recirculated Sections that has not been previously released for public review.
<b>Revised Sections</b>	
Section 4.10, Land Use and Planning Portions of Sections 4.10.2 and 4.10.5.2 Only	These sections describe the existing regulatory framework and evaluate whether the proposed project would conflict with land use plans, policies, and regulations adopted for the purpose of mitigating or avoiding an environmental effect. The revisions in these sections add a discussion of state housing laws and clarify the proposed project’s consistency with Santee General Plan policies, regulations, and Guiding Principles; the proposed project’s entitlement to benefits under the DBL; and its entitlement to waivers/incentives under the City of Santee’s Essential Housing Program, Urgency Ordinance No. 592, as amended. The revisions explain that no legislative action, including any General Plan Amendment, can be required for the proposed project to proceed in light of state housing laws. Table 4.10-1 has been updated to address consistency with Measure N policies.
<b>New Appendices</b>	
Appendix S	This appendix consists of the latest ruling, judgment, and writ.
Appendix T	This appendix provides additional background, legal support, and analysis for the discussion in Section 4.10, Land Use and Planning.

**Notes:** DBL = Density Bonus Law



Only the above-outlined revised information is contained in the Second Recirculated Sections. All other sections of the Final Recirculated REIR and technical studies remain valid and are not being recirculated for public comment.

## **0.2 Public Review of Second Recirculated Sections of the Final REIR for Fanita Ranch**

The Second Recirculated Sections of the Final Recirculated REIR are available for public review and comment. The City requests that reviewers limit all public comments to the recirculated documents described in Table 0-1. The 45-day public review period is from February 24, 2025, to April 10, 2025. All comments received on the Second Recirculated Sections will be responded to and incorporated into a responses to comments document, which the City will evaluate before a public hearing to consider certification of the Second Recirculated Sections, along with other Final Recirculated REIR sections. The Second Recirculated Sections will be available to review electronically on the City's website at <https://www.cityofsanteeca.gov> during the 45-day public comment period.

Upon request, the Second Recirculated Sections will be available for review during regular business hours for the duration of the 45-day public review period at the following City Hall locations:

- City of Santee of Planning and Building Department
- City of Santee Clerk's Office
- Santee Branch of the San Diego County Library

Written and electronic comments addressing the Second Recirculated Sections can be mailed or emailed to the following:

Sandi Sawa, AICP Director of Planning & Building  
Subject: Second Recirculated Sections of the Final Revised EIR for Fanita Ranch  
Department of Development Services  
City Hall, Building 4  
10601 Magnolia Avenue  
Santee, California 92071  
Telephone: (619) 258-4100, extension 167  
Email: [ssawa@cityofsanteeca.gov](mailto:ssawa@cityofsanteeca.gov)

Written and electronic comments addressing the Second Recirculated Sections must be received by 5:00 p.m. (Pacific) on Thursday, April 10, 2025. The City's servers have limitations on receiving large files (maximum 10 MB). To ensure your comments are considered, it is recommended that you confirm timely receipt of any large file submissions. The City can provide a link, upon request, if the file(s) is larger than 10 MB. Comments not received by the City may not be considered.

For additional information, please contact Sandi Sawa at (619) 258-4100, extension 167, or [ssawa@cityofsanteca.gov](mailto:ssawa@cityofsanteca.gov).

### **0.3 Concurrent Preparation of the Administrative Record**

In compliance with California Public Resources Code, Section 21167.6.2:

THIS DOCUMENT IS SUBJECT TO SECTION 21167.6.2 OF THE PUBLIC RESOURCES CODE, WHICH REQUIRES THE RECORD OF PROCEEDINGS FOR THIS PROJECT TO BE PREPARED CONCURRENTLY WITH THE ADMINISTRATIVE PROCESS; DOCUMENTS PREPARED BY, OR SUBMITTED TO, THE LEAD AGENCY TO BE POSTED ON THE LEAD AGENCY'S INTERNET WEB SITE; AND THE LEAD AGENCY TO ENCOURAGE WRITTEN COMMENTS ON THE PROJECT TO BE SUBMITTED TO THE LEAD AGENCY IN A READILY ACCESSIBLE ELECTRONIC FORMAT.

The record of proceedings can be accessed at <https://www.cityofsanteca.gov>.

## **4.10 Land Use and Planning**

The section addresses potential land use and planning impacts that may result from construction or operation of the Fanita Ranch Project (proposed project). The following discussion addresses the existing land use and regulatory conditions of the affected environment, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the proposed project, as applicable.

### **4.10.1 Environmental Setting**

The proposed project is located within the limits of the City of Santee (City). The project site is bordered by Marine Corps Air Station Miramar and Padre Dam Municipal Water District (PDMWD) facilities to the west, including Santee Lakes Recreation Preserve; open space/recreational areas, including Goodan Ranch/Sycamore Canyon County Preserve to the north and west; City residential neighborhoods to the south; and the unincorporated residential community of Eucalyptus Hills to the east (see Figure 3-2, Project Site, in Chapter 3, Project Description).

#### **4.10.1.1 On-Site Land Uses**

The project site consists of approximately 2,638 acres of undeveloped canyons, hillsides, and valleys. The project site is characterized by a series of ridgelines and finger canyons predominantly in the northern and central portions of the site that trend in a northeast–southwest direction. Because the project site is undeveloped, it includes several biological communities with varied habitat including wetland, riparian, chaparral, coastal sage scrub, and disturbed grassland. Historical uses of the project site include cattle grazing and possible military training. The San Diego Gas and Electric Company owns a 150-foot-wide transmission line easement that traverses the central portion of the project site from east to west. A water reservoir tank operated by PDMWD north of the current terminus of Carlton Hills Boulevard is also located on site. The site supports a complex system of dirt roads and pioneered trails, many of which have non-authorized use from off-road vehicle traffic, bikers, hikers, dog walkers, and other forms of recreation. Some of the dirt roads occur on a San Diego Gas and Electric Company easement providing necessary access to power transmission lines. The site is regularly used by helicopter pilots and local first responder personnel for training purposes.

#### **4.10.1.2 Existing Surrounding Land Uses**

##### **City of Santee**

The area directly south of the project site is primarily single-family detached residences on 6,000 square-foot lots. The single-family neighborhood of Carlton Hills is south of the project site immediately east of Fanita Parkway. Along portions of the project site’s southeastern boundary are low density and hillside/limited residential areas that permit one residential unit per acre. Directly east of that is land

designated as Hillside/Limited (HL). The Hillside/Limited (HL) designation is intended for residential development in areas that exhibit steep slopes, rugged topography, and limited access. Multi-family units (apartments, townhomes, and condominiums) are located predominately along Santee's major roads, including Mast Boulevard, Cuyamaca Street, and Magnolia Avenue south of the project site. Refer to Figure 4.10-1, City of Santee General Plan Land Use Map.

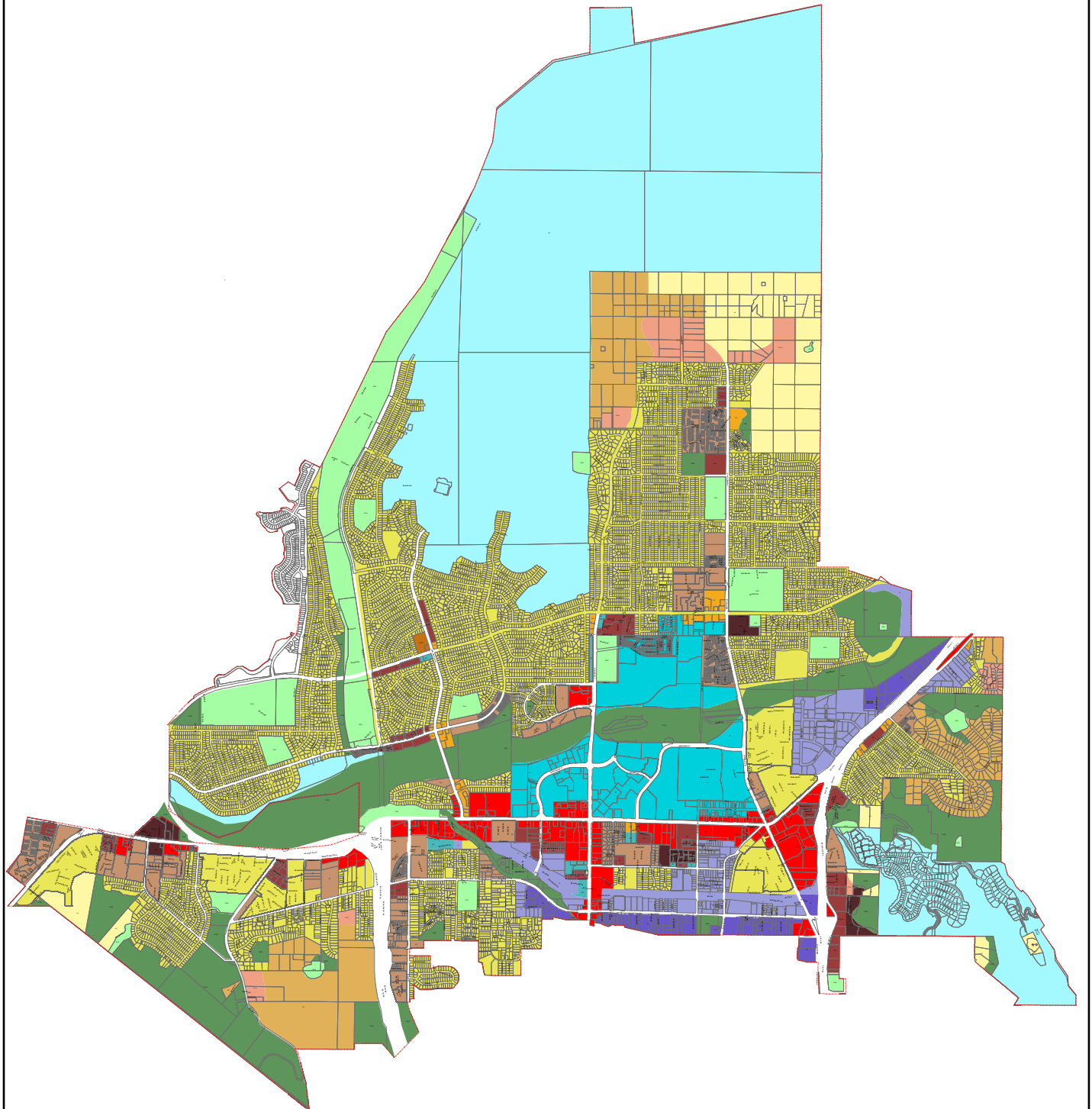
Surrounding the southern portion of the project site is a network of existing roads in the City. Fanita Parkway and Cuyamaca Street travel in a north–south direction south of the project site on the western side and toward the middle of the project site, respectively. Magnolia Avenue runs in a north–south direction east of the southern portion of the project site. South of the project site is Mast Boulevard, which travels in an east–west direction and joins SR-52 just west of the project site. In addition, over 20 residential roads terminate at the southern project site boundary.

The Santee Lakes Recreation Preserve, located west and south of the project site, is owned and operated by PDMWD. It consists of approximately 190 acres, including a campground, the Ray Stoyer Water Recycling Facility, and seven recycled-water lakes. The PDMWD Ray Stoyer Water Recycling Facility treats approximately 2 million gallons per day, some of which is used to recharge the lakes. The seven lakes are located within the former streambed of Sycamore Canyon Creek and are regarded as a major visual and recreational feature in Santee. Recreational activities at this Regional Park include boating, fishing, camping, picnicking, and other forms of outdoor recreation (City of Santee 2003).

### **County of San Diego**

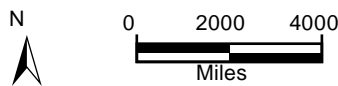
Lands adjacent to the northern and northeastern boundaries of the project site fall within the County of San Diego's (County's) Lakeside Community Plan area. The community of Lakeside is generally located in the western foothills of the Cuyamaca Mountains on the San Diego River and has a rural residential atmosphere. A considerable amount of small-scale farming exists in the community. Many residences include small horse corrals, indicating a high degree of horse ownership. Also included in Lakeside Community Plan Area is Slaughterhouse Canyon, a relatively large area northeast of the project site, separated from the site by a large hillside, where active mining operations take place. East of the project site is the residential subdivision known as Eucalyptus Hills. The San Diego County General Plan Land Use designation for Eucalyptus Hills is Semi-Rural 1 (SR-1), which allows densities of one residential unit per 1, 2, or 4 acres (County of San Diego 2011).

Path: C:\Users\Randy\Desktop\Projects\_Clone\Fantia\Map Docs\EIR\Project\_Description



HL - Hillside/Limited	R7 - Medium Density Residential	NC - Neighborhood Commercial	IG - General Industrial
R1 - Low Density Residential	R14 - Medium-High Density Residential	GC - General Commercial	PUB - Public
R1-A - Low Density Residential	R22 - High Density Residential	TC - Town Center	P/OS - Park/Open Space
R2 - Low-Medium Density Residential	OP - Office Professional	IL - Light Industrial	PD - Planned Development
R-B - Residential/Business	City Limits		

Source: City of Santee 2020.



**Figure 4.10-1**  
City of Santee General Plan Land Use Map

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North of the project site and west of SR-67 lies the 2,272-acre Goodan Ranch/Sycamore Canyon County Preserve, which is managed by the County's Parks and Recreation Department (County of San Diego 2019). These adjacent parks are designated as Open Space (Conservation) in the Lakeside Community Plan. The Regional Parks are used for passive recreation including equestrian and pedestrian trails. The area located south of Goodan Ranch/Sycamore Canyon County Preserve and north of the project site is designated as Rural Land (RL-40) (one residential unit per 40 acres) and Open Space (Conservation) by the San Diego County General Plan and zoned Agriculture (A70) and Specific Plan (S80). This area is currently undeveloped.

### **Marine Corps Air Station Miramar**

Lands adjacent to the western boundary of the northern portion of the project site are part of Marine Corps Air Station (MCAS) Miramar and are under the jurisdiction of the Department of the Navy. MCAS Miramar encompasses 23,065 acres and is generally bisected by Kearny Villa Road. MCAS Miramar includes thousands of acres of undeveloped land, with a large portion being natural open space. The MCAS Miramar Airport Influence Area (AIA) extends onto the northern portion of the project site and is subject to compatibility analysis.

Developed areas within MCAS Miramar cover about 4,088 acres, including approximately 350 buildings. Uses include aircraft operation and maintenance facilities, runways, utilities, administrative and residential buildings, fuel storage, other storage and supply facilities, research facilities, recreation areas, and civilian leases. Military land uses at MCAS Miramar include operational (e.g., aircraft operations) and non-operational (e.g., community support) uses and functions. Land uses not directly related to the military also take place within MCAS Miramar. These include leases and easements for public highways, roadways, utilities, and landfills, encompassing about 2,900 acres (Dames and Moore, Inc. 2005).

MCAS Miramar is divided into three regions: Main Station, South/West Miramar, and East Miramar. East Miramar is located east of Interstate 15 (I-15) and borders the project site. East Miramar is largely undeveloped and is used for military training and operational exercises and supports the military need for encroachment and access control (Dames and Moore, Inc. 2005). Primary military land uses in this area include field training, ordnance storage and assembly, small arms ranges, and warehousing. There are five dedicated training areas within East Miramar. Specifically, the area adjacent to the project site is called Training Area 1 and is used for infantry training maneuvers, including land navigation training and overnight camping. A Confined Area Landing site is located in this area for rotary-wing flight operations.

### **Gillespie Field Airport**

Gillespie Field Airport is located approximately 2.5 miles south of the project site within the City of El Cajon. It encompasses approximately 757 acres and is owned and operated by the County's Department of Public Works. The airport has three runways and several helipads with two of the



runways running parallel in an east–west alignment and one crosswind runway oriented in a north–south alignment. Gillespie Field provides flight schools, repair and maintenance shops, aircraft storage, food and beverage services, fuel, instrument and avionics shops, rental cars, and aircraft sales and rental services. Almost two-thirds of total annual operations at Gillespie Field are performed by single-engine piston aircrafts, while helicopters account for approximately one-quarter (SDCRAA 2010). The Gillespie Field AIA extends onto the southern portion of the project site; therefore, the project site is subject to compatibility analysis.

### **City of San Diego**

Lands adjacent to the western boundary of the southern portion of the project site are within the East Elliot area of the City of San Diego. The East Elliott Community Plan (City of San Diego 2015) was adopted by the City in 1971, and most recently amended in 2015, to provide guidance for development of this area. Urban development is largely infeasible in East Elliot due to its rugged topography and variety of natural resources. Approximately 2,212 acres of the total 2,745 acres in the East Elliot planning area are designated Open Space land. In 1997, the Multiple Species Conservation Program (MSCP) included the majority of East Elliott in the Multiple Habitat Planning Area (MHPA) to be preserved as natural habitat. Outside of the MHPA boundaries, there are areas within the community plan designated for Low Density Residential development with 45 maximum single-family residential units. These areas are currently undeveloped.

The remaining area of the East Elliot Community Plan is a 517-acre area designated for and currently in use as Sycamore Landfill. Sycamore Landfill is located in Little Sycamore Canyon, accessed from SR-52, approximately 1.8 miles southwest of the project site. Sycamore landfill is operated as a Class III solid waste landfill for the disposal of non-hazardous solid waste and primarily serves residents from the eastern part of the San Diego Metropolitan area, including the Cities of San Diego, Santee, El Cajon, Poway, La Mesa, and Lemon Grove, as well as surrounding unincorporated areas under County jurisdiction (City of San Diego 2012). In 2012, the City of San Diego approved an expansion of Sycamore Landfill by 28.6 acres to increase its lifetime from year 2031 to 2040.

### **Mission Trails Regional Park**

Mission Trails Regional Park is approximately 2 miles southwest of the project site in the City of San Diego. It is a 5,800-acre natural resource park. It is owned and operated by the City of San Diego in partnership with the Mission Trails Regional Park Foundation. The park is bounded by MCAS Miramar and SR-52 to the north, the communities of Tierrasanta and San Carlos to the west and south, respectively, the City to the east, with the East Elliott Community Plan Area acting as a buffer area between the project site and the Regional Park. According to the Mission Trails Regional Park Master Plan Update (City of San Diego 2019), the City of San Diego, along with other federal, state, local, private, and non-profit land conservation partners, has been actively



pursuing the acquisition of land in the East Elliot Community Plan Area. East Elliot is directly north of the Mission Trails Regional Park separated by SR- 52. If it is acquired, it would become part of the existing Mission Trails Regional Park bringing the total acreage of the Regional Park to 9,780 acres (City of San Diego 2019).

Although largely surrounded by residential development, the park contains mountains, valleys, two lakes, a major river and scenic gorge, historic landmarks, wildlife habitats, and cultural resources. The San Diego River and Mission Gorge cut through the park's main ridgeline with the southern end of Mission Gorge containing the park's visitor center and outdoor amphitheater. Because 87 percent of the total existing Mission Trails Regional Park area is included in the MHPA, a majority of the park is anticipated to remain in a natural or near natural state. The main active uses of the park are group picnicking, hiking, biking, rock climbing, boating, and fishing.

### **State Highways**

SR-52 approaches the City from the west, crosses through the City, and terminates at SR-67. SR-67 currently approaches the City from the south, skirts the eastern boundary of Santee, and heads north-northeast toward Lakeside. SR-125 currently approaches the City from the south and terminates just south of the San Diego River at SR-52.

### **4.10.2 Regulatory Framework**

State housing laws apply to the proposed project and are discussed in the following sections. Several regional and local plans have been adopted that apply to the project site and are discussed in the following sections. No federal or state land use plans apply to the proposed project.

#### **4.10.2.1 State**

#### **Density Bonus Law (California Government Code, Section 65915 et seq.)**

Originally enacted in 1979, California's Density Bonus Law (California Government Code, Section 65915–65918) allows a developer to increase density on a property above the maximum set under a jurisdiction's General Plan land use plan and zoning regulations. The granting of density bonus benefits does not require a General Plan Amendment, Local Coastal Plan Amendment, Zoning Change, or other discretionary approval (California Government Code, Section 65915[f][5], [j][1]). Projects that meet the eligibility requirements of Density Bonus Law (DBL) are entitled to (1) a density bonus (or bonuses) above the maximum allowable residential density, (2) incentives/concessions, (3) development standard waivers, and (4) significantly reduced parking requirement (California Government Code, Section 65915[b]). The DBL requires cities to adopt an ordinance to implement the state law; however, the failure to do so does not relieve a city from complying with the statute (California Government Code, Section 65915[a][1]).

In addition to mandating density bonus benefits, Section 65915(n) provides that an agency may permissively award extra units or benefits to a development, or it may extend density bonus benefits to developments that do not meet the requirements of DBL. Further, the legislature has directed that DBL be “interpreted liberally in favor of producing the maximum number of total housing units (California Government Code, Section 65915[r]).

### **Housing Accountability Act (California Government Code, Section 65589.5)**

California’s Housing Accountability Act (HAA) aims to prevent local governments from arbitrarily denying or reducing the density of housing development projects that comply with existing zoning and planning standards. The legislature recently expanded and strengthened the HAA’s provisions, recognizing that the critically low housing supply in the state threatens the economic, environmental, and social quality of life in California (California Government Code, Section 65589.5[a][2][A]–[L]).

The HAA limits a local government’s ability to deny, reduce the density of, or make infeasible housing development projects of all income levels, including mixed-use projects, that are consistent with objective local development standards (California Government Code, Section 65589.5[a][2][K], [h], [j]). A housing development project that meets all objective standards, except those lawfully modified by a DBL concession and/or waiver, may only be denied or approved at a lower density if the City makes written findings, supported by a preponderance of evidence in the record, that there is a specific, adverse impact upon public health or safety, and mitigation of the adverse impact is not possible (California Government Code, Section 65589.5 [j][1]–[j][4]).

In addition to limiting the denial of housing projects, the HAA establishes when a project application is “deemed complete,” contains early vesting provisions, and includes application streamlining and processing provisions (California Government Code, Section 65589.5[d][5], [h][5] and [9], and [j][1]). The HAA further limits the imposition of development conditions (California Government Code, Section 65589.5[d], [h][7], and [i]).

### **Housing Crisis Act of 2019 (Senate Bill 330)**

Enacted in 2019, Senate Bill (SB) 330 was passed to address the ongoing housing crisis in the state. With SB 330, the legislature declared a statewide housing emergency, which Senate Bill 8 (SB 8) extended to remain in effect until January 1, 2030. SB 330 restricts the types of ordinances and policies that can be applied to housing developments and establishes a preliminary application process to help standardize and expedite reviews (California Government Code, Section 65589.5[o], 65941.1, 65943). It also imposes deadlines to ensure timely processing of housing entitlements, limits the number of public hearings for projects, and prohibits a “net loss” of existing housing units (California Government Code, Section 66300[b][1][A], [d], 65905.5, 65950).

SB 330 also specifies that receipt of a density bonus increase, including associated incentives/concessions and waivers, does not constitute a valid basis for finding a project inconsistent with applicable plans and standards. (California Government Code, Section 65905.5[c][1], see also, Section 65589.5[j][3]). Further, it prohibits jurisdictions, including the electorate by initiative or referendum, from enforcing limitations or caps on housing development. (California Government Code, Section 66300[b][1][B] and [D]).

#### **4.10-2.14.10.2.2 \_\_\_\_\_ Local**

##### **Multiple Species Conservation Program Plan**

The proposed project is within the 900-square-mile (582,243-acre) limits of the Final MSCP Plan study area in southwestern San Diego County. The Final MSCP Plan is a multi-jurisdictional habitat conservation planning program that involves portions of the unincorporated County, 10 additional city jurisdictions, and several special districts. Local jurisdictions and special districts implement the Final MSCP Plan for their respective portions through subarea plans. An objective of the MSCP is to conserve a connected system of biologically viable habitat lands in a manner that maximizes the protection of sensitive species and precludes the need for future listings of species as threatened or endangered. The Final MSCP Plan identifies an MHPA, or area within which the permanent MSCP Preserve would be assembled and managed for its biological resources. The Final MSCP Plan targets 171,917 acres in the MHPA for conservation (City of San Diego 1998). A total of 85 plant and wildlife species are “covered” by the Final MSCP Plan. The MSCP Plan Final EIR/Environmental Impact Statement identifies “Vegetation Community Conservation Target Areas” for conservation by subarea. A total of 2,067 acres are expected to be conserved in the Santee Subarea. With approval of each subarea plan and corresponding implementing agreement, each participating local jurisdiction receives permits or authorization to directly impact or “take” MSCP covered species. The MSCP covered species include species listed as endangered or threatened by the federal Endangered Species Act or California Endangered Species Act, as well as unlisted species (City of San Diego 1998). Table 3-5 in the Final MSCP Plan provides a list of the 85 regional MSCP covered species.

##### **San Diego County Airport Land Use Compatibility Plans**

The San Diego County Regional Airport Authority (Authority) is committed to protecting the safety and welfare of the general public and the ability of airports to operate now and in the future. One of the Authority's responsibilities is to serve as the Airport Land Use Commission (ALUC) for the County.

The ALUC is responsible for adopting Airport Land Use Compatibility Plans (ALUCPs) for 16 public use and military airports in the County. ALUCPs provide guidance on appropriate land uses surrounding airports to protect the health and safety of people and property within the vicinity of an airport, as well as the public in general. ALUCPs focus on a defined area around each airport known as the AIA. The AIA is composed of noise, safety, airspace protection and overflight

factors, in accordance with guidance from the California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. The project site is located in the vicinity of two airports: MCAS Miramar and Gillespie Field. The San Diego County ALUC has adopted ALUCPs for each airport. The project site is subject to the land use compatibility policies and development criteria within AIAs (SDCRAA 2010, 2011).

### **San Diego Forward: The Regional Plan**

The San Diego Association of Government's (SANDAG's) San Diego Forward: The Regional Plan (Regional Plan) is a regional transportation and sustainability plan that aims to provide a blueprint for a more livable, equitable, and innovative future (SANDAG 2015). It combines and updates two previous plans, the Regional Comprehensive Plan and the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), into one document that looks toward 2050. The 2050 RTP lays out a plan for investing an estimated \$214 billion in local, state, and federal transportation funds expected to come into the region over the next 40 years. In addition, the RTP forecasts that 388,436 new residences would be required by 2050 to accommodate a 40 percent increase in the regional population. Along with the 2050 RTP, the SANDAG Board of Directors adopted the SCS as required by Senate Bill 375. The SCS details how the region will reduce greenhouse gas emissions to state-mandated levels over time. The Regional Plan covers a broad range of topics including air quality, borders and tribal nations, climate change, economic prosperity, emerging technologies, energy and fuels, habitat preservation, healthy communities, public facilities, shoreline preservation, transportation, and water quality. The Regional Plan strategies are to focus on job growth and housing in urbanized areas with existing public transportation options, preserve open space, invest in a transit network that caters to everyone and includes many options, reduce greenhouse gas emissions, and address housing needs for all economic segments of the population, and to implement The Regional Plan through incentives and collaboration.

### **Santee General Plan**

Divided into nine elements, the Santee General Plan is a statement of intent by the City as to the future development of the community. This is accomplished through objectives and policies that serve as a long-term guide for physical, economic, and environmental growth. A summary of each element is provided below.

#### ***Land Use Element***

The Land Use Element is intended to be the guide to the ultimate pattern of development in the community. It specifies the location, type, and amount of housing, commercial services, industrial uses, parks and public facilities, and open space that would compose the City at buildout. The Land Use Element provides goals, objectives, and policies that guide City decision makers in directing future growth and development and also regulates the types of land uses and land use intensities

within the City (City of Santee 2003). Land uses identified in the Santee General Plan are shown on Figure 4.10-1.

The project site is designated as Planned Development (PD). This designation provides for mixed-use development potentially including employment parks, commercial, recreational, and various densities of residential development. ~~Specifically, the Santee~~ The Santee General Plan provides that Fanita Ranch “represents an area of tremendous development potential” (City of Santee 2003). “The Ranch also is the only remaining area in the City where significant numbers of move-up housing can be built. A good supply of move-up housing is not only needed to provide opportunities for existing residents, but is also a factor in attracting high technology and office users to the City’s planned office and technology parks” establishes the Fanita Ranch property as an area for special study under Implementation Objective 8.2, Areas for Special Study, which provides 16 Guiding Principles for the development of the project site. The 16 Guiding Principles for the project site in the current Land Use Element include the following (City of Santee 2003).

The Santee General Plan establishes the Fanita Ranch property as an area for special study under Implementation Objective 8.2, Areas for Special Study, and provides “development guidelines” to act as a “framework” for developing the Special Study areas. For Fanita Ranch, the Santee General Plan states “planned development will be consistent with the Guiding Principles described below” (City of Santee 2003):

1. The Planned Development may include a comprehensively planned, high architectural quality business or office park. The business or office park shall include such uses as research and development, high technology uses, medical complex, executive headquarters or other similar office or business uses.
2. The Planned Development shall include a community focus (Fanita Center) which includes provisions for public parks, commercial development and institutional uses such as schools, fire station, branch library or branch post office.
3. The plan shall contain a mix of house sizes on lot sizes distributed as follows:
  - 6,000 sq. ft. lots – 20 percent of total lots
  - 10,000 sq. ft. lots – 20 percent of total lots
  - 20,000 sq. ft. lots – 60 percent of total lots or greater
4. The Land Use Plan, Administrative Plan, Circulation Plan, Trails and Open Space Plan, and Illustrative Site Plan shall be sensitive to the natural open space and the preservation of existing natural major land forms. The purpose of this requirement is to protect the major ridgeline and viewshed amenities, to minimize erosion, provide for public safety, protect natural resources and to establish site specific design standards which provide for development in harmony with the environment. The planned development will utilize contour grading techniques which are consistent with these objectives while providing opportunities for creative product design.

5. Other than within the northeastern sector of the site, the General Plan guidelines for hillside development should be used as the basis of the planned development's conceptual grading. Consideration may be given to permit grading of isolated steep slopes or along transition edges of steep slopes. Mass terracing should be avoided in favor of individual pad grading, wherever possible.
6. The plan may consider alternative residential design and grading requirements which are sensitive to the existing topography and out of the City's viewshed.
7. A southern portion of Fanita Ranch, primarily southerly of the SDG&E [San Diego Gas & Electric Company] power line, shall be identified as a regional park and contain no less than 400 acres.
8. The Planned Development should, subject to population demand, contain mini-parks, neighborhood parks, and two community parks. Dedication of a Sports Park, (accessed by Carlton Hills Boulevard), to the City of Santee will fulfill the requirements of one community park.
9. The plan shall contain a championship level, minimum 6,800-yard, par 70-75, 18-hole golf course, including support facilities. A hotel/conference complex shall be included in conjunction with the golf-course facility. An alternative plan may also be designated which, in lieu of a golf course and hotel/conference facility, includes a recreational facility based around a man-made lake, using non-reclaimed water, and which is approximately 200 acres in area.
10. The Planned Development shall include the extension of Fanita Parkway along the western boundary of the property.
11. The Planned Development shall include the extension of Cuyamaca Street into the site, connecting with Fanita Parkway.
12. Additional circulation facilities for the planned development areas shall be considered. The traffic and phasing analysis shall specifically address the following elements:
  - a. Extension of Magnolia Avenue north and west to connect with Cuyamaca Street extension.
  - b. The provision of a connecting road between the project and State Route 67.
  - c. The extension of Carlton Hills Boulevard from its present terminus northward through the site to the developed area.
  - d. The participation in and extension of Mast Boulevard east and/or west to connect with State Highways 67 or 52 and Mission Gorge Road.
  - e. A four-lane surface street (Fanita Parkway) along the western boundary.
13. The Planned Development shall include a Comprehensive Trails Element designed to link with the proposed trails outside the Fanita Ranch, which is consistent with the objectives and standards set forth within the City's adopted Trails Element to the General Plan. Access to Sycamore Park shall be provided to Santee residents.



14. The Planned Development shall include a Comprehensive Implementation Element which shall consist of:
  - a. A cost revenue assessment.
  - b. Identification of required public improvements.
  - c. A phasing plan for the public improvements and land use.
  - d. A financing plan for the public improvements.
  - e. A Development Agreement.

Regarding phasing, all public improvements and land uses shall be phased according to detailed phasing plan as mentioned above (14.3). Public improvements shall be constructed prior to or simultaneously with their projected need. The plan shall contain performance standards or other measurements for determining the timing for all public improvements. Performance standards may include any appropriate means of measurement to determine when a given public improvement is deemed necessary by the City. Private land uses shall be phased to insure that land uses deemed desirable by the City (i.e. golf courses, estate units, executive units, etc.) will be included within the earliest phases of the Fanita Ranch.

15. The Fanita Ranch area shall not be subdivided (except for the Sports Park property) until a Planned Development is adopted by the City of Santee.
16. To ensure that proposed development is appropriate for a given, site, the Planned Development shall contain schematic or illustrative development plans which show prototype circulation systems and residential product types for each area designated by residential development.

### ***Housing Element***

The Housing Element of the Santee General Plan is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community. Per state law, the Housing Element has two main purposes. The first is to provide an assessment of both current and future housing needs and constraints in meeting these needs and the second is to provide a strategy that establishes housing goals, policies, and programs. The Housing Element is an 8-year plan for the 2021–2029 period. The Housing Element identifies strategies and programs that focus on matching housing supply with need, maximizing housing choice throughout the community, assisting in the provision of affordable housing, removing governmental and other constraints to housing investment, and promoting fair and equal housing opportunities. Fanita Ranch is identified in the Credits Towards the RHNA section of the Santee General Plan Housing Element (Table 34, RHNA Credits and Remaining Need) as providing for at least 2,949 housing units, including 435 moderate and 2,514 above-moderate income housing units, if developed with a school and up to 3,008 housing units if developed without a school (City of Santee 2022a).

***Mobility Element***

The Mobility Element is intended to guide the development of the City's circulation system in a manner that is compatible with the Land Use Element. The purpose of the Mobility Element is to identify policies and programs to promote the effective use of transportation facilities to efficiently and safely move people and goods throughout the City. The Mobility Element consists of existing conditions of various modes of transportation including vehicle, bicycle, mass transit, carpooling, pedestrian, and airports; mobility needs of the City; objectives and policies to meet those needs; and an implementation plan (City of Santee 2017).

***Recreation Element***

The Recreation Element is a permissive element adopted by the City to address recreation resources and facilities in the City. The purpose of this element is to identify park and other recreational resources that exist within the City and to suggest ways in which these resources can be preserved or enhanced. This element discusses existing conditions and future recreational needs (City of Santee 2003).

***Trails Element***

The Trails Element is a permissive element adopted by the City to identify the location and availability of trails in the City. The purpose of this element is to identify and plan for the City's needs in the future for the development of bicycle, equestrian, and pedestrian trails. This element is designed to set policies and implementation strategies for the development of a comprehensive, Citywide trail system that would encourage residents to use alternative modes of transportation for both recreation and commuting (City of Santee 2003).

***Conservation Element***

The Conservation Element is a mandated element and may include water, forests, rivers, soils, minerals, fisheries, and wildlife. This element also incorporates information required in the Open Space Element, which is also mandated by the state, to create one element by consolidating the requirements of two. The purpose of the Conservation Element is to identify the community's natural and human-made resources and to encourage their wise management in order to assure their continued availability for use, appreciation, and enjoyment (City of Santee 2003).

***Noise Element***

The purpose of the Noise Element is to provide information for programs to control and abate environmental noise, and to protect the citizens of Santee from excessive exposure to noise. The Noise Element analyzes and quantifies existing and projected noise levels for freeways, primary arterial and major local roads, transit, and aircraft and airports, as well as stationary noise sources, from industrial plants to outdoor manufacturing uses. Possible solutions and implementation strategies are addressed as well (City of Santee 2003).



***Safety Element***

The purpose of the Safety Element is to reduce loss of life, injuries, and damage to property resulting from natural and human-caused public safety hazards, including flooding, geologic and seismic hazards, fire, traffic hazards, and crime. The Safety Element also identifies plans and programs for emergency response (City of Santee 2003).

***Community Enhancement Element***

The Community Enhancement Element addresses overall community design and community character issues. The purpose of this element is to address the interrelationships of citizens and the built environment in terms of scale, design, sense of community, and wellbeing. This element identifies opportunities to enhance the character and livability of the City and provides guidelines to achieve such aims (City of Santee 2003).

**City of Santee Zoning Ordinance**

The City of Santee Zoning Ordinance is consistent with the Santee General Plan and is the primary implementation tool for the Land Use Element. Zoning regulations for the City are adopted and established to serve the public health, safety, and general welfare and to protect the physical, social, and economic stability for residential, commercial, industrial, and other land uses in the City to assure its orderly and beneficial development. The Zoning Ordinance and Map identify specific types of land uses, intensity of uses, and development performance standards applicable to specific areas and parcels of land within the City. According to the Zoning Ordinance Map, the project site is zoned Planned Development (PD). This designation provides mixed-use development potential including employment parks, commercial, recreational, and various densities of residential development. This designation is intended for select properties within the City where a variety of development opportunities may be viable and where the City wishes to encourage innovative and high-quality development. Allowable uses and development standards in each PD District shall be as established through a Development Review Permit consistent with the guidelines contained in the Zoning Ordinance.

Section 13.26.010 of the Zoning Ordinance contains the City’s density bonus provision. It states, “The City implements the housing element of the General Plan; Sections 65915 through 65918 of the California Government Code; and, in accordance with those general regulations, provides incentives to developers for the production of housing affordable to lower income households, moderate income households and senior citizens.”

**City of Santee Essential Housing Program – Urgency Ordinance No. 592**

On August 25, 2021, the City adopted Urgency Ordinance No. 592, an Essential Housing Program to boost housing production and improve housing affordability in the City resulting from the statewide and local housing deficit (City of Santee 2021). In enacting Urgency Ordinance No. 592,

a Citywide housing emergency was declared to be in effect in the City until August 25, 2026. Among the reasons for adopting Urgency Ordinance No. 592 were soaring home purchase and rental prices in the City, significant cost burden experienced by City residents, stymied housing production falling short of the City's Regional Housing Needs Assessment (RHNA) allocation, aging housing stock, and lower than optimal vacancy rates. The Essential Housing Program addresses the current housing emergency by expediting and incentivizing the construction of new housing projects that meet specific criteria in order to improve the housing supply and keep pace with housing demand. Under the program, projects that meet the specified criteria set forth by the City Council are deemed to be in compliance with the Santee General Plan, including the Land Use Element and Housing Element, and do not require an amendment to the Santee General Plan, rezone or other legislative act to proceed under the Essential Housing Program.

In response to the trial court's ruling concerning the proposed project, the City on February 12, 2025, amended Urgency Ordinance No. 592, the Essential Housing Program, to address deficiencies identified in the ruling. The urgency ordinance has been amended to clarify any ambiguity surrounding the authority, intent, and implementation of the program. The amendment explicitly affirms that the City, in accordance with the DBL, California Government Code, Section 65915(n) and (r), is empowered to grant concessions, waivers, and density bonuses for housing projects that further City housing objectives but that exceed or may not meet the strict requirements of the DBL. Further, the amendment confirms that a project certified as an Essential Housing Project under the program through the use of waivers, concessions, and/or incentives, as applicable, shall be deemed both in compliance and consistent with the General Plan Land Use Element and Housing Element and shall not require an amendment to the General Plan, an amendment to a Specific Plan, a Rezone, or other legislative act.

### **4.10.3 Thresholds of Significance**

According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact on land use if it would:

- **Threshold 1:** Physically divide an established community.
- **Threshold 2:** Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### **4.10.4 Method of Analysis**

This section discusses and analyzes potential land use conflicts of the proposed project in relation to the physical division of an existing community or conflicts with existing land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The analysis considers whether the proposed project would result in a physical division of an established community by constructing physical barriers or obstacles to circulation that would

restrict existing patterns of movement in the City or surrounding area. It also analyzes the proposed project's consistency with land use plans, policies, or regulations. A review of applicable land use plans, policies, and regulations was conducted. Those that were adopted for the purpose of avoiding or mitigating an environmental effect were considered for land use compatibility with the proposed project. Regardless of the ultimate development on the proposed school site (school or residential), the impacts to land use would be the same due to similar overall site buildout. Therefore, the following analysis adequately addresses both the preferred land use plan with school and the land use plan without school.

#### 4.10.5 Project Impacts and Mitigation Measures

##### 4.10.5.1 Threshold 1: Physical Division of an Established Community

*Would the proposed project cause a significant environmental impact by physically dividing an established community?*

**Impact:** The proposed project would not physically divide an established community.      **Mitigation:** No mitigation is required.

**Significance Before Mitigation:** Less than significant.      **Significance After Mitigation:** Less than significant.

#### Impact Analysis

Division of an established community occurs as a result of physical features that create a barrier to easy and frequent travel between two or more constituent parts of the community, or block existing connections in an established community. New highways, major roadways or utility corridors that bisect a neighborhood could result in the physical division of an existing community if design features do not promote connections between the bisected areas.

The proposed project does not contain any components that could result in dividing an established community. The project site is an undeveloped area located in the City's boundary. As previously discussed, areas directly north are currently undeveloped, though they are designated as Rural Lands (RL-40) (one residential unit per 40 acres) and Open Space (Conservation) by the San Diego County General Plan and zoned Agriculture (A70) and Specific Plan (S80). Beyond that, north of the project site and west of SR-67 lies the 2,272-acre Goodan Ranch/Sycamore Canyon County Preserve. Areas northeast include undeveloped hillsides and Slaughterhouse Canyon, where active mining operations take place. East of the project site is an unincorporated rural residential subdivision known as Eucalyptus Hills. Existing detached single-family residences in the Carlton Hills neighborhood are south of the project site. The Santee Lakes Recreation Preserve is southwest of the project site and MCAS northwest of the project site.

Proposed roadways would connect, rather than separate, the project site from established communities in the vicinity. A proposed extension of Fanita Parkway and Cuyamaca Street would connect the project site to the existing residential development to the south. The proposed project also proposes to

construct Magnolia Avenue from its current terminus to the extension of Cuyamaca Street just south of the project site.

Additionally, people have historically taken informal access through the proposed project for active and passive recreation. Implementation of the proposed project would formalize permanent public access trails, trailheads, and staging areas. The proposed project proposes more than 35 miles of multimodal public trails allowing access for pedestrians and bicyclists throughout the site and providing connections to the City center and regional trails. Thus, the proposed trail system would provide enhanced connectivity to existing trails in and near the project site. The proposed project would not result in the physical division of an established community. Impacts would be less than significant.

### Mitigation Measures

The proposed project would have a less than significant impact; therefore, no mitigation is required.

#### 4.10.5.2 Threshold 2: Conflict with Land Use Plans, Policies, or Regulations

*Would the proposed project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**Impact:** The proposed project would not conflict with applicable land use plans, policies, or regulations.      **Mitigation:** No mitigation is required.

**Significance Before Mitigation:** Less than significant.      **Significance After Mitigation:** Less than significant.

### Impact Analysis

The review of local land use plans, including the ALUCPs for MCAS Miramar and Gillespie Field, SANDAG’s Regional Plan, the Santee General Plan, and the City’s Zoning Ordinance, has indicated that the proposed project would be generally ~~consistent with the implementation of these plans, as summarized below.~~ not in conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, as summarized below.

Mere inconsistency with a plan, policy, or regulation does not mandate a significance finding. The conflict must “cause a significant environmental impact” due to a conflict with a policy or regulation “adopted for the purpose of avoiding or mitigating an environmental effect” (California Public Resources Code, Section 21083; CEQA Guidelines 15063[a]).

#### **San Diego County Airport Land Use Compatibility Plans**

The project site is located in the vicinity of two airports: MCAS Miramar and Gillespie Field. The ALUCPs for each airport establish land use compatibility policies and development criteria for new development within AIAs to protect these airports from incompatible land uses and provide the City with development criteria that would allow for the orderly growth of the areas surrounding the airport.

Compatibility concerns addressed by the ALUCPs include noise, safety, airspace protection, and overflight. The project site abuts the easterly property line of the MCAS Miramar. The entire project site is within the Federal Aviation Regulations, Part 77, Outer Boundary, which establishes standards and Federal Aviation Administration notification requirements for potential hazards to use of navigable airspace. The easterly portions of the project site are in a High Terrain zone, which is an area of land in the vicinity of an airport where the ground is above a surface regulated by Federal Aviation Regulations, Part 77. However, only a small northerly portion of the site falls in Review Area 2 of the AIA. The portion of the site in Review Area 2 would be dedicated as Habitat Preserve and would not be developed, and the remainder of the project site is outside of any AIA. Therefore, the proposed project would not be subject to any land use or development restrictions. In addition, the areas proposed for development fall outside of any Overflight Zones and are not subject to overflight-related disclosure or notification requirements (SDCRAA 2011).

The project site is north of Gillespie Field. Southerly portions of the site are within the Federal Aviation Administration Height Notification Boundary. The proposed Habitat Preserve and Special Use area are within this notification boundary. Within this boundary, the Federal Aviation Administration is required to be notified of any proposed construction or alteration having a height greater than an imaginary surface extending 100 feet outward and 1 foot upward (slope of 100 to 1) from the runway elevation. The Special Use area also falls in the Review Area 2, which requires limitations on the height of structures. Review Area 2 also requires overflight notification documents for residential uses; however, residential uses are not permitted in the Special Use area, except for one caretaker unit. If a caretaker unit is proposed, notification in accordance with the Review Area 2 requirements would be made. The development standards for the Special Use area consider the site's relationship to Gillespie Field and adjacency to off-site neighbors. Height in the Special Use area would be limited to conform to the Gillespie Field ALUCP. Buffers would be required adjacent to existing residences off site to preserve privacy (SDCRAA 2010). Therefore, the proposed project would be consistent with the ALUCPs for MCAS Miramar and Gillespie Field.

### ***San Diego Forward: The Regional Plan***

In accordance with SB 375, the Regional Plan includes five building blocks that are accompanied by strategies to move the San Diego region toward sustainability and to reduce greenhouse gas emissions. The five building blocks include the following (SANDAG 2015):

1. A land use pattern that accommodates our region's future employment and housing needs, and protects sensitive habitats, cultural resources, and resource areas.
2. A transportation network of public transit, managed lanes and highways, local streets, bikeways, and walkways built and maintained with reasonably expected funding.
3. Managing demands on our transportation system (also known as Transportation Demand Management, or TDM) in ways that reduce or eliminate traffic congestion during peak periods of demand.

4. Managing our transportation system (also known as Transportation System Management, or TSM) through measures that maximize the overall efficiency of the transportation network.
5. Innovative pricing policies and other measures designed to reduce the number of miles people travel in their vehicles, as well as traffic congestion during peak periods of demand.

The building blocks and strategies aim to reduce greenhouse gas emissions through a land use pattern that accommodates the region's future employment and housing needs and protects sensitive habitats, cultural resources, and resource areas. SANDAG developed 2020 and 2035 land use pattern models that accommodate 79 percent of all housing and 86 percent of all jobs in the urban area. More than 80 percent of new housing in the region is anticipated to be attached multi-family. The greatest employment density and building intensities would be in existing employment centers. The land use pattern also preserves approximately 1.3 million acres of land, which is more than half the region's land area. These open space lands include habitat conservation areas, parks, steep slopes, farmland, floodplains, and wetlands.

The proposed project proposes Village Center, Medium Density Residential, Low Density Residential, and Active Adult land use designations that would allow for a diversified mix of housing types. Additionally, the proposed development would be clustered into three villages to preserve approximately 63 percent of the site as Habitat Preserve to maintain core habitat identified in the Final MSCP Plan, preserve known wildlife corridors, and maintain a contiguous and connected open space system, which would help implement the first building block. By clustering compact, walkable, sustainable, low-impact development in strategic locations that minimize ecological impacts, development of the proposed project would allow for the restoration of sensitive habitat areas and management of the Habitat Preserve. Implementation of the proposed project would include the establishment of a formal management entity and a management plan to monitor and protect biodiversity. Open space corridors between the villages would preserve connectivity and allow for continued wildlife movement through the site. Wildlife crossings at roadways would be designed to support the safe and efficient movement of wildlife. In addition, existing drainages between the villages would allow for revegetation and restoration of these important features, which provide habitat and connectivity for wildlife.

The proposed project's mobility plan focuses on reducing the number and length of vehicle trips and providing alternatives to fossil fuel-powered vehicle use, which would help implement the second building block. This would be achieved through organizing land uses to locate services and goods close to residences and optimizing circulation systems to create direct, efficient, safe, and comfortable routes for a variety of transportation modes. The proposed project land uses are designed to meet the daily needs of the project residents to minimize trips outside the project site. Emphasis is placed on encouraging a transportation network that generate fewer emissions, such as walking, biking, electric vehicles, transit, and ridesharing. A TDM Plan has been prepared to support alternative modes,



manage shared facilities to optimize transportation modes, implement and support appropriate advanced technologies, and reduce greenhouse gas emissions (see Appendix N). The TDM Plan considers community programs to support and encourage ridesharing, alternative modes, and other strategies to reduce single-occupancy vehicle use, which would help implement the third and fourth building blocks. Implementation of the TDM Plan would be required by Mitigation Measure AIR-6 in Section 4.2, Air Quality. Refer to Section 4.2 for a more detailed description of the TDM measures for the proposed project.

The proposed project includes a Complete Streets system that supports various modes of transportation and offers alternatives to single-occupancy vehicle travel. Streets on the project site are designed as a system of Complete Streets that safely accommodate and support multiple user types, including motorists, pedestrians, bicycles, and transit riders in an effort to manage the transportation system. The Fanita Ranch Development Plan establishes the street designs within the boundaries of the project site. Street improvements associated with development on the project site include the extension of existing streets and the construction of a new internal systems of public and private streets. The proposed project establishes a network of streets of varying design capacities tailored to meet the unique concepts of the three villages. Additionally, the proposed project street designs address safety, aesthetics, and functionality, as well as site constraints.

The proposed project would offer sustainable transportation features that would reduce the number of vehicle trips, reduce emissions, and improve the overall mobility of people in the community, all of which would help implement the fifth building block (innovative pricing policies) of the Regional Plan. One proposed mobility feature is a bicycle circulation network throughout the community through a combination of on-street bike lanes and off-street multi-purpose trails. Bicycle trails would be designed for both recreation and to provide direct access between the villages. Another project feature is a project layout that promotes walkability and wellness. The proposed project would provide direct connections to multiple destinations that shorten the routes and allow walking to be an efficient and viable method of travel. The project proposes two pedestrian bridges that would provide direct connections across the two drainages in Fanita Commons to shorten the walking distance. The bridge that would traverse the northerly drainage would provide convenient access between the Active Adult neighborhood and the Community Park. The bridge that would traverse the southerly drainage would connect Orchard Village to the school, Community Park, and Fanita Commons. Additionally, every street on the project site would include a sidewalk or multi-purpose trail to accommodate pedestrian travel. Trails along the northerly and southerly drainages would also offer pedestrian connections between the school, the Farm, and the Active Adult neighborhood with minimal interruptions from vehicular traffic. The proposed project would include a pedestrian and bicycle mobility system consisting of sidewalks, trails, and bikeways throughout the proposed project, providing linkages between neighborhoods to other key land uses.

The proposed project supports the Regional Plan by proposing a land use pattern and TDM strategies that would accommodate the region's future employment and housing needs and protect sensitive habitats, cultural resources, and resource areas. Therefore, the proposed project would be consistent with the strategies and objectives of the Regional Plan.

### ***Multiple Species Conservation Program***

As discussed in Section 4.3, Biological Resources, the proposed land use plan would be consistent with the Fanita Ranch Subunit of the City's Draft MSCP Subarea Plan. The proposed project would adhere to or exceed conditions of coverage and mitigation/conveyance requirements for covered projects as defined in the City's Draft MSCP Subarea Plan (City of Santee 2018). The Santee General Plan, including its Conservation Element and the Natural Communities Conservation Plan Enrollment Agreement executed by the City, requires that any development in the City comply with the City's Draft MSCP Subarea Plan. Refer to Section 4.3 of this EIR for a full discussion and analysis of the proposed project's consistency with the City's Draft MSCP Subarea Plan.

### ***Santee General Plan***

The Santee General Plan provides the framework for the City's long range planning vision. The project site is designated for Planned Development (PD), which provides for the following:

Mixed-use development potential including employment parks, commercial, recreational, and various densities of residential development pursuant to a development plan and entitlements being approved by the City Council. This designation is intended for select properties within the City where a variety of development opportunities may be viable and where the City wishes to encourage innovative and very high quality development in a manner which may not be possible under standard land use designations and their corresponding zones.

While the PD designation does not, in itself, limit the extent or mix of development to occur, other provisions within the General Plan may do so for particular properties. All development which takes place pursuant to the Planned Development designation shall be consistent with the General Plan.

The proposed project provides for mixed-use development of employment, commercial, recreational, and various residential densities, including senior housing, consistent with the framework for development set forth by the Santee General Plan PD designation.

~~Further, the proposed project would develop implement development consistent with the 16 Guiding Principles, set forth above, for the project site.~~ The proposed project would include business and office uses in the Village Center and include a community focus including public parks, commercial, school, a fire station, and other uses: (Guiding Principles 1 and 2). The



proposed project would provide a range of residential densities, including Low Density Residential, Medium Density Residential, and Active Adult- (Id. and Guiding Principle 3). The proposed project would be developed sensitive to natural open space and major landforms: 1,650.4 acres of the site would be preserved as Habitat Preserve- (Guiding Principle 4). The Habitat Preserve would include hillsides with steep slopes to minimize landslide and mudslide hazards and to protect key visual resources- (Guiding Principles 4–6).

The proposed project would provide approximately 78 acres of public parklands for active and passive recreation (including sports fields and parks) and private parklands and 4.5 acres of trail lands consisting of perimeter trails and the Stowe Trail connections planned on the project site, totaling 82.5 acres- (Guiding Principles 2, 4, 7, and 8). Mini-Parks, Neighborhood Parks, a Village Green, Linear Parks, and Community Parks would be included- (Guiding Principle 8). The proposed project would not locate the Sports Park to be accessed by Carlton Hills Boulevard (Guiding Principle 8). However, the principle does not mandate the Sports Park must be provided or that access must be by Carlton Hills Boulevard. It merely states that the PD “should, subject to population demand” contain the variety of parks and that dedication of a “Sports Park, (accessed by Carlton Hills Boulevard), to the City of Santee would fulfill the requirements of one community park” (Guiding Principle 8). This is accordingly not considered a conflict between the proposed project and Guiding Principle 8. Moreover, no significant environmental impact is caused by not constructing a sports park accessed by Carlton Hills Boulevard.

The proposed Fanita Ranch Development Plan contains a comprehensive pedestrian and bicycle trail system that provides connectivity within and between the villages and with the adjacent regional trails and local trails that connect to surrounding open space areas, residential neighborhoods, parks, and the Santee Town Center to the south- (Guiding Principles 4 and 13). Multi-purpose trails would be within the street rights-of-way along Fanita Parkway and Cuyamaca Street, which would support pedestrian and bicycle travel. The multi-purpose trail along Cuyamaca Street would extend south off site to connect to the Santee Town Center and the San Diego River as part of the north–south regional corridor. Trail access in the Habitat Preserve would be subject to the requirements and provisions of the Public Access Plan (provided in Appendix D, Biological Resources Technical Report, of this EIR) and the City’s Draft MSCP Subarea Plan.

The project includes an extension of Fanita Parkway along the western boundary of the property, an extension of Cuyamaca Street into the site, the Magnolia Avenue extension, and additional circulation improvements- (Guiding Principles 10–12). The Fanita Ranch Development Plan includes a comprehensive implementation chapter (Chapter 10) identifying public improvements, phasing, financing, and other plans according to projected need- (Guiding Principle 14). The site will not be subdivided until the Fanita Ranch Development Plan is adopted by the City. Chapters 4 and 6 of the Fanita Ranch Development Plan also include illustrative plans showing prototype

circulation systems and residential product types- (Guiding Principle 16). The proposed project does not provide a development plan with the following lot sizes referenced in Guiding Principle 3:

- 6,000 sq. ft. lots – 20 percent of total lots
- 10,000 sq. ft. lots – 20 percent of total lots
- 20,000 sq. ft. lots – 60 percent of total lots or greater

~~The proposed project would accordingly conflict with this principle, include a golf course or lake, meet minimum lot size requirements, provide a dedicated Sports Park accessed by Carlton Hills Boulevard, or include a Development Agreement. Overall, the project is generally consistent with the 16 Guiding Principles. Moreover, as discussed below, the project is consistent with the Santee General Plan pursuant to Urgency Ordinance No. 592.~~

~~Urgency Ordinance No. 592, the City's Essential Housing Program, provides an alternative process to boost housing production and improve housing affordability for housing projects that meet specified criteria through 2026 (City of Santee 2021). Under the program, projects that follow the procedures and meet the strict requirements of the program are deemed to be in compliance with the Santee General Plan, including the Land Use Element and Housing Element, and do not require an amendment to the Santee General Plan or other legislative act for approval. Specifically, by complying with the City's Essential Housing Project Credits Assessment Guide and Checklist, Essential Housing Projects will have demonstrated Santee General Plan consistency by furthering the objectives and policies of the plan while not obstructing their attainment (Appendix R).~~

~~Urgency Ordinance No. 592 controls any other City plan or ordinance in the event of a conflict, with its interpretation being afforded the fullest possible weight to the interest, approval, and provision of housing (Appendix R). Certification as an Essential Housing Project is available for use to expedite (1) any new application for a Housing Development Project, (2) any Housing Development Project currently under City review, or (3) any approved, entitled, and/or permitted Housing Development Project not yet built by the date application for certification is made.~~

~~An application under the Essential Housing Program was submitted for the proposed project in December 2021. On December 27, 2021, the City's Director of Development Services certified the proposed project as an Essential Housing Project based on the criteria adopted by the City Council (Appendix R).~~

~~As demonstrated by the December 27, 2022, certification, the proposed project would address the City's housing crisis by providing a mix of residential and nonresidential uses and a mix of housing types and sizes. A total of 2,949 housing units would be developed if the proposed project includes a school, or 3,008 units without a school, including 435 moderate-income units. The proposed project would also contribute up to \$2 million for affordable housing.~~

~~Stringent environmental and Santee General Plan consistency criteria established by the Essential Housing Program would be met. The proposed project would implement mobility improvements, including bus stops, traffic calming, an up to \$300,000 contribution to relieve congestion on SR-52, and rideshare/carshare parking. Open space would be conserved. In addition to preserving 1,650.4 acres in the Habitat Preserve, the proposed project would provide at least \$300,000 in funding for the management of City-owned natural open space and would plant at least 10 trees per acre of land to be developed. Water use would be reduced by connections to recycled or advanced treated water when PDMWD's East County Advanced Water Purification project is completed.~~

~~With regard to energy, air quality, and GHG emissions, the proposed project's residential units would be all electric and would exceed Title 24 standards by all electric residential development, implementing heat pump technology, increasing solar production, and expanding ventilation systems. Appliances would be Energy Star rated, electric vehicle chargers would be provided in the Village Center, and solar panels would be installed on accessory buildings and car ports. Wildfire safety would be ensured through implementation of fuel management zones and the Fire Protection Plan (FPP), among the many other measures set forth in the FPP and Wildland Fire Evacuation Plan (see Appendices P1 and P2).~~

~~Many miles of trails and sidewalks would be provided with the proposed project, and up to \$300,000 would be provided to the City to fund additional improvements to trail facilities. Finally, the proposed project's extensive park and recreational facilities would exceed the Santee Municipal Code standards by at least 5 percent and would provide for multi-purpose playing fields and public recreational facilities for Citywide use. The certification of the proposed project based on the City's Essential Housing Project Credits Assessment Guide and Checklist demonstrates that the current development proposal for the project site addresses the City's immediate housing needs and furthers Santee General Plan objectives and policies. Therefore, the proposed project is deemed Santee General Plan consistent and does not require an amendment to the Santee General Plan or other legislative act for approval. The proposed Fanita Ranch Development Plan establishes a program for the comprehensive implementation of the project, including development guidelines and standards, which are imposed through a Development Review Permit process.~~

The proposed project's design condenses the previous development footprint to respect existing topography and preserve 1,650.4 acres of the site as habitat preserve. This approach is consistent with other Guiding Principles that encourage "creative product design" and "alternative residential design" as alternatives to conventional lotting across the site (Guiding Principles 4 and 6). There is no evidence that Guiding Principle 3 was adopted to avoid or mitigate an environmental effect. Greater density can increase certain impacts while decreasing others and providing much-needed housing. Here, the significantly reduced footprint of the proposed project avoids effects associated with a larger development footprint, such as increased impacts associated with grading, erosion,

biological resources, cultural resources, geological resources, construction emissions (including air quality and greenhouse gases), and other effects. Further, as noted by the California Legislature, “building more smaller homes with good access to schools, parks, and services, will provide the most immediate help with the lowest greenhouse gas footprint to state residents” (SB 330, Section 2[a][14]). Consequently, the proposed project’s inconsistency with Guiding Principle 3 would likely not result in greater significant impacts overall in comparison to a project with larger lots spread over a larger development footprint in compliance with Guiding Principle 3. Rather, the compact footprint of the proposed project is likely to reduce, rather than increase, overall adverse environmental impacts (see Section 21083[b]).

The proposed project also would not include an 18-hole golf course or human-made lake with potable water, as outlined in Guiding Principle 9. Guiding Principle 9 was not adopted to avoid or mitigate any environmental effect but to provide amenities for the residents of the project and larger community. The inclusion of a golf course or lake would likely increase impacts on water supply, grading, erosion, biological resources, cultural resources, geological resources, construction emissions (including air quality and greenhouse gases), and other effects compared to the proposed project due to expanded grading and irrigation demands. The proposed project presents an environmentally superior alternative, featuring parks, trails, and recreational facilities, while preserving significant sensitive habitat in lieu of dedicating 200 acres to a golf course or human-made lake. Consequently, any conflict with Guiding Principle 9 would not result in a significant environmental impact.

The project’s Development Plan includes a comprehensive implementation element (Chapter 10, Implementation) but does not incorporate a “Development Agreement” as specified in Guiding Principle 14(e). Development Plan Chapter 10 addresses issues normally included in a Development Agreement, including project phasing, financing, operation, maintenance, administration, implementation, modification, and monitoring. Additionally, the proposed project’s conditions of approval and Mitigation Monitoring and Reporting Program are legally binding upon the developer and ensure the environmental effects of the project would be mitigated to the extent feasible. Therefore, the absence of a Development Agreement in the implementation plan would not create adverse environmental impacts for purposes of this threshold.

Moreover, a Development Agreement, as a contract between two or more willing parties, by its very nature is a subjective undertaking subject to negotiation. As such, Guiding Principle 14 is not an objective development standard as defined by the HHA (California Government Code, Section 65589.5[h][9]).

In summary, the Guiding Principles are intended as guidance for future development of a PD, and not as mandatory development requirements. The proposed project does not result in significant

environmental impacts due to conflicts with Guiding Principles specifically adopted to avoid or mitigate environmental effects.

Additionally, as outlined below, the proposed project does not conflict with these Guiding Principles because it is entitled to the DBL benefits and also has been certified as an Essential Housing Project under the City’s Essential Housing Program, resulting in the waiver of conflicting Guiding Principles.

### **State Density Bonus Law**

With the inclusion of 445 age-restricted senior units (55 years of age or older) within the Active Adult community, the entire proposed project is entitled to density bonus, waiver, and reduced parking benefits under the DBL (California Government Code, Section 65915[b][1][C], [e][1], [f][3][A], [p][1]; Civil Code Section 51.3[b][1], [4]).

The proposed project would develop an “Active Adult” neighborhood, which would provide approximately 445 “age-restricted residential uses in a variety of building types with densities ranging from 5 to 25 residential units per acre” (Section 3.3.1.4 of the Final Recirculated REIR). The project’s 445 senior units far surpass the 35 needed to qualify for mandatory DBL benefits, including waivers of development standards (California Government Code, Section 65915[b][1][C], [e][1]).

The proposed project is seeking only waivers under the DBL. It does not require, and is not seeking, any bonus density market rate dwelling units under the DBL as there is no density limit at the site established in the General Plan or Zoning Ordinance. The site has been shown to accommodate the 2,949 to 3,008 units proposed by the project while preserving 1,650.4 acres (63 percent) in a Habitat Preserve, with waiver of development standards discussed below (California Government Code, Section 65915[o][6][A] and [B]).<sup>1</sup>

An agency must waive any development standard that will have the effect of physically precluding project construction at the densities and with the amenities proposed (California Government Code, Section 65915[e][1]). A “development standard” is defined as “a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or that is enacted by the local government’s electorate exercising its local

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<sup>1</sup> Where no density unit-per-acre standard is provided, base density may be calculated by estimating the “realistic development capacity of the site based on the objective development standards applicable to the project” “excepting those that may be modified by a waiver or concession” (California Government Code, Sections 65915[o][6][A] and [B]). Further, a local agency may apply a limited selection of physical development standards to estimate development capacity so that they’re permissibly applied to maximize housing. Base Density Calculation under Assembly Bill 2334 (California Density Bonus Law)

initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government” (California Government Code, Section 65915[o][2]).

Agencies are “strictly limited in denying requested development standard waivers, ... unless doing so would have a specific adverse impact on health or safety (as defined) which could not be mitigated” (California Government Code, Section 65915[e]).

Here, the proposed project is entitled to mandatory waivers of Guiding Principle 3 (lot size standards), and Guiding Principle 9 (approximately 200-acre golf course or lake amenity) because they would physically preclude construction of the project’s 2,949 to 3,008 units, including the 445 age-restricted senior units, as designed and with the other amenities proposed (California Government Code, Section 65915[e][1], [o][2]). Waived development standards—Guiding Principles 3 and 9—are not “applicable” and the project may not be deemed inconsistent with the General Plan for any conflict with these principles (California Government Code, Section 65589.5 [j][3]). “[T]he receipt of a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.”].

Per the DBL, density bonus benefits cannot require a General Plan Amendment, Local Coastal Plan Amendment, Zoning Change, or other discretionary approval (California Government Code, Section 65915[e][1], [f][5], [j][1]). With these mandatory DBL waivers, the proposed project is consistent with the Santee General Plan and other applicable ordinances and requires no legislative action.

### **Essential Housing Program**

The proposed project is also consistent with the Santee General Plan, including the Guiding Principles for the project site, pursuant to Urgency Ordinance No. 592, as amended on February 12, 2025. Urgency Ordinance No. 592, the City’s Essential Housing Program, provides an alternative process to boost housing production and improve housing affordability for housing projects that meet specified criteria through 2026 (City of Santee 2021; Appendix S). Under the program, projects that follow the procedures and meet the strict requirements of the program are entitled to waivers from City development regulations, including Guiding Principles, as needed to develop at the density and with the amenities proposed, without the requirement for a General Plan amendment or other legislative act (California Government Code, Section 65915[f][5], [j][1], [n]; Appendix T).



Urgency Ordinance No. 592 controls over any other City plan or ordinance in the event of a conflict, with its interpretation being afforded the fullest possible weight to the interest, approval, and provision of housing (Appendix R).

An application under the Essential Housing Program was submitted for the proposed project in December 2021. On December 27, 2021, the City's Director of Development Services certified the proposed project as an Essential Housing Project based on the criteria adopted by the City Council (Appendix R). No changes have been made to the project which would impact or negate such certification. Note the Essential Housing Program is available to expedite (1) any new application for a Housing Development Project; (2) any Housing Development Project currently under City review; or (3) any approved, entitled, and/or permitted Housing Development Project not yet built by the date application for certification is made.

As demonstrated by the certification and project conditions, the proposed project would address the City's housing crisis by providing a mix of residential and nonresidential uses and a mix of housing types and sizes. A total of 2,949 housing units would be developed if the proposed project includes a school, or 3,008 units without a school, including 435 moderate-income units and 445 age-restricted senior units. The proposed project would also develop 150 low-and moderate-income units and contribute up to \$2.6 million for affordable housing.

Stringent environmental and Santee General Plan consistency criteria established by the Essential Housing Program would be met. The proposed project would implement mobility improvements, including bus stops, traffic calming, an up to \$300,000 contribution to relieve congestion on SR-52, and rideshare/carshare parking. Open space would be conserved. In addition to preserving 1,650.4 acres in the Habitat Preserve, the proposed project would provide at least \$300,000 in funding for the management of City-owned natural open space and would plant at least 10 trees per acre of land to be developed. Water use would be reduced by connections to recycled or advanced treated water when PDMWD's East County Advanced Water Purification project is completed.

With regard to energy, air quality, and greenhouse gas emissions, the proposed project's residential units would be all-electric and would exceed Title 24 standards by all-electric residential development, implementing heat pump technology, increasing solar production, and expanding ventilation systems. Appliances would be Energy Star rated, electric vehicle chargers would be provided in the Village Center, and solar panels would be installed on accessory buildings and car ports. Wildfire safety would be ensured through implementation of fuel management zones and the Fire Protection Plan (FPP), among the many other measures set forth in the FPP and Wildland Fire Evacuation Plan (see Appendices P1 and P2).

Many miles of trails and sidewalks would be provided with the proposed project, and up to \$300,000 would be provided to the City to fund additional improvements to trail facilities. Finally, the proposed project's extensive park and recreational facilities would exceed the Santee



Municipal Code standards by at least 5 percent and would provide for multi-purpose playing fields and public recreational facilities for Citywide use.

The certification of the proposed project based on the City's Essential Housing Project Credits Assessment Guide and Checklist demonstrates that the current development proposal for the project site addresses the City's immediate housing needs and furthers Santee General Plan objectives and policies. Therefore, the proposed project is deemed consistent with the Santee General Plan under the Essential Housing Program and does not require an amendment to the Santee General Plan or other legislative act for approval. Any Guiding Principles which would preclude the implementation of the project as proposed are not "applicable" to the project. Any conflict is also not considered an inconsistency with the General Plan or other regulations under state housing law (California Government Code, Section 65589.5[j][3], 65905.5[c][1]).

### **Consistency with Remainder of General Plan**

Table 4.10-1 identifies the goals, objectives, and policies found in the various elements of the Santee General Plan that are relevant to the proposed project and provides an evaluation of the proposed project's consistency with them. Consistent with Appendix G of the CEQA Guidelines, only the goals, objectives, and policies adopted for the purpose of avoiding or mitigating an environmental effect are discussed.

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<b>Land Use Element</b>	
<b>Applicable Objectives and Policies</b>	
<p><b>Objective 2.0:</b> Allow for the development of a wide range of housing types in the City.</p>	<p>The proposed project would provide for development of a comprehensively planned community that includes a wide range of housing types and sizes, commercial uses, community amenities, and public services and facilities. The community would be supported by an interconnected open space and recreation system, which consists of approximately 1,650.4 acres designated Habitat Preserve, an array of active and passive parks and recreation facilities, an extensive network of walking and biking trails and internal open space areas. The community street system is designed to provide efficient circulation patterns and promote alternative modes of transportation. Parking requirements are included in the Fanita Ranch Development Plan to ensure that adequate off-street parking would be provided throughout the community. The Fanita Ranch Development Plan identifies an appropriate mix of building typologies under each land use designation. The Fanita Ranch Development Plan allows for innovative site planning techniques within each building typology to encourage diversity in residential product types, sizes, and designs, which would meet the housing needs of Santee residents and provide interesting street scenes within the community. The Village Center, Medium Density Residential, and Active Adult land use designations would allow for higher density residential development. These land use areas are located along main roadways of each village near cycling/walking trails, retail and services, parks and recreation facilities, and a school site. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 2.1:</b> The City should promote the use of innovative site planning techniques that contribute towards provision of a variety of residential product styles and designs.</p>	
<p><b>Policy 2.2:</b> The City should encourage the development of higher density residential developments in areas close the multi-modal transit station and along major road corridors where transit and other convenience services are available.</p>	
<p><b>Policy 2.3:</b> The City should encourage planned residential and/or planned unit developments that provide adequate open space, recreational facilities, off-street parking, interior circulation patterns, and other amenities and facilities.</p>	
<p><b>Policy 3.2:</b> The City should encourage the development and use of recycled water for appropriate land uses to encourage the conservation of, and reduce demand for, potable water.</p>	<p>The proposed project would use, if implemented, purified water or advanced treated water provided by PDMWD through its East County Advanced Water Purification Program. Advanced treated water is a more cost-effective and efficient alternative to recycled water and provides a long-term solution for a sustainable local drinking water supply. The proposed project may use recycled water for construction purposes on a limited and seasonal basis. The Fanita Ranch Development Plan requires that infrastructure and utilities necessary to serve the community be provided prior to or concurrently with development. Impacts resulting from public utilities, if any, would be mitigated to the maximum extent possible in accordance with the mitigation measures identified in the EIR. Additionally, the proposed project includes a Conceptual Phasing Plan that would coordinate the provision of public facilities and services with the anticipated sequence and pattern of development. The four phases of development are conceptual and non-sequential and may occur concurrently. Phases may overlap or vary depending on market conditions. They may also be broken down into smaller sub-phases. Each</p>
<p><b>Policy 3.5:</b> The City shall require the placement of utility lines underground where feasible.</p>	
<p><b>Policy 3.6</b> Development projects shall be reviewed to ensure that all necessary utilities are available to serve the project and that any land use incompatibilities or impacts resulting from public utilities shall be mitigated to the maximum extent possible.</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
	<p>phase would likely take 2 to 4 years to complete. Construction is anticipated to begin in 2023 with a buildout of approximately 10 to 15 years. The backbone water and sewer improvement in the Special Use area would be included in Phase I, but the remainder of the Special Use area and adjacent mini-park may be developed at any time during project buildout. New utility lines serving the development would be placed underground. Therefore, the proposed project would be consistent with these policies.</p>
<p><b>Objective 6.0:</b> Ensure that natural and man-induced hazards are adequately addressed in the location and intensity of development in the City.</p>	<p>Potential impacts of natural and man-induced hazards associated with development of the proposed project are addressed in this EIR in Sections 4.6, Geology, Soils, and Paleontological Resources; 4.8, Hazards and Hazardous Materials; and Section 4.18, Wildfire. The proposed project would incorporate appropriate design features and adhere to all applicable restrictions and requirements identified in the EIR to ensure that potential seismic, geological, flood, and wildland fire impacts are mitigated to below a level of significance. The proposed project's land use plan has been designed to avoid or mitigate potentially hazardous conditions on site, such as significant steep slopes and wildland fire hazards. The proposed project includes provisions to ensure that adequate law enforcement and fire protection services would be available to serve the community. Additionally, the Fire Protection Plan (FPP) (Appendix P1) establishes standards for fuel modification, building design and construction, and other pertinent infrastructure criteria that would reduce wildland fire risks to below a level of significance. The proposed project's consistency with the Santee General Plan's Safety and Conservation Elements' goals, objectives, and policies are further discussed in this table under the Safety and Conservation Elements sections. Therefore, the proposed project would be consistent with these policies.</p>
<p><b>Policy 6.1:</b> The City shall utilize all mapped information, objectives, and policies contained in the Safety and Conservation Elements during the development review process.</p>	
<p><b>Policy 6.2:</b> The City should promote the use of innovative site planning to avoid on-site hazards and minimize risk levels.</p>	
<p><b>Objective 7.0:</b> Undertake development of large, contiguous, vacant, or underutilized parcels in a comprehensive manner.</p>	<p>The proposed project would develop the large, contiguous, vacant site into a comprehensive community with residential, commercial, civic, agricultural, and recreational land uses. Therefore, the proposed project would develop the area in a comprehensive manner and would be consistent with Objective 7.0.</p>
<p><b>Policy 7.1:</b> The City shall utilize and initiate, in appropriate locations, the use of comprehensive planning process for development of large landholdings. Appropriate locations shall include large contiguous vacant or underutilized parcels (i.e., 10 acres or larger in area) under single ownership that contain unique resources such as a hillside or watercourse, where a combination of uses are proposed on the site or where phased implementation of the development is necessary to minimize the impact on the City. If a comprehensive planning process involves multiple</p>	<p>The large, contiguous 2,638-acre project site would be under single ownership and contains habitats for sensitive resources that would be protected within the Habitat Preserve. In addition to the Habitat Preserve, the proposed project would include a balanced mix of residential, commercial, parks and recreational, agricultural, and open space uses that support economic growth and promote wellness and healthy living. The proposed project includes phased implementation of the development plan and would ensure that adequate public facilities, utilities, and services necessary to serve the</p>

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p>ownerships, the plan should apply to the total area of these ownerships.</p> <p>For smaller contiguous vacant or underutilized (i.e., less than 10 acres in area), a comprehensive planning process should be considered to allow for the comprehensive development of the land.</p> <p><b>Policy 7.2:</b> A comprehensive development plan shall be proposed prior to approving any subdivision of land or land development proposal.</p>	<p>community’s needs are in place prior to or concurrent with development to minimize impacts on the City. The proposed project would provide a comprehensive development plan for the project site. Approval of subdivision maps and improvement plans for areas on the project site would occur subsequent to the approval of the proposed project. Therefore, the proposed project would be consistent with these policies.</p>
<p><b>Objective 8.0:</b> Minimize land use conflicts and maximize mutual benefits between adjacent land uses in the City.</p> <p><b>Policy 8.3:</b> The City should encourage an innovative mix of land uses when such a mix could enhance the viability of development and provide for common public services and site planning requirements.</p>	<p>Habitat on the project site has been severely degraded over the past few decades by illegal activities including trespassing, dumping, and off-road vehicle use.</p> <p>The proposed project includes a clustered compact, walkable, sustainable, low-impact development in strategic locations that minimize ecological impacts, development of the proposed project would allow for the restoration of sensitive habitat areas and management of the Habitat Preserve. Implementation of the proposed project includes establishment of a formal management entity and management plan to monitor and protect biodiversity. Furthermore, creating neighborhoods adjacent to a public trail system and providing community education programs about the area’s natural resources would encourage community appreciation for nature, foster a sense of ownership and stewardship for the land, and encourage voluntary participation in preserving and maintaining these open spaces from further degradation.</p>
<p><b>Policy 8.5:</b> The City shall strive to minimize direct and indirect impacts on existing or planned preserved open space from adjacent development.</p>	<p>The proposed project would accommodate a mix of land uses that support economic vitality and provide for public services. Requirements and guidelines for community planning and site development are included in the Fanita Ranch Development Plan. The Fanita Ranch Development Plan would designate approximately 63 percent of the site as Habitat Preserve, which would be protected to allow for conservation and restoration of natural open space and habitats for sensitive plant and wildlife species. The proposed project would implement the applicable mitigation measures identified in the EIR to reduce potential direct or indirect impacts to sensitive biological resources. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Objective 9.0:</b> Minimize land use conflicts between land uses in adjacent areas and existing and planned land uses in the City.</p> <p><b>Policy 9.3:</b> The City should oppose any new mining operations or expansion of currently approved mining operations to the north and northeast of the City that would conflict with planned development in Fanita Ranch.</p>	<p>Development on the project site would include residential, agricultural, and parks and open space uses. This would not result in the expansion of existing mining (e.g., Slaughterhouse Canyon) or any new mining operations north and northeast of the City. Therefore, the proposed project would be consistent with this objective and policy.</p>

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Objective 11.0:</b> Ensure that development in the City is consistent with the overall community character and contributes positively towards the City's image.</p>	<p>The proposed project would implement the Santee General Plan Community Enhancement Element by establishing community identity through incorporation of an agrarian theme and gateway/place-making elements into the overall community planning and design; accommodating a diverse collection of housing types and designs; providing roadway and trail connections to existing neighborhoods and open space areas within the City; and creating pedestrian-friendly streetscape that promotes walking and enhances the community aesthetics. The proposed project would provide site development standards and design guidelines for community design, landscaping, and architecture, which would provide guidance for future development to ensure that a high-quality community would be implemented. Therefore, the proposed project would be consistent with this objective.</p>
<p><b>Objective 12.0:</b> Maintain the integrity and consistency of the General Plan</p>	<p>The proposed project would be developed consistent with the Santee General Plan, as detailed throughout this section.</p>
<p><b>Policy 12.1:</b> Permitted land uses in the City shall be intensified only when the voters approve such changes. No General Plan amendment, Planned Development Area or new Specific Planning Area shall be adopted which would: 1) increase the residential density permitted by law, 2) change, alter, or increase the General Plan Residential Land Use categories if the change intensifies use; or 3) change any residential designation to commercial or industrial designation on any property, or vice versa, if the change intensifies use; unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such an election.</p>	<p>As discussed above, the site is designated PD, and there is no dwelling unit per acre standard or maximum residential density permitted at the site. With DBL waivers, incentives, and/or EHP certification, no General Plan Amendment is required or proposed. The proposed project also does not propose to change, alter, or increase the General Plan Residential Land Use categories to intensify any use or to change any residential designation to commercial or industrial, or vice versa. Therefore, no voter approval is required. Further, per Policy 12.4 and state law, such a requirement is preempted. The proposed project is entitled to mandatory waivers of development standards under the DBL, and the City cannot require a General Plan Amendment or other legislative action for such waivers (California Government Code, Section 65915 [f][5], [j][1]). In addition, SB 330, California Government Code, Section 66300(b)(1)(B)(i) and (b)(1)(D)(i)-(iii), provides the City may not, during the declared housing crisis, enact or enforce any provision that limits, caps, or imposes a moratorium on housing development, including mixed use development. Therefore, the proposed project would be consistent with this policy.</p>
<p><b>Policy 12.2:</b> No change to the slope criteria and minimum parcel sizes and lot averaging provisions of this General Plan which would permit increased density or intensity of use shall be adopted unless and until such change is approved by ordinance adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such an election.</p>	<p>The proposed project does not propose any change to slope criteria and minimum parcel sizes and lot averaging provisions. The project is entitled to mandatory waivers of development standards under the DBL, including the lot size Guiding Principle 3 (California Government Code, Section 65915[f][5], [j][1]). Therefore, for purposes of the proposed project, this policy does not apply. With DBL waivers, incentives, and/or the EHP certification, no General Plan Amendment is required or proposed. Therefore, the proposed project would be consistent with this policy.</p>

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 12.3:</b> <u>The City Council shall set any election required by this Objective to the next available general municipal election at no cost to the proponent of the land use change, or set a special election, the cost of which shall be borne by the proponent.</u></p>	<p>This objective is not directed toward reducing environmental impacts. See consistency evaluation for Policies 12.1 and 12.2 above. Therefore, the proposed project would be consistent with this policy.</p>
<p><b>Policy 12.4:</b> <u>The voter approval requirement of subsection (a) shall not apply where the General Plan amendment is necessary to comply with state or federal law governing the provision of housing, including, but not limited to affordable housing requirements. This exception applies only if the City Council first makes each of the following findings based on substantial evidence in the record: 1) a specific provision of state or federal law requires the City to accommodate the housing that will be permitted by the amendment; 2) the amendment permits no greater density than that necessary to accommodate the required housing; and 3) an alternative site that is not subject to the voter approval requirement in this Policy is not available to satisfy the specific state or federal housing law.</u></p>	<p>This objective is not directed toward reducing environmental impacts.</p> <p>See consistency evaluation for Policies 12.1 and 12.2 above. With DBL waivers, incentives, and/or EHP certification, no General Plan Amendment is required or proposed. Therefore, this policy does not apply. Such a voter requirement is also preempted by the DBL and SB 330.</p> <p>Additionally, as concerns the proposed project's EHP certification, refer also to Section 5 of Urgency Ordinance No. 592, which makes the findings set forth in this policy for Essential Housing Projects:</p> <p><u>The City Council finds that the adoption of this Ordinance is necessary to comply with state law governing the provision of housing, including but not limited to, Government Code sections 65583 and 65584 and additional affordable housing requirements, and is necessary to achieve the goals set forth in the City's Housing Element. The City Council finds that this Ordinance permits no greater density than is necessary to accommodate the required housing. The City Council finds that the criteria identified in the Essential Housing Program as establishing eligible Essential Housing Project sites have been narrowly tailored to the housing needs of the City, and alternative sites for Essential Housing Projects are not available to satisfy the requirements of state housing law.</u></p> <p>For each of these reasons, the proposed project would be consistent with this policy.</p>
<p><b>Housing Element</b></p> <p><b>Applicable Objectives and Policies</b></p>	
<p><b>Objective 5.0:</b> Encourage the provision of a wide range of housing by location, type of unit, and price to meet the existing and future needs of Santee residents to the maximum extent possible.</p>	<p>The proposed project would provide for a diverse mix of detached and attached housing types in densities ranging from high-density residential development in the Village Centers to Medium and Low Density Residential neighborhoods throughout the community. A variety of residence types and sizes would be offered, which would accommodate different types of households including families, multi-generational households, young singles, empty-nesters, seniors, and more. The proposed project would include an Active Adult land use designation area near the Fanita Commons Village Center, where community services would be located. The current Santee General Plan land use designation of the project site is</p>
<p><b>Policy 5.1:</b> Provide a variety of residential development opportunities in the City, ranging in density from very low density estate homes to medium-high and high density development.</p>	
<p><b>Policy 5.4:</b> Encourage developments of new housing units designated for the elderly and disabled persons to be in close proximity to public transportation and community services.</p>	



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 5.5:</b> Ensure that all new housing development and redevelopment in Santee is properly phased in amount and geographic location so that City services and facilities can accommodate that growth.</p>	<p>Planned Development (PD), and the Housing Element identifies the project site to provide 2,949 units with a school, or 3,008 units without a school, demonstrating that the site has been planned for residential growth by the City. The proposed project would include 435 moderate-income units consistent with the Santee General Plan Housing Element.</p> <p>The proposed project would provide an implementation program that addresses the phasing of public infrastructure improvements and services to ensure that public facilities and services would be available prior to or in conjunction with projected needs. The Phasing Plan would coordinate the provision of public facilities and services with the anticipated sequence and pattern of development. The four phases of development are conceptual and non-sequential and may occur concurrently. Phases may overlap or vary depending upon market conditions. They may also be broken down into smaller sub-phases. Each phase would likely take 2 to 4 years to complete. Construction is anticipated to begin in 2023 with a buildout of approximately 10 to 15 years. The backbone water and sewer improvement in the Special Use area would be included in Phase I, but the remainder of the Special Use area may be developed at any time during project buildout. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<b>Mobility Element</b>	
<b>Applicable Goal, Objectives, and Polices</b>	
<p><b>Goal:</b> A balanced, interconnected multi-modal transportation network that allows for the efficient and safe movement of all people and goods, and that supports the current and future needs of Santee community members and travel generated by planned land uses.</p>	<p>The proposed project would integrate land use and transportation planning to enhance smart growth development. Land uses would be organized to locate services and goods close to residences and optimize circulation systems to create direct, efficient, safe, and comfortable routes for a variety of transportation modes. Roadways on the project site would be designed as a system of Complete Streets that safely accommodate and support all users, including motorists, pedestrians, bicyclists, and neighborhood electric vehicles (NEV). Planned street improvements would include the extension of existing roadways (Fanita Parkway, Cuyamaca Street, and Magnolia Avenue) into the project site and the construction of new internal systems of public and private streets. On the project site, specially designed street sections would respond to the physical characteristics of the site, avoiding steep terrain and environmentally sensitive areas, and express the agrarian theme through road design and landscaping. The proposed project would be designed to promote alternative modes of transportation. For example, the street rights-of-way would be designed to accommodate pedestrian, bicycle, and NEV travel as appropriate to the context and setting. The proposed project would pay its fair</p>
<p><b>Objective 1:</b> Ensure that the existing and future transportation system is accessible, safe, reliable, efficient, integrated, convenient, well-connected and multi-modal. The system will accommodate active transportation, and accommodate people of all ages and abilities, including pedestrians, disabled, bicyclists, users of mass transit, motorists, emergency responders, freight providers and adjacent land uses.</p>	
<p><b>Policy 1.1:</b> The City shall provide integrated transportation and land use decisions that enhance smart growth development served by complete streets, which facilitate multimodal transportation opportunities.</p>	
<p><b>Policy 1.2:</b> The City should design streets in a manner that is sensitive to the local context and recognizes that needs vary between mixed use, urban, suburban, and rural settings.</p>	



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 1.3:</b> The City shall ensure that the entire right-of-way is designed to accommodate appropriate modes of transportation.</p>	<p>share of transportation impact fees. Therefore, the proposed project would be consistent with this goal, objectives, and policies.</p>
<p><b>Policy 1.5:</b> The City should regularly review, update and collect adequate transportation impact fees (TIF) and ensure the efficient allocation of state and regional funding sources for the development and maintenance of local transportation (across all modes) improvements and operations.</p>	
<p><b>Objective 2:</b> Develop an efficient, safe and multi-modal transportation network, consisting of local roads, collectors, arterials, freeways and transit services, in a manner that promotes the health and mobility of Santee residents and that meets future circulation needs, provides access to all sectors of the City, and supports established and planned land uses.</p>	<p>Roadways on the project site would be designed as a system of Complete Streets that safely accommodate and support all users, including motorists, pedestrians, and bicyclists. The applicant has worked closely with the City to design safe and appropriate street standards for the community. Project mobility focuses on reducing the number and length of vehicle trips and providing alternatives to gasoline-powered vehicle use. This would be achieved by locating services and goods close to residences and optimizing circulation systems to create direct, efficient, safe, and comfortable routes for a variety of transportation modes. The provision of a farm, a school site, parks and recreation facilities, retail, and office uses would specifically address the needs of project residents and create a self-contained community that requires fewer trips outside of the project site. The design of the proposed project would encourage alternative transportation modes that generate fewer emissions such as walking, biking, use of electric vehicles, transit, and ridesharing. Traffic calming and pedestrian safety measures such as roundabouts, curb extensions, narrow street sections, enhanced crossings, landscape buffers, and on-street parking at appropriate locations would be integrated into the proposed project's mobility system. Section 4.16, Transportation, of this EIR analyzes the Level of Service on key street segments and at key intersections within the vicinity of the project site. The proposed project would implement applicable mitigation measures identified in the EIR to reduce project impacts, as feasible including a TDM Plan. The TDM Plan would support alternative modes, manage shared facilities to optimize transportation modes, implement and support appropriate advanced technologies, and reduce air quality pollutant and greenhouse gas emissions.</p> <p>In addition, the proposed project would initiate a Monitoring Program once the average daily trip amount on Fanita Parkway between Ganley Road and Lake Canyon Road reaches 13,000 ADT to ensure that impacts remain within acceptable levels. Finally, the proposed project would install an adaptive traffic signal control system along Mission Gorge Road between Fanita Drive and Town Center Parkway. Adaptive traffic signals, or "smart" signals, communicate with each other and</p>
<p><b>Policy 2.1:</b> The City shall encourage an automobile Level of Service "D" on street segments and at intersections throughout the circulation network while also maintaining or improving the effectiveness of the non-automotive components of the circulation system (i.e., pedestrians, bicyclists, and public transit), especially in the Town Center area. The City may approve a lower automobile Level of Service if it finds that the effectiveness of non-automotive components of the circulation system would be maintained or improved as a result. In other cases, the City shall not approve any development that causes a drop in the Level Of Service at a street segment or an intersection to LOS "E" or "F", after feasible mitigation, without overriding social, economic, or other benefits.</p>	
<p><b>Policy 2.2:</b> The City should ensure adequate accessibility for all modes to the northern undeveloped area of the City by designating a functional network of public streets for future dedication either prior to, or concurrent with anticipated need.</p>	
<p><b>Policy 2.3:</b> The City shall establish minimum design standards for streets, which include grade, widths, alignment and public improvement requirements in a City design manual.</p>	
<p><b>Policy 2.6:</b> The City should encourage traffic circulation improvements such as, but not limited to, enhanced roadway markings, synchronized traffic signals, and Intelligent Transportation System (ITS) network management.</p>	
<p><b>Policy 2.9:</b> The City should work with the region to develop traffic and congestion management programs to improve commute times and improve air quality.</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
	<p>dynamically adjust signal timings, memorize traffic patterns, improve traffic flow, and reduce vehicle stops. The improved conditions resulting from implementation of an adaptive traffic signal control system are evidenced by a decrease in overall travel time through the subject corridor. Implementation of an adaptive traffic signal control system would result in a decrease in overall travel time, similar to the benefit that physical widening of the road would provide from increased physical capacity. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Objective 3:</b> Upgrade and maintain Santee transportation corridors to meet the safety needs of all roadway users – including youth and elderly and travelers of varying physical abilities – and to provide a well-connected system throughout the City.</p>	<p>Roadways on the project site would be designed as a system of Complete Streets that safely accommodate and support all users, including motorists, pedestrians, and bicyclists. The applicant has worked closely with the City to design safe and appropriate street standards for the community. Street design elements would include roundabouts, split roads, center medians on major roadways, enhanced crossings, left-turn pockets, curb extensions, and parkways that would be landscaped with native and edible plant species to complement the adjacent open space areas and the Farm. Multiple ingress/egress points and appropriately sized streets would be included to allow quick access for emergency vehicles to all portions of the project site. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 3.1:</b> The City shall encourage the development of improved signalization and intersection design while taking into consideration the safety of all modes.</p>	
<p><b>Policy 3.2:</b> The City should encourage the utilization of traffic control devices, such as center medians and/or left-turn pockets where appropriate and that do not conflict with safety, and discourage the installation of median cuts where traffic safety cannot be assured.</p>	
<p><b>Policy 3.3:</b> The City shall ensure that newly constructed roadways are designed to permit rapid access for emergency vehicles.</p>	
<p><b>Policy 3.4:</b> The City shall provide adequate traffic control devices throughout the City to ensure safe and efficient mobility.</p>	
<p><b>Policy 3.5:</b> The City shall encourage the use of innovative methods for traffic control (such as roundabouts, curb extensions, and traffic circles) where appropriate that add character, slow vehicle speeds, and create opportunity for improved aesthetics while effectively managing traffic.</p>	
<p><b>Objective 4:</b> Maximize the utilization of site planning techniques to improve traffic safety.</p>	<p>Driveways on the project site would be designed to take direct access from residential streets or village streets instead of from arterials, collectors, or other major roads. Traffic calming measures would be incorporated into the overall mobility system design, including roundabouts, curb extensions, narrow road sections, enhanced crossings, landscape buffers, and on-street parking at appropriate locations. Guidelines on loading, service, and storage areas for commercial and mixed-use development are provided in Chapter 6 of the Fanita Ranch Development Plan. Setback and off-street parking requirements would be included in Chapter 3 of the Fanita Ranch Development Plan. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 4.1:</b> The City shall encourage new subdivision development be designed in a manner where driveways do not take direct access from prime arterials, major roads or collector streets.</p>	
<p><b>Policy 4.3:</b> The City shall promote design standards that allow for safe and efficient transport, delivery, loading and unloading of goods from service vehicles within commercial and industrial areas.</p>	
<p><b>Policy 4.4:</b> The City should pursue minimization of the number of entrances and exits to strategic locations along major thoroughfares by requiring the establishment of</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
shared driveways and reciprocal access between adjoining properties.	
<b>Policy 4.5:</b> The City should establish and implement appropriate setback and off-street parking requirements.	
<b>Objective 5.0:</b> Allow parking reductions around transit and affordable housing.	The proposed project's parking regulations for the Village Center areas would take a shared, unbundled approach to reduce the demand for parking and provide parking as efficiently as possible. Due to the mixed-use nature of the Village Center land use designation and the desire to promote walkability, the Village Center designation would approach parking as a shared amenity between uses. The intent would be to allow for shared parking between uses with different operation hours or varied peak parking periods as a means of reducing the visual impact of large parking lots on the public street, reducing pavement that may contribute to the heat island effect, and promoting walking or alternative modes to single-occupancy vehicle use. Shared parking would be managed by a Parking Management Plan or the proposed TDM Plan. The number of required vehicle spaces may be reduced or increased pursuant to the approved Parking Management Plan or TDM Plan. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 5.2:</b> The City should maximize shared parking opportunities for uses with varied peak parking periods.	
<b>Policy 5.3:</b> The City should exercise flexibility in the application of parking standards to support transit-oriented development.	
<b>Objective 7.0:</b> Develop, maintain, and support a safe, comprehensive and integrated bikeway system that encourages bicycling, as documented in the City's Bicycle Master Plan.	Bicycle circulation throughout the project site would be facilitated through a combination of on-street bike lanes and off-street multi-purpose trails, as illustrated in the Fanita Ranch Development Plan. Class II bike lanes and multi-purpose trails would be provided along Fanita Parkway, Cuyamaca Street, and Magnolia Avenue. The Habitat Preserve would include mountain biking trails, which would use existing trail routes to the extent feasible to avoid sensitive habitat areas. Bike trails would be designed for both recreation and to provide direct off-street access between the villages. To further promote bicycling on the project site, each Village Center would provide a bike station where riders have access to water and air, electric bike charging stations, and a bicycle sharing system. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 7.1:</b> The City shall continue to implement and maintain a comprehensive bicycle route system, and designate appropriate bikeways through the regular update of the City's Bicycle Master Plan.	
<b>Policy 7.2:</b> The City should strive to achieve objectives and policies identified in the Bicycle Master Plan including those related to bicycle safety awareness, bicycle promotion, maintenance and monitoring. Educational awareness programs shall include an environmental component that teaches bicycle users the importance of staying on designated trails to minimize impacts to wildlife resources.	
<b>Policy 7.4:</b> The City should require new development and redevelopment to provide connections to existing and proposed bicycle routes, where appropriate.	
<b>Objective 8.0:</b> Develop and maintain an accessible, safe, complete and convenient pedestrian system that encourages walking.	Pedestrian circulation throughout the project site would be provided through an extensive network of sidewalks/community trails, multi-purpose trails, perimeter trails, and native trails that connect the three villages and destinations within the villages, as shown on Figure 3-10, Pedestrian Circulation Plan. The key
<b>Policy 8.1:</b> The City should require the incorporation of pedestrian-friendly design concepts where feasible	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
including separated sidewalks and bikeways, landscaped parkways, traffic calming measures, safe intersection designs and access to transit facilities and services into both public and private developments.	to a successful pedestrian circulation system is to provide safety, connectivity, and comfort. The proposed project would accomplish this through narrow street sections, enhanced street crossings, roundabouts, landscape buffers, and on-street parking to reduce traffic speeds. Streets on the project site would include a sidewalk or a multi-use trail and attractive streetscape to promote walking and enhance the pedestrian experience. Additionally, several features would be designed into the mobility plan to calm traffic, promote pedestrian safety, and provide safe routes to the school site, the Farm, parks and recreation facilities, and Village Centers through narrow road sections, enhanced road crossings, roundabouts, landscape buffers, and on-street parking to slow traffic. At intersections where significant pedestrian crossings are anticipated, crosswalks would be enhanced with striping, signage, and landscape features designed to heighten the driver's awareness and indicate the presence of pedestrians. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 8.2:</b> The City should provide for the connectivity of wide, well-lit sidewalks and environments with safety buffers between pedestrians and vehicular traffic, where feasible.	
<b>Policy 8.3:</b> The City should pursue the elimination of physical barriers around public facilities and commercial centers to improve access and mobility of the elderly and disabled in a manner consistent with the Title 24 of the California Code of Regulations and the federal Americans with Disabilities Act (ADA).	
<b>Policy 8.4:</b> The City shall require non-contiguous sidewalks on all streets with a residential collector classification or higher, as appropriate.	
<b>Policy 8.5:</b> The City should identify and implement pedestrian improvements with special emphasis on providing safe access to schools, parks, community and recreation centers, and shopping districts.	
<b>Policy 8.6:</b> The City should promote walking and improve the pedestrian experience by requiring pedestrian facilities along all classified streets designated on the Circulation Plan; by implementing streetscape improvements along pedestrian routes that incorporate such elements as shade trees, street furniture, and lighting; by orienting development toward the street; by employing traffic calming measures; and by enforcing vehicle speeds on both residential and arterial streets.	
<b>Policy 8.7:</b> The City should promote walking as the primary travel mode for the school trip through implementing the citywide Safe Routes to School Plan.	
<b>Policy 8.8:</b> The City should improve pedestrian safety at intersections and mid-block crossings, where appropriate.	
<b>Policy 8.10:</b> The City should provide connected network of safe pedestrian crossings throughout the City.	
<b>Objective 9.0:</b> Increased use of alternative modes of travel to reduce peak hour vehicular trips, save energy, and improve air quality.	
<b>Policy 9.1:</b> The City shall encourage and provide for Ride Sharing, Park 'n Ride, and other similar commuter programs that eliminate vehicles from freeways and arterials.	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 9.3:</b> The City should encourage employers to offer shared commute programs and/or incentives for employees to use transit.</p>	<p>the villages. Streets on the project site would be designed as a system of Complete Streets that safely accommodate and support all users, including motorists, pedestrians, and bicyclists. Bicycle circulation throughout the project site would be facilitated through a combination of on-street bike lanes and off-street multi-purpose trails, as illustrated on Figure 3-9, Bicycle Circulation Plan. Pedestrian circulation would be provided through an extensive network of sidewalks/community trails, multi-purpose trails, perimeter trails, and native trails that connect the three villages and destinations within the villages, as shown on Figure 3-10. The intent would be to provide safe bicycling and walking access to major destinations in the community such as the school site, the Farm, parks and recreation facilities, and Village Centers. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 9.4:</b> The City should encourage the use of alternative transportation modes, such as walking, cycling and public transit. The City should maintain and implement the policies and recommendations of the Bicycle Master Plan and Safe Routes to School Plan to improve safe bicycle and pedestrian access to major destinations.</p>	
<p><b>Policy 9.5:</b> The City should improve safety of walking and biking environment around schools to reduce school-related vehicle trips.</p>	
Recreation Element	
<p><b>Goal:</b> The goal of the Recreation Element is to provide a system of public parks and recreational facilities which serve the citizens of Santee.</p>	<p>Santee Municipal Code, Chapter 12.40, establishes the provisions for dedication of land, payment of in-lieu fee or a combination of both for the purpose of providing park and recreation facilities to serve future residents of a subdivision development (City of Santee 2022b). Santee Municipal Code, Section 12.40.070, requires the parkland dedication ratio of 5 acres per 1,000 population.</p> <p>Per the public park credit provisions set forth in Santee Municipal Code, Section 12.40.110, developed parkland dedicated to and maintained by the City would receive up to 100 percent park credit. Developed parkland maintained by the homeowners association and trail systems would receive up to 50 percent credit per the private park credit provisions in Santee Municipal Code, Section 12.40.100.</p> <p>The proposed project would provide approximately 78 acres of public parklands for active and passive recreation and private parklands and 4.5 acres of trail lands consisting of perimeter trails and the Stowe Trail connections planned on the project site, totaling 82.5 acres. Approximately 52.4 acres of the total 82.5 acres is available for parkland dedication credit, which satisfies the Santee Municipal Code, Chapter 12.40, Park Lands Dedication, requirement of 5 acres of parkland per 1,000 population and results in a surplus of 4.8 acres.</p> <p>In addition, the proposed project includes 47.6 acres of other recreation and open space areas, which are qualified to meet the Santee General Plan Recreation Element Objective. These areas consist of the 11.5-acre passive portion of the public Community Park, the 27.3-acre Farm, and 10.9 acres of other Agriculture Overlay lands.</p> <p>It should be noted that the underlying land use for the School Overlay school site would be Medium Density Residential. If the 15-acre reserved school site would not be acquired for</p>
<p><b>Objective 1:</b> Provide a minimum of 10 acres of park and recreational facilities for every 1,000 population in Santee. These 10 acres could include a combination of local parks, trails, school playgrounds, and other public facilities that meet part of the need for local recreational facilities.</p>	
<p><b>Policy 1.2:</b> The City shall continue to encourage the Santee School District and the Grossmont Union High School District to jointly develop and use school property for recreational purposes.</p>	
<p><b>Policy 1.5:</b> The City shall promote the compatibility of land uses adjacent to parks.</p>	
<p><b>Policy 1.8:</b> The City should, when feasible, require developers to contribute land and develop on that land multi-purpose playing fields or recreational facilities.</p>	
<p><b>Policy 1.9:</b> The City should not count private recreational facilities, or open space in planned residential developments, as fulfilling the requirement for park dedications or in-lieu park fees.</p>	
<p><b>Policy 1.10:</b> The City shall use the Parks and Recreation Facilities Master Plan as a guide in evaluating development proposals on possible future park sites.</p>	



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
	<p>school use within 2 years of approval of the final map containing the school site, the Medium Density Residential land use may be implemented on the site, increasing the project site unit count by 59 units for a maximum total of 3,008 units. Should the land use revert to Medium Density Residential, the developed parkland and recreational facility dedication requirement would increase by 0.9 acre. The project site would meet the obligation for the additional required amount of land or fee in lieu thereof pursuant to the provisions of Santee Municipal Code, Chapter 12.40, which could be by applying the surplus mentioned previously to the dedication credit and dedicating a park within the school site, expanding the Community Park or another park in the Development Plan Area, paying a fee in lieu of dedication, or a combination thereof. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Objective 2.0:</b> Provide adequate recreational acreage and facilities in all areas of the City.</p>	<p>The proposed project would include a variety of community recreation amenities such as active and passive parks, extensive open space natural areas, a comprehensive trail and bikeway system, and a community farm, which would all serve recreational purposes. The proposed school site would be adjacent to a Community Park and a Neighborhood Park to allow for joint use facilities such as play fields, playgrounds, or similar recreational amenities for use by the public. Additionally, private recreation amenities such as clubhouses, community pools, or similar improvements would be part of future development applications. The Community Park would be City owned and maintained, while the Neighborhood Parks, except NP-8, and Mini-Parks would be privately maintained but open to the public. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 2.2:</b> The City shall encourage the inclusion of recreational facilities in all mixed land use developments, especially within the Town Center and Fanita Ranch.</p>	
<p><b>Policy 2.5:</b> The City should require the inclusion of private recreation areas in all Planned Residential Developments.</p>	
<p><b>Policy 2.6:</b> The City shall aggressively pursue the development of additional publicly owned parks and recreation facilities which are distributed throughout the City to meet the needs of all residents</p>	
<p><b>Trails Element</b></p>	
<p><b>Overall Goal:</b> The Trails Element shall encourage alternative means of transportation on a community and regional scale by providing a comprehensive network of bicycle, equestrian, and pedestrian trails which serve present and future needs of our community, and which preserve and/or enhance the community character and the environment.</p>	<p>The proposed project would include a comprehensive pedestrian and bicycle trail system that provides connectivity within and between the villages, and with the adjacent regional trails and local trails that connect to surrounding open space areas, residential neighborhoods, parks, and the Santee Town Center to the south. Multi-purpose trails would be within the street rights-of-way along Fanita Parkway and Cuyamaca Street, which would support pedestrian and bicycle travel. The multi-purpose trail along Cuyamaca Street would extend south off site to connect to the Santee Town Center and the San Diego River as part of the north-south regional corridor. The Habitat Preserve on the project site would be offered for dedication to the City's Draft MSCP Subarea Plan. Trail access in the Habitat Preserve would be subject to the requirements and provisions of the Public Access Plan (see Appendix D, Biological Resources Technical Report, of this EIR) and the City's Draft MSCP Subarea Plan. Therefore, the proposed</p>
<p><b>Goal:</b> Encourage alternative means of transportation on a regional and community scale.</p>	
<p><b>Objective 1:</b> Provide safe and viable regional and community trails within the City.</p>	
<p><b>Policy 1.1:</b> Priority should be placed on establishing multiple use trails (pedestrians, bicyclists, equestrians) wherever feasible.</p>	
<p><b>Policy 1.2:</b> All new subdivisions or planned developments whether residential, commercial, or industrial which include</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p>proposed trail locations shall dedicate easements which will provide safe and direct access to community or regional trails, and provide for trail maintenance.</p>	<p>project would be consistent with this goal, objective, and these policies.</p>
<p><b>Policy 1.3:</b> Regional and/or community routes within the City should link up with existing or proposed routes within neighboring jurisdictions.</p>	
<p><b>Policy 1.4:</b> There should be at least one east–west regional corridor extending from San Diego through Town Center to Lakeside and one north–south corridor extending from El Cajon through Town Center north to Fanita Ranch. The corridors should provide for, pedestrian, bicycle, and where feasible, equestrian use.</p>	
<p><b>Policy 1.5:</b> The City’s trail network should link focal points of the City such as Town Center, Fanita Ranch, employment centers, schools, residential neighborhoods, parks and open space, and the San Diego River.</p>	
<p><b>Objective 2:</b> Provide trails which are designed to impact the environment as little as possible and which blend in with the character of the community.</p>	<p>Pedestrian circulation throughout the project site would be provided through a network of sidewalks/community trails, multi-purpose trails, perimeter trails, and nature trails as shown on Figure 3-10. The proposed project would provide public access to the existing trails that have been historically used by the public without authorization. New trails would generally follow contour lines and be located where minimal grading or habitat disruption would occur.</p> <p>Trails on the project site would be designated and designed with consideration given to pedestrian and bicycle connections within the site and to the surrounding off-site trails and open space, accessibility, minimal conflicts with sensitive habitat areas, and view opportunities. Trails would utilize concrete or natural surfaces that are appropriate for the intended use and blend with the surrounding areas. Trails would be located along the northerly and southerly drainages, which would offer pedestrian connections between the school site, the Farm, and the Active Adult neighborhood with minimal interruptions from vehicular traffic. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 2.1:</b> Trails should be surfaced with materials which blend in with the surrounding area while complying with safety and maintenance requirements.</p>	
<p><b>Policy 2.2:</b> Trails should be designated along existing drainage channels, utility right-of-way and other areas which must remain undeveloped.</p>	
<p><b>Policy 2.3:</b> When determining final alignments for planned trails in open space areas, priority should be given to utilizing existing trails where feasible, before creating new trails. When necessary, new trails should follow contour lines and should be aligned where the least amount of grading and/or habitat disruption would occur.</p>	
<p><b>Policy 2.4:</b> Trails should be designated and designed with consideration given to appropriate widths, clearances, grade curvatures, surfacing, surface drainage, design speed, barriers, fences, signage, visibility, intersections, bridges, and street cleaning. Wherever feasible, consideration should be given to ensuring accessibility by the handicapped and other special needs groups in accordance with the Americans with Disabilities Act.</p>	
<p><b>Objective 3:</b> Provide accommodations for the trail user wherever possible.</p>	<p>To promote bicycling on the project site, each village would provide a bike station where riders have access to water and air, electric bike charging stations, and a bicycle sharing system. The bike stations would be located in the Village Centers. Bicycle parking with bicycle racks would be provided at the school site, the Farm, the Village Centers, the</p>
<p><b>Policy 3.1:</b> Large non-residential developments should be encouraged to provide showers and lockers, flexible work schedules and other means to encourage and facilitate use of alternative modes of transportation by employees.</p>	



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 3.2:</b> Bicycle racks should be made available at all new or rehabilitated non-residential developments.</p>	<p>Community Park and Neighborhood Parks, and within the multi-family neighborhoods. Signage and well-defined trail markers would be installed to identify the trail locations and minimize potential conflicts with sensitive habitat areas.</p>
<p><b>Policy 3.3:</b> Signage should be utilized to identify trail corridors.</p>	<p>Pedestrian circulation throughout the project site would be provided through an extensive network of sidewalks/community trails, multi-purpose trails, perimeter trails, and nature trails for walking and hiking, as shown on Figure 3-10. Bicycle circulation throughout the community would be facilitated through a combination of on-street bike lanes and off-street multi-purpose trails, as illustrated on Figure 3-9. These trails and bikeways would provide connectivity on the project site and to the adjacent regional trails and local trails that lead to surrounding open space areas and neighborhoods. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 3.4:</b> The City should include both hiking and bicycle trails in any trail system; equestrian trails shall also be considered.</p>	
<p><b>Policy 3.5:</b> The City shall, in developing a trail system, especially in the San Diego River corridor, coordinate between various projects within the City, as well as with a regional trail system in neighboring jurisdictions.</p>	
<p><b>Objective 5:</b> To provide paved trails which are safe.</p>	
<p><b>Policy 5.1:</b> The determination of the appropriate type of paved trail should primarily be based upon safety requirements. There are three classifications of bike trails:</p> <ol style="list-style-type: none"> <li>1. Bicycle paths (Class I) are the safest type of bicycle trail and should, therefore, be utilized as much as possible for regional and community trails, but not for those designated on small local streets where traffic volume is minimal.</li> <li>2. Bicycle lanes (Class II) are the second safest type of bicycle trail. These should be utilized as necessary links to bicycle paths or local routes where paths are not feasible.</li> <li>3. Bicycle routes (Class III) are the least safe type of bicycle trail. They should be utilized as a last priority for necessary links or as interim links prior to the implementation of bicycle paths. When used, they should be signed wherever possible.</li> </ol>	<p>Bicycle circulation throughout the community would be facilitated through a combination of on-street bike lanes and off-street multi-purpose trails, as illustrated on Figure 3-9. The Habitat Preserve would also provide nature trails for mountain biking located within existing trail routes to the extent feasible to avoid sensitive habitat areas. Speeds on residential roads within the Village Centers and residential neighborhoods would be slow enough (25 mph or less) to allow the travel lanes to be shared by both vehicles and bicycles. Bicycle trails would be designed for both recreation and to provide direct access between the villages, ensuring user safety and minimizing interference with traffic, pedestrians, and vegetation. Each Village Center would provide a bike station at an appropriate location where riders have access to water and air, electric bike charging stations, and a bicycle sharing system. Signage and well-defined trail markers would be installed at appropriate trail locations. Amenities such as lighting and benches would be encouraged along trails, where appropriate. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 5.2:</b> Trails should be designed to facilitate bicycle riding by incorporating standards which would reduce slopes, sharp curves, and interference with vegetation, pedestrians, and traffic.</p>	
<p><b>Policy 5.3:</b> Bicycle paths should be incorporated into the design of community land use plans, Capital Improvement Projects, and in parks and open space as specified in the General Plan.</p>	
<p><b>Policy 5.4:</b> Encourage facilities such as lighting, benches, bathrooms, and drinking fountains along trails where it is appropriate.</p>	
<p><b>Goal:</b> Designate the location and the appropriate type of improved (paved) bicycle trails that would have the</p>	<p>The proposed project would include a comprehensive pedestrian and bicycle trail system that would provide</p>

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
greatest potential to serve the commuter and recreational needs of the community.	connectivity within and between the villages, and would link the community with the adjacent regional trails and local trails that lead to surrounding open space areas and residential neighborhoods.  Trail access in the Habitat Preserve would be subject to the requirements and provisions of the Public Access Plan and the City's Draft MSCP Subarea Plan. Trails throughout the project site would be designed in loops or with multiple connection points so the trail user can change direction and have options to reach their desired endpoints. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Objective 6:</b> Provide unimproved trails that are viable routes within the community.	
<b>Policy 6.1:</b> Priority shall be given to designating unimproved trails for multi-purpose use whenever feasible.	
<b>Policy 6.2:</b> Develop a future system of trails on the Fanita Ranch site as well as throughout the City's multiple species conservation program preserve planning area. Priority shall be given to using existing trail alignments whenever feasible.	
<b>Policy 6.3:</b> Trail segments should not be made available for public use until a usable segment is established and where unauthorized entry onto private property can be controlled.	
<b>Policy 6.6:</b> Trails should be designed in loops to prevent having to repeat the same route.	
<b>Policy 6.7:</b> Encourage trail connections with planned trails on the Santee Lakes property and future development of Fanita Ranch.	
<b>Objective 7:</b> Provide trails which are safe.	Streets on the project site would include a sidewalk or multi-purpose trail to accommodate pedestrians. These sidewalks and multi-purpose trails would be separated from the roads by landscaped parkways. Trails along the riparian area would also offer pedestrian connections between the school site, the Farm, and the Active Adult area with minimal interruptions from vehicular traffic. Limited equestrian access would be allowed on a trail in the northeastern portion of the site. Switchbacks are encouraged where the terrain would be too steep to traverse safely. Signage would be posted at staging areas and key locations on unimproved nature trails advising users of trail gradients and risks. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 7.1:</b> The determination of appropriate types of trails should primarily be based on safety requirements.	
<b>Policy 7.2:</b> Pedestrian and equestrian trails should be separated from the street. Only when absolutely necessary should riding trails be designated on streets.	
<b>Policy 7.3:</b> For new trails, switchbacks should be utilized in areas of steep terrain.	
<b>Policy 7.4:</b> Unimproved trails which are not subject to maintenance shall be posted at trails entrances to advise users of trail risks.	
<b>Objective 8:</b> Provide community trails that link with regional trail systems and facilities.	The proposed project would establish a comprehensive trail system that would be designed to connect the proposed project to adjacent regional trails and open space areas including Mission Trails Regional Park, Santee Lakes Regional Park, the San Diego River trail system, and Goodan Ranch/Sycamore Canyon County Preserve. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 8.1:</b> Encourage the establishment of trail systems in the East Elliot area and on Fanita Ranch that links Fanita Ranch and Mission Trails Regional Park with Santee Lakes and Goodan Ranch Regional Park/Sycamore Canyon Open Space Preserve, and any future northern expansion of Mission Trails Regional Park.	
<b>Policy 8.2:</b> Encourage trail connections to the Trans-County trail system, the Upper San Diego River Improvement Plan, the Mission Trails Regional Park trail system and trails leading to Goodan Ranch Regional Park/Sycamore Canyon Open Space Preserve.	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 8.3:</b> Encourage trail connections which take advantage of trailhead and support facilities planned or existing within neighboring regional parks.</p>	
<p><b>Objective 9:</b> Provide trails within the future Multiple Species Conservation Program Preserve which are consistent with the City’s subarea plan and implementing agreement.</p>	<p>Trail access in the Habitat Preserve would be subject to the requirements and provisions of the Public Access Plan and the City’s Draft MSCP Subarea Plan. Trails would be carefully located and designed to minimize potential conflicts with sensitive habitat areas and wildlife movement routes. An existing equestrian trail would be retained in the northeastern portion of the project site (see Figure 3-6, Conceptual Park, Trails, and Open Space Plan). Where the Stowe Trail abuts the project site Habitat Preserve, equestrian users would be directed to alternative existing trails in the County, as authorized. The proposed project would provide signage and well-defined trail markers along the trails. Habitat areas would be protected through signage, fencing, and community education. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 9.1:</b> Preference should be given to locating trails in the least sensitive areas of the preserve and utilize existing trails/dirt roads to the extent feasible.</p>	
<p><b>Policy 9.2:</b> Avoid placing new trails between different habitat types where resource sensitivities and values are high.</p>	
<p><b>Policy 9.3:</b> The width of new trails should be minimized to the extent possible to avoid impacting critical resources.</p>	
<p><b>Policy 9.4:</b> Fencing should be considered in strategic locations to limit off-trail use in sensitive resource areas.</p>	
<p><b>Policy 9.5:</b> Equestrian trails and staging areas should be located a sufficient distance from riparian or coastal sage scrub resources to minimize the possibility of cowbird parasitism and to ensure biological values are not impaired.</p>	
<p><b>Policy 9.6:</b> Avoid conflicts with key movement routes utilized by wildlife to the maximum extent possible.</p>	
<p><b>Conservation Element</b></p>	
<p><b>Goal:</b> The goal of the Conservation Element is to conserve open space, natural and cultural resources.</p>	<p>Figure 4.3-4, Habitat Preserve Plan, illustrates the portions of the project site that would be designated as Habitat Preserve and would contribute to the City’s Draft MSCP Subarea Plan preserve system. The Habitat Preserve would include hillsides with steep slopes to minimize landslide and mudslide hazards and to protect key visual resources. Grading on the project site would be as efficient as possible to minimize the development footprint and maximize the preservation of significant landforms. Except as described in the Fanita Ranch Development Plan, grading on the project site would comply with the requirements of the Santee Municipal Code. Grading design standards would be provided in Section 8.1.1 of the Fanita Ranch Development Plan. Therefore, the proposed project would be consistent with this goal, objective, and policies.</p>
<p><b>Objective 1:</b> Protect areas of unique topography or environmental significance to the greatest extent possible.</p>	
<p><b>Policy 1.1:</b> The City shall encourage significant natural landforms to be maintained during development whenever possible.</p>	
<p><b>Policy 1.2:</b> The City should encourage, through the environmental review process, the preservation of hillsides with steep slopes as appropriate to minimize danger from landslides and mudslides, as well as to protect key visual resources.</p>	
<p><b>Policy 1.3:</b> To protect and wisely manage hillsides and topographic resources, the City shall use the following hillside development guidelines:</p> <ol style="list-style-type: none"> <li>1. Less than 10 percent: this is not a hillside condition. Conventional grading techniques are acceptable</li> <li>2. 10 percent –19.9 percent: development with grading will occur in this zone, but existing landforms should retain their natural character. Padded building sites</li> </ol>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p>are permitted on these slopes, but contour grading, split level architectural prototypes, with stacking and clustering are expected.</p> <p>3. 20 percent and over: special hillside grading, architectural and site design techniques are expected, and architectural prototypes should conform to the natural land form. Compact development plans should be used to minimize grading footprints.</p>	
<p><b>Objective 2:</b> Protect floodways to reduce flood hazards, protect biological resources and preserve the aesthetic quality along water corridors.</p>	<p>The proposed project would provide a storm drainage system that would collect stormwater through a series of swales, catch basins, and culverts, which would direct stormwater to detention/ biofiltration basins as illustrated on Figure 3-13, Conceptual Storm Drainage Plan. This system would allow natural infiltration, evapotranspiration, and filtering of the stormwater to remove microscopic organisms, suspended solids, organic material, nitrogen, and phosphorous. Once cleaned, stormwater from the basins would drain into Sycamore Canyon Creek, then to the San Diego River, which ultimately drains into the Pacific Ocean. The proposed project would not be located within any designated floodway and all development would be outside the 100-year floodplain. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 2.1:</b> The City shall encourage the protection of the San Diego River Corridor and all other City water corridors to reduce flood hazards, protect significant biological resources and scenic values, and to provide for appropriate recreational uses.</p>	
<p><b>Policy 2.2:</b> The City should promote open space in conjunction with other appropriate land uses along the San Diego River corridor and other water corridors found in the City.</p>	
<p><b>Policy 2.6:</b> The City encourages the development of appropriate flood control measures to assure public safety, which also prioritize maintenance of natural habitats and vegetation, and provision of community recreational opportunities as feasible and appropriate.</p>	
<p><b>Policy 2.7:</b> The City shall ensure that all development proposals are located outside of designated floodways and all development in the 100-year floodplain is consistent with the City’s flood damage protection ordinance.</p>	
<p><b>Objective 3:</b> Maintain adequate domestic water supplies for all residents and uses within the City.</p>	<p>The landscape palettes for the proposed project would include native and drought tolerant plant materials, consistent with Santee Municipal Code, Chapter 13.36, Landscape and Irrigation Regulations, and the California Model Water Efficient Landscape Ordinance.</p> <p>The proposed project would use, if implemented, purified water or advanced treated water provided by PDMWD through its East County Advanced Water Purification. The proposed project may use recycled water for construction purposes on a limited and seasonal basis. Advanced treated water offers a more cost-effective and efficient alternative to recycled water and provides a local, reliable, and sustainable water supply to the project site. This would be complemented by water-efficient landscaping, weather-based irrigation controllers, and water-efficient appliances, fixtures, and water closets in the new buildings. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 3.1:</b> The City should encourage the use of drought-resistant vegetation and encourage the use of recycled water for irrigation for both private development as well as public projects and facilities.</p>	
<p><b>Policy 3.2:</b> The City shall encourage the development and utilization of innovative water conservation measures in all proposed developments.</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Objective 4:</b> Reduce the amount of erosion of soil in the City.</p> <p><b>Policy 4.1:</b> The City shall require that appropriate soils and geologic surveys be completed for all proposed development, consistent with the policies and implementation measures found in the Safety Element.</p> <p><b>Policy 4.2:</b> The City shall require appropriate grading, erosion control measures and replanting to minimize erosion and prevent slippage of man-made slopes.</p>	<p>The project site's soil and geologic conditions have been evaluated in Section 4.6 of the EIR. The proposed project would implement the applicable mitigation measures or project design features identified in the EIR. Fanita Ranch Development Plan, Section 8.1, would include grading design standards that address the unique topography of the project site and require slopes that are highly visible from public rights-of-way be designed to include contour grading, landscaping, and similar techniques that create no geological or erosion hazards. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Objective 7:</b> Preserve significant biological resources.</p> <p><b>Policy 7.1:</b> The City shall encourage the preservation and enhancement of significant biological resources in areas designated as permanent open space.</p> <p><b>Policy 7.2:</b> The City shall require that all development proposals provide appropriate mitigation for identified significant biological resources including selective preservation, sensitive site planning techniques and in-kind mitigation for identified impacts.</p> <p><b>Policy 7.3:</b> The City shall require that, for all development proposals involving the setting aside of land for permanent open space either on-site or off-site, provisions are in place to ensure the long term management of the open space and biological resources.</p> <p><b>Policy 7.4:</b> The City shall complete a multiple species conservation program subarea plan that conserves a minimum of 2,600 acres in the City as permanent open space for preservation of habitats and species.</p>	<p>The following objectives have been established for Habitat Management on the project site:</p> <ul style="list-style-type: none"> <li>• Designate biologically sensitive and diverse areas of the site as Habitat Preserve for inclusion in the City's Draft MSCP Subarea Plan preserve system.</li> <li>• Ensure the long-term viability and sustainability of native ecosystems on the project site through long-term funded open space management.</li> <li>• Implement the Natural Community Conservation Planning Act design guidelines and standards, including conservation and enhancement of sensitive habitats and species, promotion of healthy biodiversity, and allowance of managed passive recreation activities, such as trails.</li> <li>• Provide carefully planned and managed public access to the Habitat Preserve to allow residents and visitors to enjoy the scenic qualities of the site, connect with nature, and learn about and appreciate the site's biodiversity.</li> <li>• Restore and enhance native plant communities in key locations to support long-term propagation of viable populations of sensitive plant and wildlife species.</li> <li>• Close existing, informally established, and potentially harmful trails and provide revegetation in those areas.</li> <li>• Maintain wildlife corridors through the project site and provide wildlife corridor connections to adjoining open space areas in order to maintain large-scale wildlife movement.</li> <li>• Develop a management strategy to enhance and protect sensitive species, habitats, wildlife corridors, and linkages to ensure they remain functional and healthy.</li> </ul> <p>Therefore, the proposed project would be consistent with this objective and these policies.</p>



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Objective 8:</b> Preserve significant cultural resources.</p> <p><b>Policy 8.1:</b> The City shall require either the preservation of significant historic or prehistoric sites, or the professional retrieval of artifacts prior to the development of a site, consistent with the provisions of the California Environmental Quality Act. Preservation may include various measures including avoidance, preservation in place, incorporation into open space, or covering or capping. The type of preservation would depend upon the nature and significance of the archaeological resource and the practical requirements of the proposed land use.</p>	<p>Cultural resources are present on the project site. A Phase I intensive survey and report was completed to determine the presence or absence of archaeological features where proposed development or activity could have a potential effect. The survey included archival research of California Historical Resource Information System (CHRIS), a Sacred Lands File search, contacting local tribes, reviewing historical aerial photographs and maps, and a pedestrian survey. The proposed project would implement the applicable cultural resources mitigation measures identified in Section 4.4, Cultural and Tribal Cultural Resources, of the EIR to reduce impacts to a less than significant level. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 8.2:</b> The City should require curation of any recovered artifacts as a condition of any cultural resources mitigation program.</p>	
<p><b>Objective 9:</b> Reduce pollutants in urban runoff and stormwater discharges.</p> <p><b>Policy 9.1:</b> The City shall use careful planning and review to identify and eliminate urban runoff problems before development is approved.</p> <p><b>Policy 9.2:</b> The City shall enforce the implementation of appropriate best management practices (BMPs) during construction projects.</p> <p><b>Policy 9.3:</b> Reduce the discharge of pollutants into the storm drain system from existing municipal, industrial, and commercial facilities and residential areas to the maximum extent practicable.</p>	
<p><b>Objective 10:</b> Preserve significant natural resources, such as mineral deposits, biological resources, watercourses, groundwater, hills, canyons, and major rock outcroppings, as part of a Citywide open space system.</p> <p><b>Policy 10.1:</b> The City should encourage the conservation of rare or unique plants and wildlife by identifying such resources through the environmental review process and by using open space preservation, where appropriate, to preserve the resources as a condition of a project approval, consistent with the City's future multiple species conservation program subarea plan.</p> <p><b>Policy 10.2:</b> The City should encourage the preservation of significant natural features, such as watercourses, ridgelines, steep canyons, and major rock outcroppings through the development review process.</p>	<p>Approximately 63 percent of the project site would be designated as Habitat Preserve and would remain as natural open space. A Preserve Management Plan that meets the requirements of the City's Draft MSCP Subarea Plan has been prepared for the Habitat Preserve (see Appendix D). Therefore, the proposed project would be consistent with this objective and these policies.</p>

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Objective 11:</b> Promote a balanced mix of open space uses with development throughout the City to enhance visual resources, avoid hazards and conserve resources.</p>	<p>Parks and recreational facilities, trails and open space would play a key role in supporting the vision for the proposed project as a healthy, active community by offering opportunities to exercise and interact with family and the community and to conserve natural and visual resources for a healthy environment. The proposed project would provide a coordinated system of active and passive parks and recreational facilities that meet the recreational needs of the community and regionally connect City residents by providing opportunities to enjoy the scenic qualities of the site. The proposed project would meet the parkland dedication requirements in accordance with the Santee General Plan. Development would be clustered into three villages to preserve natural open space areas and wildlife corridors. In addition to public parks and natural open space, private parks and recreational facilities and open space areas would be provided in the residential development area on the project site for additional recreational opportunities. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 11.1:</b> The City should promote the dedication of open space or parklands and the designation of private open space within all proposed residential developments</p>	
<p><b>Policy 11.2:</b> The City should encourage, where feasible, the development of an interconnected system of open spaces throughout the City.</p>	
<p><b>Policy 11.4:</b> The City should ensure that adequate passive and active open spaces are incorporated into the development of the Town Center, Fanita Ranch, Rattlesnake Mountain, and other large, existing vacant areas.</p>	
<p><b>Policy 11.5:</b> The City shall encourage compact development plans when appropriate to maximize the preservation of open spaces.</p>	
<b>Noise Element</b>	
<p><b>Goal:</b> Improve the City's overall quality of life by reducing harmful and annoying noise for existing and future residents.</p>	<p>The proposed project would comply with the City's Noise Ordinance and other applicable noise regulations to eliminate or minimize the impact of noise-producing uses on the project site. A Noise Technical Report was prepared for the proposed project (Appendix L) and potential noise impacts have been evaluated in Section 4.12, Noise, of the EIR prepared for the proposed project. Noise impacts would be mitigated to below a level of significance with the exception of a permanent increase in vehicle noise during project operation. Permanent increases in roadway noise levels would be reduced, but reduction to a less than significant level cannot be demonstrated with reasonable certainty with implementation of mitigation measures. Therefore, permanent roadway noise impacts would remain significant and unavoidable. However, because the proposed project would implement all feasible noise mitigation measures to reduce noise impacts, it would be consistent with this objective and these policies.</p>
<p><b>Objective 1:</b> Control noise from sources adjacent to residential, institutional and other noise-sensitive receptors.</p>	
<p><b>Policy 1.1:</b> The City shall support a coordinated program to protect and improve the acoustical environment of the City including development review for new public and private development and code compliance for existing development.</p>	
<p><b>Policy 1.2:</b> The City shall utilize noise studies and noise contour maps when evaluating development proposals during the discretionary review process.</p>	
<p><b>Policy 1.3:</b> The City shall enforce motor vehicle laws and standards as appropriate, related to traffic flow and speed, in an effort to reduce noise along roadways experiencing high noise levels.</p>	
<p><b>Policy 1.4:</b> The City shall promote alternative sound attenuation measures rather than traditional wall barrier wherever feasible; these may include glass or polycarbonate walls, berms, landscaping, and the siting of noise-sensitive uses on a parcel away from the roadway or other noise source.</p>	



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 1.5:</b> The City shall review future projects with particular scrutiny regarding the reduction of unnecessary noise near noise-sensitive areas such as hospitals, schools, parks, etc.</p>	
<p><b>Policy 1.6:</b> The City shall continue to monitor noise throughout Santee and enforce the standards and regulations of the City's Noise Ordinance.</p>	
<p><b>Policy 1.16:</b> The City shall ensure that appropriate regulations and standards are incorporated into the City's development policies and ordinances, including the use of noise evaluations in environmental impact reports and statements, which takes all aspects of noise into consideration.</p>	
<p><b>Objective 2:</b> Ensure that future developments will be constructed to minimize interior and exterior noise levels.</p>	<p>The proposed project would comply with the City's Noise Ordinance and other applicable noise regulations to eliminate or minimize the impact of noise-producing uses on the project site. A Noise Technical Report was prepared for the proposed project (Appendix L) and potential noise impacts have been evaluated as part of the EIR prepared for the proposed project in Section 4.12. The proposed project would implement all feasible noise mitigation measures to reduce noise impacts. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 2.1:</b> The City shall adhere to planning guidelines and building codes which include noise control for the exterior and interior living space of all new residential developments within noise impacted areas.</p>	
<p><b>Policy 2.2:</b> The City should require new developments to mitigate noise impacts to existing uses resulting from new developments when: 1) such development adds traffic to existing City streets that necessitates the widening of the street; and 2) the additional traffic generated by the new development causes the noise standard or significance thresholds to be exceeded.</p>	
<p><b>Policy 2.3:</b> The City should not require new development to mitigate noise impacts to existing uses when the new development only adds traffic already anticipated by the City's General Plan to an existing street, but does not necessitate widening of that street.</p>	
<b>Safety Element</b>	
<p><b>Goal:</b> The goal of the Safety Element is to minimize injuries, loss of life, and property damages resulting from natural and human-induced safety hazards.</p>	<p>A Drainage Study was prepared for the proposed project (Appendix J1) and potential hydrologic impacts have been evaluated as part of the EIR prepared for the proposed project in Section 4.9, Hydrology and Water Quality. The proposed project would focus on low-impact development, implement BMPs, and comply with the Stormwater Pollution Prevention Plan to reduce impacts and effects on downstream and upstream properties and on flood-carrying characteristics of the stream. All critical emergency uses on the project site would be located outside of flood hazard areas. Therefore, the proposed</p>
<p><b>Objective 1:</b> Minimize injuries, loss of life and property damage resulting from flood hazards.</p>	
<p><b>Policy 1.6:</b> The City should require a hydrologic study, including the analysis of effects on downstream and upstream properties and on the flood-carrying characteristics of the stream, for development proposed in the floodplain.</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 1.7:</b> Critical emergency uses (hospitals, fire stations, police stations, the emergency operations center, public administration buildings and schools) shall not be located in flood hazard areas or in areas that would affect their ability to function in the event of a disaster.</p>	<p>project would be consistent with this goal, the objective, and the policies.</p>
<p><b>Objective 2:</b> Minimize the loss of life and destruction of property in Santee cause by seismic and geologic hazards.</p>	<p>All structures on the project site would be designed in accordance with seismic parameters of the California Building Code. Multiple geotechnical investigations were prepared for the proposed project (Appendices G1 through G4) and potential seismic, geologic and soil impacts have been evaluated as part of the EIR prepared for the proposed project in Section 4.6. The Special Use land use designation applies to a portion of the project site that was previously graded for a City park; however, geotechnical conditions, including landslide susceptibility, make the site unsuitable for park development and limits allowable uses in this land use designation. The Special Use area falls within the Gillespie Field Airport Influence Area (AIA) (Review Area 2) which limits heights to 35 feet. Based on these restrictions, permitted uses for the Special Use area include water quality basins, a solar farm, recreational vehicle and boat storage, and aboveground agriculture. Retail sales and residential uses, except for one caretaker unit, would not be permitted in the Special Use area. The proposed project would implement the applicable mitigation measures identified in the EIR. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 2.1:</b> The City should utilize existing and evolving geologic, geophysical, and engineering knowledge to distinguish and delineate those areas that are particularly susceptible to damage from seismic and other geologic conditions.</p>	
<p><b>Policy 2.2:</b> The City should ensure that if a project is proposed in an area identified herein as seismically and/or geologically hazardous, the proposal shall demonstrate through appropriate geologic studies and investigations that either the unfavorable conditions do not exist in the specific area in question or that they may be avoided or mitigated through proper site planning, design and construction.</p>	
<p><b>Policy 2.3:</b> The City shall require that all potential geotechnical and soil hazards be fully investigated at the environmental review stage prior to project approval. Such investigations shall include those identified by Table 8.1, Determination of Geotechnical Studies Required, and such soil studies as may be warranted by results of the Initial Environmental Study.</p>	
<p><b>Objective 3:</b> Minimize the risk of damage to persons, property and the environment cause by hazardous materials.</p>	<p>All hazardous materials used during construction would be handled properly and waste would be properly disposed. Waste and recycling, including construction waste and recycling, would comply with CALGreen requirements to divert waste from landfills. A Phase I Environmental Site Assessment was prepared for the proposed project (Appendix I) and potential hazardous material issues have been evaluated as part of the EIR prepared for the proposed project in Section 4.8, Hazard and Hazardous Materials. The proposed project would comply with applicable regulations and implement the Mitigation Measure HAZ-1, to properly document the abandonment of an existing groundwater well, identified in the EIR. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 3.7:</b> Encourage safe and proper disposal of household hazardous waste.</p>	
<p><b>Policy 3.8:</b> Promote safe, environmentally sound means of solid waste disposal for the community.</p>	
<p><b>Policy 3.9:</b> Investigate ways to encourage businesses to recycle their waste.</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Objective 4:</b> Minimize injuries, loss of life and property damage resulting from fire hazards.</p>	<p>An FPP has been prepared for the proposed project, which establishes fire protection through a system of fire safety features and design measures that have proven to perform effectively in wildland urban interface and high fire hazard severity zones (see Appendix P1). The FPP would be utilized to meet all required state and City fire prevention requirements. Fuel modification for the proposed project is proposed for the entire exterior perimeter, along roadways and interior landscaped areas adjacent to natural open space, and adjacent to existing homes south of the site. The Fuel Modification Zones include a minimum 15-foot-wide setback zone in the rear or side yards of all perimeter lots and a 15-foot-wide irrigated zone starting at the outer edge of the setback zone and moving outward, along with homeowners association managed and maintained Fuel Modification Zones that vary between 115 and 165 feet wide based on the potential wildfire hazard from adjacent fuels. Roadway setbacks would be 50 feet wide, ensuring the safety of evacuation routes. The proposed project includes multiple ingress/egress points and wide roads that allow evacuation traffic circulation from and emergency vehicle access to all portions of the developed areas. The proposed project would comply with water pressure and fire flow code requirements with hydrants installed throughout the community, and all structures fitted with interior sprinklers. Structures on the project site would be fire hardened, built to the ignition resistant standards of the latest fire and building codes. These standards include a focus on the building exteriors to increase resistance to ignition from flames and heat and ember resistant vents to prevent burning ember from penetrating into buildings, the leading cause of structure losses from wildfires. Due to increased demand and larger service areas, Chapter 3 of the Fanita Ranch Development Plan requires designation of a 1.5-acre site for a new City fire station, Fire Station No. 20, which would be located in the Fanita Commons Village Center. The proposed project would meet the established response time standards for fire and life safety services. The proposed project and the Santee Fire Department would work together to implement the appropriate FPP and design related features. In addition, evacuation routes, modeling, and planning are incorporated in Appendix P2. Evacuation time modeling was performed for several evacuation scenarios during a wildfire. With project implementation, evacuation times would remain adequate to ensure public safety in a wildfire or other evacuation scenario. The proposed project would not significantly increase the risk of loss of life or property from a wildfire. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 4.1:</b> Proposed developments should be approved only after it is determined that there will be adequate water pressure to maintain the required fire flow at the time of development.</p>	
<p><b>Policy 4.9:</b> All proposed developments shall satisfy the minimum structural fire protection standards contained in the adopted edition of the uniform fire and building codes; however, where deemed appropriate the City shall enhance the minimum standards to provide optimum protection.</p>	
<p><b>Policy 4.10:</b> Encourage the continued development, implementation and public awareness of fire prevention programs.</p>	
<p><b>Policy 4.11:</b> In order to minimize fire hazards, the Santee Fire and Life Safety Department shall routinely be involved in the review of development applications. Considerations shall be given to adequate emergency access, driveway widths, turning radii, fire hydrant locations and needed fire flow requirements.</p>	
<p><b>Policy 4.12:</b> The timing of additional fire station construction or renovation, or new services shall relate to the rise of service demand in the City and surrounding areas.</p>	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Objective 5:</b> Minimize injuries, loss of life and property damages and losses resulting from criminal activities.</p> <p><b>Policy 5.5:</b> All structures should be adequately identified by street address and be lighted sufficiently to deter criminal activity.</p>	<p>The Conceptual Lighting Plan for the proposed project would provide general lighting design guidance for roads, pathways, common open space, recreation areas, buildings, special accent lighting, and sign illumination, Outdoor lighting would be considered during Development Review and would be consistent with the Community Lighting Plan. Light fixture specifications, fixture placement and a photometric analysis are submitted as part of a Development Review application or in conjunction with road or other improvement plans proposed within or adjacent to Habitat Preserve areas.</p> <p>Additionally, the proposed project would work closely with the City to evaluate Crime Prevention Through Environmental Design principles and design for elements to be utilized within the community. All structures on the project site would be adequately identified by street address. Sufficient lighting would be provided on structures to deter criminal activity.</p>
<p><b>Objective 6:</b> Minimize injuries, loss of life, and property damage resulting from traffic hazards.</p> <p><b>Policy 6.3:</b> Encourage ridesharing, the use of transit and other transportation systems management programs to reduce the number of vehicle miles traveled and traffic congestion.</p>	<p>Roadways on the project site would be designed as a system of Complete Streets that safely accommodate and support all users, including motorists, pedestrians, and bicyclists. Traffic calming measures such as roundabouts, curb extensions, narrow street sections, enhanced crossings, landscape buffers, and on-street parking at appropriate locations would be incorporated to slow down vehicle travel speed and reduce traffic hazards. Shared driveways between adjacent properties within the Village Centers or commercial areas may be utilized, where appropriate. Car-sharing and NEV use are supported on the project site through the provision of passenger loading areas, charging stations, and dedicated preferred parking locations in each Village Center, the school site, the Farm, and the Community Park. Therefore, the proposed project would be consistent with this objective and this policy.</p>
<p><b>Objective 7:</b> Minimize injuries, loss of life, and property damage resulting from airport hazards.</p> <p><b>Policy 7.1:</b> The City should review all development proposed within the Gillespie Field Airport Influence Area to ensure that design features are incorporated into the site plan to address identified aircraft safety and noise hazards.</p>	<p>Only a small southerly portion of the project site falls within Review Area 2 of the Gillespie Field AIA. Since the portion of the site within Review Area 2 would be dedicated as Habitat Preserve and would not be developed and the remainder of the project site would be located outside of any AIA, the project site would not be subject to any land use restrictions. Potential aircraft safety and noise hazards have been evaluated by the EIR prepared for the proposed project. Therefore, the proposed project would be consistent with this objective and this policy.</p>
Community Enhancement Element	
<p><b>Objective 2.0:</b> Strengthen neighborhood identity.</p> <p><b>Policy 2.1:</b> The City shall promote introduction of distinctive landscape treatments, signage, entry statements, etc., in residential areas.</p>	<p>Gateways announce entry into the proposed project. Access to project site would be achieved from two main entry points. The design theme for proposed project would be represented in many forms, including farm-themed villages and ecological</p>

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 2.2:</b> The City shall encourage the use of existing natural features (river, hillsides, etc.) as character/ theme sources for new residential development.</p>	<p>resources outside of the villages. The community has been organized to provide a transition from open space areas to neighborhoods within an agricultural setting. The Farm located in Fanita Commons would be the focal point of the community, and each village would be designed to reflect the importance of the Farm through a unique agricultural theme. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 2.3:</b> The City should encourage the strengthening of neighborhood edges through strategic location of open space/recreational buffers, use of distinctive street tree/streetscape designs and changes in residential product/forms.</p>	
<p><b>Policy 2.5:</b> The City shall encourage the formation of a focal point/activity center for neighborhoods when feasible and practical.</p>	
<p><b>Objective 3:</b> Improve the diversity and quality of housing in the City.</p>	<p>The proposed project promotes an appropriate mix of building typologies, varied setbacks, building placement, and orientation throughout the community to ensure diverse and interesting street scenes and avoid repetitious dwelling designs. The proposed project encourages variety with innovative building typologies, provided they are consistent with the intent of the proposed project. Within the Village Centers, mixed-use residential buildings may be designed to incorporate zero front setback and would be located close to retail, services, jobs, and transit, which would offer a desirable urban lifestyle. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 3.1:</b> The City shall encourage innovative site planning and housing product designs.</p>	
<p><b>Policy 3.2:</b> The City shall promote the mix of housing product types and site planning features within larger residential developments.</p>	
<p><b>Policy 3.3:</b> The City shall encourage use of varied setbacks, lot orientations and placement of dwelling units.</p>	
<p><b>Policy 3.4:</b> The City shall discourage the overuse of repetitious dwelling unit designs and site planning features.</p>	
<p><b>Policy 3.5:</b> The City shall encourage adaptive housing products and siting treatments in hillsides and along the river corridor that respect and enhance the features of the natural environment.</p>	
<p><b>Policy 3.6:</b> The City shall support housing in mixed use projects that offer a desirable urban lifestyle.</p>	
<p><b>Objective 4:</b> Promote the integration of new residential development with the existing community.</p>	<p>Walking would be encouraged by providing direct connections to multiple destination that shorten the route and allow walking to be an efficient and viable method of travel. This would be achieved by providing a variety of routes and multiple intersections that offer pedestrians a wide range of options and connections to existing routes. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 4.2:</b> The City shall ensure that new residential development are adequately linked to the existing community by streets, sidewalks, trails and bikeways.</p>	
<p><b>Objective 6:</b> Improve the appearance and condition of commercial facilities in the City.</p>	<p>Commercial and mixed-use buildings in the proposed project would be designed to human scale, as described in Chapter 6 of the Fanita Ranch Development Plan. In general, commercial and mixed-use buildings should front onto a street or spine, which may be designed either as a vehicle free zone or in such</p>
<p><b>Policy 6.1:</b> The City shall ensure that all new commercial developments contribute towards an overall positive and cohesive visual identity.</p>	



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<p><b>Policy 6.6:</b> The City shall ensure all commercial development is designed to a pedestrian scale.</p>	<p>a manner as to allow for use by both pedestrians and vehicles. Where vehicles are allowed, careful design features should be incorporated to define pedestrian movement through changes in paving materials or grade, articulated walks with landscaping or overhead structures. Primary entrances into commercial and mixed-use buildings should be clearly marked and provide a sense of welcoming and convenient access into the building interior. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Objective 7:</b> Consolidate strip commercial uses into functional commercial units.</p>	<p>Due to the mixed-use nature of the Village Center land use designation and the desire to promote walkability, the Village Center designation would include parking as a shared amenity between uses. The intent would be to allow for shared parking between uses as a means of reducing the visual impact of large parking lots on the public street, reducing pavement that may contribute to the heat island effect and promoting walking or alternative modes to single-occupancy vehicle use. Shared parking would be managed by an approved Parking Management Plan or TDM Plan. Therefore, the proposed project would be consistent with this objective and these policies.</p>
<p><b>Policy 7.1:</b> The City shall promote replacement of individual store parking lots and driveways with shared parking areas and driveways whenever possible.</p>	
<p><b>Policy 7.2:</b> The City shall promote coordinated structure setbacks, re-orientation of business entrances, coordinate thematic landscaping, minimizing curb cuts, establishment of reciprocal access points between adjacent properties and consolidation of entrance/exit locations during rehabilitation or redevelopment of commercial areas.</p>	
<p><b>Objective 9:</b> Provide a unifying and distinctive streetscape system throughout the City.</p>	<p>Roadways within the proposed project would be designed as a hierarchy of Complete Streets that safely accommodate and support all users, including motorists, pedestrians, bicyclists, and transit riders. Sidewalks throughout the project site would be buffered by landscaped parkways or on-street parking. At intersections where significant pedestrian crossing would be anticipated, crosswalks are enhanced with striping, signage, and landscape features designed to heighten drivers' awareness and indicate the presence of pedestrians. Streetscape on the project site would be designed to maintain open views and improve visibility where appropriate, and would be scaled in relationship to the function of the roads. Gateways and landmarks within open space areas would take advantage of existing landforms, natural features, and scenic vistas to provide natural orientation and wayfinding. The Farm located in Fanita Commons would be the focal point of the community, and each village would be designed to reflect the importance of the Farm through a unique agricultural theme. The Village Centers would be designed to incorporate amenities such as water fountains, road furniture, and public art to enhance the pedestrian environment. The plant palette developed for the proposed project would offer a unique and diversified range of plant materials. The plant palette would include water-wise ornamental plants, agricultural plants, edible ornamental, and native plants and interesting accent plants, while respecting the existing native landscape and addressing fire management requirements. The plant palette would be drought tolerant, non-</p>
<p><b>Policy 9.1:</b> The City shall promote visual continuity of traffic ways through coordinated landscape plantings, lighting and street improvements which reinforce the hierarchy of the street system.</p>	
<p><b>Policy 9.3:</b> The City shall ensure adequate landscaped buffers are provided between traffic ways and sidewalks.</p>	
<p><b>Policy 9.4:</b> The City shall provide for streetscape treatments at activity nodes and major decision-making points, through paving materials and lighting, accent plantings and thematic signage to reinforce their importance.</p>	
<p><b>Policy 9.5:</b> The City shall continue to utilize landscape maintenance districts where practical to ensure the maintenance of streetscape plant materials and hardscape features.</p>	
<p><b>Policy 9.6:</b> The City should consider introduction of sculptural elements to the streetscape at major activity nodes (such as water fountains, public art, etc.).</p>	



**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
	invasive, and complement the natural surroundings. Private parks, common open space areas, and private roads would be maintained by a homeowners association, Property Owners Associations, or a Landscape Maintenance District as mutually agreed between the Landowner/Master Developer and City. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Objective 13:</b> Integrate adequate open space uses into new development within the City.	Development in the proposed project would be clustered into three villages to preserve open space areas and wildlife corridors. Natural open space areas, perimeter slopes that would be revegetated with native species, and utility areas such as water reservoirs, basins, and pump stations would be designated as Habitat Preserve. Some or all of the Habitat Preserve would be offered for dedication as part of the City's Draft MSCP Subarea Plan. Within the villages, additional open space areas would be designated as Open Space, which include interior slopes, basins, natural drainage areas, and other undeveloped lands. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 13.1:</b> The City shall ensure the provision of open space which provides adequate visual relief from developed portions of the City.	
<b>Policy 13.3:</b> The City shall ensure that open space is provided in hillside areas proposed for development that performs multiple functions of view maintenance, resource protection and hazard avoidance.	
<b>Objective 14:</b> Minimize alteration of existing topography especially in hillside areas during the development and redevelopment process.	The site would be graded into development pads using a maximum 2:1 slope ratio for fill slopes and a maximum 1.5:1 for cut slopes. Significant cut and fill slopes, when visible from the public right-of-way, would utilize landform grading techniques whereby the proposed contours mimic the flow of the natural contours to complement the natural surroundings. Cut slopes would be revegetated using the appropriate plant palette. Development would be sited below prominent ridgelines. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 14.1:</b> The City shall encourage and work with developers to minimize the impacts of grading for new development throughout the City.	
<b>Policy 14.2:</b> The City shall ensure that development is oriented along natural terrain contours to extent possible to maintain landform integrity.	
<b>Policy 14.3:</b> The City shall require use of contour grading techniques and multi-layered landscaping, whenever possible, to ensure the natural appearance of manufactured slopes.	
<b>Policy 14.4:</b> The City shall require the use of hillside development techniques in areas of steeper slopes.	
<b>Policy 14.5:</b> The City shall encourage the protection of prominent ridgelines whenever feasible. This shall be accomplished by siting development below ridgelines in such a manner that permits the ridgeline to remain visible.	
<b>Objective 15:</b> Maintain and enhance existing scenic views.	Slopes that are highly visible from public rights-of-way, referred to as "public interest" slopes in the Fanita Ranch Development Plan, in the development area of the proposed project would be designed to include slope rounding and contour grading,
<b>Policy 15.1:</b> The City shall require revegetation of graded slopes with indigenous plant materials, where feasible, to maintain scenic views and assist in slope stabilization.	

**Table 4.10-1. Project Consistency with Relevant City of Santee Goals, Objectives, and Policies**

Santee General Plan Goal, Objective, or Policy	Project Consistency Evaluation
<b>Policy 15.2:</b> The City should provide for the maintenance of view opportunities to surrounding hillsides by ensuring proposed structures do not significantly impact existing community-level viewsheds.	landscaping, and similar techniques that result in a natural appearance and create no geological or erosion hazards. Development would be sited below prominent ridgelines to ensure that new structures do not significantly impact existing community-level viewsheds. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Objective 17:</b> Balance development with natural resource protection needs.	The proposed project would designate approximately 63 percent of the site as Habitat Preserve. The Habitat Preserve areas were selected based on the high quality of habitat, the opportunity to provide or preserve wildlife corridors, and hillsides with significant slopes. Gateways and landmarks within open space areas would take advantage of existing landforms, natural features, and scenic vistas to provide natural orientation and wayfinding. Special grading design standards would address the unique topography of the project site, minimize the development footprint, and maximize the preservation of natural open space areas on the project site. Grading within Fanita Ranch would comply with the requirements of the Santee Municipal Code. Therefore, the proposed project would be consistent with this objective and these policies.
<b>Policy 17.1:</b> The City should provide for the preservation of significant habitat and vegetation in strategic locations along watercourses and in undeveloped hillside areas.	
<b>Policy 17.2:</b> The City should promote the incorporation of unique and significant natural resource features (vegetation, habitat, rock outcrops) into development plans.	

As identified in Table 4.10-1, the proposed project would be consistent with all the applicable goals, objectives, and policies of the Santee General Plan.

For all these reasons, the proposed project would not cause a significant environmental impact due to a conflict with the Santee General Plan or any policies or regulations therein that were adopted for the purpose of avoiding or mitigating an environmental effect.

### **City of Santee Zoning Ordinance**

The City of Santee Zoning Ordinance identifies land uses. The project site is zoned Planned Development (PD). This designation provides for mixed-use development potential including employment parks, commercial, recreational and various densities of residential development pursuant to a development plan and entitlements being approved by the City Council. This designation is intended for select properties in the City where a variety of development opportunities may be viable and where the City wishes to encourage innovative and very high-quality development in a manner that may not be possible under standard land use designations and their corresponding zones.

The proposed project promotes the Planned Development (PD) designation because it provides a unique development that includes creative housing types and use configurations not currently

addressed in the City’s existing Zoning Ordinance. The proposed project would include detailed development standards and design guidelines intended to facilitate the creation of new and innovative housing types and configurations, walkability, and housing attainability by creating greater efficiency and addressing the diverse range of incomes, lifestyles, special needs, and household types in Santee and the greater San Diego County region. Therefore, the proposed project would be consistent with the City’s Zoning Ordinance upon project approval.

### **Mitigation Measures**

Because the proposed project would not result in a significant impact associated with adopted land use plans, policies, and regulations, no mitigation measures are required.

#### **4.10.6 Cumulative Impacts and Mitigation Measures**

*Would implementation of the proposed project have a cumulatively considerable contribution to a cumulative land use and planning impact considering past, present, and probable future projects?*

<b>Cumulative Impact</b>	<b>Significance</b>	<b>Proposed Project Contribution</b>
<b>Threshold 1:</b> Physically Divide an Established Community	Less than significant	Not cumulatively considerable.
<b>Threshold 2:</b> Conflict with Land Use Plans	Less than significant	Not cumulatively considerable.

##### **4.10.6.1 Cumulative Threshold 1: Physical Division of an Established Community**

The geographic context for the analysis of cumulative land use impacts in the City. Cumulative projects identified in Table 4-2, Cumulative Projects, in Chapter 4, Environmental Impacts Analysis, would include the construction of new or widened roadways, airports, railroad tracks, open space areas, or other features that would individually have the potential to physically divide an established community. In addition to these larger projects, smaller cumulative projects could have the effect of forming a barrier to access that would physically divide a community. Such impacts would generally be limited to an individual community and would not be cumulative in nature. Multiple projects in the same community could combine to result in a cumulative effect to the division of that community. However, all cumulative projects would be required to comply with the Santee General Plan and undergo development review prior to approval. This would ensure that a significant cumulative impact related to the physical division of an established community would not occur. Further, the proposed project does not propose any new land uses or infrastructure projects, including roadways that would divide established communities. Therefore, the proposed project’s contribution would not be cumulatively considerable.

#### **4.10.6.2 Cumulative Threshold 2: Conflict with Land Use Plans, Policies, or Regulations**

The geographic context for the analysis of cumulative land use impacts in the City. This section evaluates the potential for the proposed project to result in a significant contribution to cumulative land use impacts resulting from future development that is inconsistent with applicable land use plans or policies adopted for the purpose of protecting the environment. The proposed project would be consistent with the Santee General Plan and other relevant plans and policies. Furthermore, the cumulative projects identified in Table 4-2 would be consistent with the existing adopted plans, or require mitigation measures or design review to ensure consistency, in order for project approvals to occur. In any case, land use factors associated with the development of the project site as proposed would not affect or be affected by approvals of reasonably expected future development elsewhere in the City or in other jurisdictions. Therefore, the proposed project, along with the identified cumulative projects, would not result in a cumulative land use impact. The proposed project's contribution would not be cumulatively considerable.

#### **4.10.7 References**

- City of San Diego. 1998. Multiple Species Conservation Program Plan. Final.
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- City of San Diego. 2015. East Elliott Community Plan. April 29, 1971. Amended 2015.
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- City of Santee. 2018. Draft Santee Multiple Species Conservation Program Subarea Plan.
- City of Santee. 2021. Urgency Ordinance No. 592: "An Urgency Ordinance of the City of Santee, California, Enacting an Essential Housing Program to Boost Housing Production and Improve Housing Affordability in Order to Achieve the Goals Set Forth in the City's Housing Element (Sixth Cycle: 2021–2029) and Determining the Ordinance Exempt From the California Environmental Quality Act." Adopted August 25.
- City of Santee. 2022a. "City of Santee Housing Element Sixth Cycle 2021–2029." In City of Santee General Plan.
- City of Santee. 2022b. Santee Municipal Code.
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SDCRAA (San Diego County Regional Airport Authority). 2010. Gillespie Field Airport Land Use Compatibility Plan.

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**Appendix S. Ruling, Judgment and Writ**

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MINUTE ORDER AND RULING

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 08/09/2024

TIME: N/A

DEPT: C-69

JUDICIAL OFFICER: KATHERINE A. BACAL

CLERK: S. Christensen

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2022-00041478-CU-MC-CTL** CASE INIT.DATE: 10/14/2022

CASE TITLE: **Preserve Wild Santee vs City of Santee [IMAGED]**

CASE CATEGORY: Civil CASE TYPE: (U)Other Complaint (Not Specified): Other Complaint

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The Court having taken this matter under submission on 06/14/2024, now rules as follows:

**RULING ON SUBMITTED MATTER**

Petitioners' first amended petition for writ of mandate and complaint is **GRANTED**.

**Preliminary Matters**

The unopposed request for judicial notice under Evidence Code section 452(c) and (h) [ROA # 133] by petitioners Preserve Wild Santee, Center for Biological Diversity, California Chaparral Institute and Endangered Habitats League (collectively, "petitioners") of exhibits A through E in support of their opening brief is granted.

The request for judicial notice [ROA # 138] by respondents City of Santee and Santee City Council (collectively "City") and real party in interest HomeFed Fanita Rancho, LLC ("HomeFed") of exhibits 1—4 is denied as irrelevant. Their request for judicial notice of exhibits 5-9 is granted.

Petitioners' supplemental request for judicial notice [ROA # 155] of exhibit 1 is granted.

**Background**

The first amended petition ("FAP") alleges the following causes of action (1) violation of California Environmental Quality Act ("CEQA") – inadequate environmental impact report, findings, statement of overriding considerations; (2) violation of state planning and zoning law – inconsistency with general plan; (3) violation of subdivision map act – inconsistency with general plan; and (5) violation of elections code – approval of project despite qualifying referendum. ROA # 18. The fourth cause of action, for violation of state very high fire hazard regulations, was dismissed after City and HomeFed's demurrer was sustained without leave to amend. ROA # 58.) Petitioners filed the petition under CCP section 1085 and/or 1094.5, and Public Resources Code section 21168 *et seq.* FAP ¶ 7. Respondent and real party filed answers to the FAP. ROA # 59, 69.

In a bifurcated hearing, the Court heard oral argument as to the first cause of action for violation of CEQA. It then held oral argument on the second, third and fifth causes of action and took the matter under submission. The Court now issues this ruling as to all causes of action.

### **Standards of Review**

In reviewing an agency's compliance with CEQA the Court's inquiry extends "only to whether there was a prejudicial abuse of discretion." *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 512. "[A]n agency may abuse its discretion under CEQA either by failing to proceed in the manner CEQA provides or by reaching factual conclusions unsupported by substantial evidence." *Id.*, citing Pub. Res. Code § 21168.5. Whether the agency employed correct procedures is reviewed *de novo*, whereas the agency's substantive factual conclusions are accorded "greater deference." *Id.* "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" *Id.* at 516 (citations omitted).

The second and third causes of action are brought under a petition for writ of administrative mandamus under CCP section 1094.5. Under that section,

(b) The inquiry in such a case shall extend to the questions whether the respondent has proceeded without, or in excess of, jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

(c) Where it is claimed that the findings are not supported by the evidence, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence. In all other cases, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.

CCP § 1094.5(b) & (c).

The fifth cause of action, for violation of the Elections Code, is brought pursuant to CCP section 1085. "Mandamus will lie to compel a public official to perform an official act required by law. (Code Civ. Proc., § 1085.) Mandamus will not lie to control an exercise of discretion, i.e., to compel an official to exercise discretion in a particular manner. Mandamus may issue, however, to compel an official both to exercise his [or her] discretion (if he [or she] is required by law to do so) and to exercise it under a proper interpretation of the applicable law." *California Teachers Assn. v. Ingwerson* (1996) 46 Cal.App.4th 860, 865, internal citations omitted. "Mandamus will also lie to correct an abuse of discretion by an official acting in an administrative capacity." Petitioner has the burden. Evid. Code § 664.

The petitioners seek a writ of mandate directing respondents to vacate and set aside the REIR certification and associated project approvals; directing the City to comply with the State Planning and Zoning Law, the Subdivision Map Act, the Elections Code, and all applicable state regulations; and petitioners seek a declaration that the City's certification and approval of the Fanita Ranch Project

("project") violated the CEQA and CEQA Guidelines, the State Planning and Zoning Law, the Subdivision Map Act, the Elections Code, and that the certification and approval are invalid. FAP, Prayer ¶¶ 1-4.

## **Discussion**

### **CEQA (1<sup>st</sup> COA)**

The FAP alleges the EIR is legally defective and respondents prejudicially abused their discretion in violation of CEQA when they approved the project. FAP ¶ 97. The FAP alleges (a) respondents failed to amend and recirculate the EIR for public review and comment; (b) the final EIR's responses did not adequately respond to petitioners' comments; (c) the EIR is inconsistent with the applicable general plan; and (d) the EIR fails to disclose, analyze and/or mitigate biological resource impacts, impacts regarding wildfire and wildfire safety, and transportation and traffic. FAP ¶¶ 87-99. Respondents deny the allegations. ROA # 59, 69.

#### **a. CEQA Notice Recirculation Requirements**

Petitioners argue the City did not notify the Center that the draft recirculated EIR was available. OB at 33; see also FAP ¶ 96 (alleging failure to recirculate the EIR as required, which deprived the public and public agencies of meaningful opportunity to review and comment). Respondents apparently do not directly address this argument in their opposition. See Opp. at 39-40 (stating petitioners raised only two issues in the opening brief under CEQA: the comment and disclosure issues). Respondents mention, however, that the record shows the recirculated EIR was provided for public and agency review and comment from July 10, 2022 – July 25, 2022. Opp. at 19, AR 1764, 3212-3217, 14598-14600.

CEQA requires that a lead agency provide public notice of an EIR preparation to the "last known name and address of all organizations and individuals who have previously requested notice, and shall also be given by posting the notice on the internet website of the lead agency," and by at least one of the following procedures: in a newspaper; by posting in the area where the project is to be located; and direct mailing to owners/occupants of contiguous property. Pub. Res. Code § 21092(b)(3) and 14 Cal. Code Regs. ("CEQA Guidelines") § 15087(a).

Here, the record indicates notice was accomplished. The Center does not point to evidence in the record that it previously requested notice. Even if the City did not specifically notify the Center of the availability of the draft recirculated EIR, the evidence indicates the Center transmitted a comment letter and attachments to the City during the review and comment period on July 25, 2022. ROA # 128 at 1, citing Peter Broderick Decl. ¶¶ 3-5, Ex. A; Haskins Decl. ¶¶ 4-8, Ex. A. Accordingly, the Court does not find a notice violation under the CEQA on this basis.

#### **b. CEQA Comment Requirements**

Petitioners also argue the City failed to respond to the Center's comments on the draft recirculated EIR, including comments concerning the new wildfire analysis and safety impacts, and comments from a transportation expert concerning the evacuation analysis. OB at 13-14, 34-35, citing AR 20492.12-.13, and AR20492.448.

The City argues that although it omitted the Center's letter from the final recirculated EIR, its final recirculated EIR adequately responded to and addressed the issues raised in the Center's comment



letter because those issues were also raised by others, and so petitioners cannot establish prejudice. Opp. at 40-45. Respondents rely on the California Supreme Court's opinion in *Environmental Protection Information Center ("EPIC") v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 484.

This Court likewise finds the guidance and analysis in *EPIC* applicable here. The *EPIC* Court posited that the question is whether the agency's error in failing to consider certain comments is prejudicial. *Id.* at 484-485. To assess that question, the Court first considers "what constitutes prejudicial error in cases involving environmental review. As previously noted, 'Only if the manner in which an agency failed to follow the law is shown to be prejudicial, or is presumptively prejudicial, as when the department or the board fails to comply with mandatory procedures, must the decision be set aside....'" *Id.* at 485, citation omitted. "If it is established that a state agency's failure to consider some public comments has frustrated the purpose of the public comment requirements of the environmental review process, then the error is prejudicial." *Id.* at 487. "When an agency adequately addresses an environmental issue in response to one commenter, it may refer to the prior response when addressing other commenters, and a failure to respond to a particular comment is not prejudicial error when the issue raised by the comment is adequately addressed elsewhere." *Id.* at 487, footnote 9.

In advance of the hearing, the Court posed a question in the tentative regarding whether respondents adequately responded to the issue raised in Neal Liddicoat's comment that the wildfire evacuation plan in the draft recirculated EIR did not establish a "performance standard" to determine whether the project evacuation times are significant. ROA # 167, citing AR 20492.448-449. Having considered the arguments in the briefing and presented orally at the hearing, and the evidence in the record, the Court agrees with respondents that the City adequately addressed the issue raised by Liddicoat in their comments.

As shown by Liddicoat's letter, the issue is that if the City "has no established standard within CEQA, how was it determined that the Project's impact was less than significant?" AR 20492.448. Liddicoat commented, "[a]bsent an adopted standard of significance regarding acceptable evacuation times, no determination is possible as to the magnitude of the Project-related impact." AR 20492.449.

Here, the record shows this issue was addressed in the comments under Thematic Response 4(b). There, the City explained that CEQA has not "adopted numerical time standards to determine whether a timeframe is appropriate." AR 1793. Instead, it is "[p]ublic safety" that is "generally the guiding consideration for evaluating impacts related to emergency evacuation." *Id.* The City further explained that it "considers a Project's impact on evacuation significant if the Project will significantly impair or physically interfere with implementation of an adopted emergency response or evacuation plan; or if the Project will expose people or structures to a significant risk of loss, injury, or death involving wildland fires." *Id.* As explained by respondents at the hearing, the record shows the Appendix G standard is the standard the City used. *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 133, 139-140 (where EIR relied on Guidelines' Appendix G to provide standard of significance, appellate court concluded agency did not abuse its discretion in determining the "methodology for evaluating the impact to its evacuation plan or selecting the standard of

significance”). Thus, this issue was adequately addressed and petitioners have not established prejudice on this basis.

The record also shows the agency adequately addressed the additional environmental issues raised by the Center. Opp. at 43-44, AR 6685-6686, 1790, 3887-3888, see also, AR 2206-2207 (addressing comment regarding roadway capacities assumed in the calculation of evacuation times); AR 1903-1905 (addressing comment regarding detection and notification time in evacuation scenarios); AR 1887-1889 (addressing comment regarding nighttime evacuation assumption and congestion); AR 2292-2293 (addressing comment regarding residents who would evacuate even if not under evacuation order); and AR 1793-1795 and 3752-3753 (addressing evacuation performance standard). Accordingly, the Court does not find a violation of CEQA based on comment requirements.

**c. CEQA Requirements re: Disclosure of Inconsistencies**

Petitioners argue the EIR failed to disclose the project's inconsistency with the general plan. OB at 36. Petitioners argue the general plan imposes mandatory policies for development, including density restrictions. *Id.* Petitioners argue the 2022 recirculated EIR states the project is consistent with the general plan, and in doing so swept under the rug that the project is inconsistent. *Id.*, and Reply at 25, citing CEQA Guidelines § 15125(d); *Napa Citizens for Honest Gov. v. Napa County Bd. Supervisors* (2001) 91 Cal.App.4th 342, 381, 386-87; AR 989, 991-995.

Respondents argue petitioners conflate their argument that the project is inconsistent with the general plan with CEQA's requirements to evaluate plan inconsistencies. Opp. at 45-46, citing *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883, 894, AR 3331-3358, AR 561-564. According to respondents, the project is consistent with the general plan because it was certified as an essential housing project, and so the City was not required to analyze and disclose any claimed inconsistencies. *Id.*

Whether the City can be found to have violated CEQA on this basis is intertwined with the second and third causes of action in the FAP regarding alleged inconsistencies with the general plan. Accordingly, this claim is discussed in connection with the second and third causes of action below.

**d. Impacts Analysis**

The FAP alleges the EIR fails to disclose, analyze and/or mitigate biological resource impacts, impacts regarding wildfire and wildfire safety, and transportation and traffic. As noted by respondents, the petitioners do not argue the substance of the final recirculated EIR's analysis is inadequate. Opp. at 38. Rather, the petitioners challenged the City's alleged failure to respond to the Center's written comments (which is discussed above). *Id.* Thus, argue respondents, petitioners forfeited their legal challenge as to the substance or adequacy of the wildfire and evaluation analysis by not raising it in their opening brief. *Id.* Petitioners do not appear to rebut this on reply. Accordingly, the Court does not find a violation of the CEQA on this basis.

**Violation of State Planning And Zoning Law – Inconsistency with General Plan (2<sup>nd</sup> COA)**

Petitioners' FAP alleges that when the City approved the project it did not amend the general plan; that the project is inconsistent with general plan policy adopted by voter initiative (“Measure N”), which

requires certain land use changes be approved by a vote of the people; and the City abused its discretion and violated state planning and zoning law by approving a project inconsistent with the City's general plan. FAP ¶¶ 101-104. Petitioners bear the burden to establish inconsistency between the project and the plan. *Cal. Native Plant Soc. v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 639.

The City and HomeFed assert in opposition that this cause of action is time-barred. Response Brief ("RB") at 20. They also argue this cause of action is meritless because state housing laws (the density bonus law and Gov. Code section 3937) authorize the essential housing program urgency ordinance no. 592 ("ordinance"), and the cause of action is meritless because substantial evidence in the record supports the City's consistency findings. *Id.* at 22-26, 27-36.

### ***Time Bar***

HomeFed asserts in its answer that the limitations period in Government Code section 65009 applies to bar the second cause of action. HomeFed Answer, 11<sup>th</sup> Aff. Def. ROA # 59. The City did not cite section 65009 in its statute of limitations affirmative defense. Answer, 8<sup>th</sup> Aff. Def., ROA # 69.

The City and HomeFed have the burden to show the statute of limitations bars this action. *Pollock v. Tri-Modal Distr. Services* (2021) 11 Cal.5th 918, 947. Both HomeFed and the City argue the 90-day statute of limitations period applies to commence an action to challenge a legislative body's decision "on the matters listed in Sections 65901 and 65903, or to determine the reasonableness, legality, or validity of any condition attached to a variance, conditional use permit, or any other permit;" and "[c]oncerning any of the proceedings, acts, or determinations taken, done, or made prior to any of the decisions" in the statute. Gov. Code § 65009(c)(1)(E) & (c)(1)(F). RB at 13, 20-22.

The state planning and zoning law (Gov. Code §§ 65000 *et seq.*) contains a section with general provisions, which includes a time limitations provision on bringing actions to challenge decisions by a legislative body regarding general or specific plans, zoning ordinances, regulations attached to specific plans, development agreements, variances, and permits. Gov. Code § 65009(c)(1).

HomeFed and the City argue the petitioners challenge the urgency ordinance that adopted the essential housing program, which occurred in August 2021, and the City planning director's final decision to certify Fanita Ranch as an essential housing project, which occurred on December 27, 2021. RB at 20-21, citing OB at 20-28, AR 3961-3962, AR 1773-1779, 1779-1782. To support their position, HomeFed and the City rely on *Venice Coalition*, which involved a ministerial process through a specific plan in which the *Venice Coalition* petitioners challenged the specific plan. *Venice Coalition to Preserve Unique Community Character v. City of Los Angeles* (2019) 31 Cal.App.5th 42.

Here, HomeFed and the City have not met their burden to show the 90-day statute of limitations period applies. The FAC and record show petitioners challenge a specific land use approval, not merely a ministerial approval. Unlike *Venice Coalition*, the petitioners here challenge the final land use approval during which the City adopted findings of fact to state the project was consistent with the general plan. AR 561-64, Reply at 19-20. The petitioners are not challenging the planning director's December 27, 2021 certification. Even though petitioners discuss the underlying ordinance and certification in their



opening brief, this does not necessarily transform the crux of their challenge to the land use approval. Rather, such discussion may reasonable be inferred as providing support context and information to their timely challenge of the final land use approval that occurred on September 14, 2022, after which they filed suit within the 90-day period on October 14, 2022. AR 561-564; ROA # 1. Consequently, the 90-day limitations period does not bar the second cause of action.

***Whether a General Plan Amendment Was Required or Whether State Housing Laws Authorize the Essential Housing Program Urgency Ordinance***

As to the merits of the second cause of action, the parties present two starkly different positions and legal theories in this case. Petitioners assert the City committed fundamental legal error by using the certification as an excuse to avoid the need for a general plan amendment, and in doing so violated state planning and zoning law. OB at 19-26; Reply at 10-11. Petitioners argue the City's certification does not fit within the state land use hierarchy, and the City and HomeFed's attempts to rely on laws and standards outside the hierarchy of the general plan does not mean they proceeded in the manner required by law. Pet. Supp. Brief [ROA # 156] at 2-5; Reply at # 140 (if a local agency fails to notify a project applicant of objective requirements, the project is "deemed consistent ... only when substantial evidence supports the Project's consistency" with the general plan's objective standards," citing Gov. Code § 65589.5(j)(1), (f)(4)).

In contrast, the City and HomeFed argue that certain laws authorize the City to bypass general plan amendment requirements, and that the project may be "deemed consistent" under state housing laws, such as the Housing Accountability Act. RB at 23-25, 27-28, 36. The City argues the urgency ordinance waived or superseded the general plan's guiding principle standard for minimum lot sizes, and that this was authorized. City Supp. Brief [ROA # 166] at 1-2. The City points to the density bonus law as an example of a project inconsistent with development standards, to show that like the density bonus law, the ordinance here likewise does not violate the general plan. RB at 11, 22-25, citing Gov. Code § 65915, *Bankers Hills 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 771; City Supp. Brief at 3-4 (arguing the ordinance also is being used to satisfy the state laws re: provision of affordable housing) and citing AR 3966, AR 14621, 1767-1768; 1770-1771. The City also argues the director's certification of the project fits within the general plan land use hierarchy. City Supp. Br. at 4-5. HomeFed joins in the City's arguments. ROA # 165 at 1. HomeFed argues the Housing Accountability Act ("HAA") applies to this project and mandates approval of this project. ROA # 165. HomeFed argues that an applicant who receives incentives, concessions or waivers under the Density Bonus Law does not mean a project is inconsistent with a general plan. Supp. Br. at 3, citing § 65589.5(j)(3). Thus, argues HomeFed, a project that provides sufficient affordable housing under the ordinance may waive City development standards, do not require amendment and are deemed compliant with the general plan. *Id.* at 3-4. The City joins in HomeFed's arguments. ROA # 166 at 1.

The City and HomeFed's position have flaws that appear fatal to defend against the challenges raised by petitioners in the FAC. Although the City urges that the certification fits in the land use hierarchy the City does not clearly explain where and how it fits, and, in circular fashion, cites to the ordinance to state a certification is deemed in compliance and consistent with the General Plan Land Use and Housing Elements. City Supp. Br. at 4-5, citing AR 3961-3962 [Ord. 592 § 4.D.1]. The fallacy with HomeFed's

argument is that concluding a particular basis for a project is not inconsistent with the general plan does not necessarily mean that a project is therefore consistent with a general plan. Indeed, as petitioners have aptly noted, the Housing Accountability Act restricts local governments from *denying* certain housing applications; it does not mandate local government *approvals* of projects. Reply at 15, citing Gov. Code § 65589.5(a)(2)(K), (d)(2)&(d)(5) & (j)(1). This distinction is material and is one which the City's and HomeFed's arguments do not convincingly refute.

Moreover, neither the Density Bonus Law, including section 65915(n), nor the Housing Accountability Act are mentioned in the City's findings of fact and statement of overriding considerations on September 14, 2022. AR 561-564. HomeFed expressly did not seek any incentives, waivers or concessions under the Density Bonus Law. AR 3992. The City and HomeFed's arguments relying on these bases after the findings of fact were made justifying approval the project are thus unpersuasive.

At oral argument, City and HomeFed emphasized that the ordinance no. 592 is essentially the local ordinance version of the density bonus law that gave it express statutory authority to proceed with its essential housing program based on Government Code section 65915(n). This argument also is unconvincing, as it does not address the fact that the City's most recent housing element acknowledged that it removed the prior density bonus program ordinance from the municipal code to ensure continued compliance with the state's density bonus requirements. RJN, City of Santee Sixth Cycle Housing Element (Ex. A), p.46; Santee Municipal Code § 13.26.010 (City implements the housing element of the general plan under its density bonus provision). City's arguments attempting to rebut petitioners' showing on this basis are unconvincing. City Supp. Br. at 3-4. Accordingly, petitioners have met their burden to show City abused its discretion and did not proceed in the manner required by law. The petition as to the second cause of action is granted.

***Violation of Subdivision Map Act – Inconsistency With General Plan (3<sup>rd</sup> COA)***

Petitioners' FAP alleges the City violated state law requirements by "approving a vesting tentative map for the Project" inconsistent with the City's general plan requirements regarding issues such as density, transportation, roadway improvements, minimum lot sizes, planning requirements, park dedication and specific amenities. FAP ¶¶ 105-107. Petitioners reference the Subdivision Map Act in just one section of their opening brief. OB at 17 (stating that the Subdivision Map Act "likewise mandates that subdivision approvals, including approvals of vesting tentative maps, must be consistent with the applicable general plan.") The City and HomeFed also mention this Subdivision Map Act only once, in arguing that the general plan claims are meritless because state housing laws authorize the essential housing program urgency ordinance. RB at 22.

At oral argument, petitioner acknowledged the third cause of action for violation of the Subdivision Map Act rises or falls with the second cause of action for violation of the State Planning and Zoning Law. See also e.g., Reply at 6, 13, 17-18, 25 (tying arguments regarding the Subdivision Map Act to its earlier arguments regarding the State Planning and Zoning Law), citing Gov. Code § 66473.5 (general requirement that tentative map or parcel map be consistent with the general plan or specific plan). The Subdivision Map Act is found in Title 7, Planning and Land Use, Division 2, Subdivisions. Gov. Code, §§

66410 *et seq.* In line with the reasoning as to the second cause of action, petitioners' third cause of action for violation of the Subdivision Map Act is granted.

Because the Court found general plan inconsistencies under the second and third causes of action, the EIR failed to disclose those inconsistencies. Accordingly, petitioners' first cause of action for violation of the CEQA is granted based on the failure to discuss inconsistencies.

***Violation of Elections Code – Approval of Project Despite Qualifying Referendum (5<sup>th</sup> COA)***

Petitioners assert that under the Elections Code, the City had the option of either repealing the ordinance or submitting it to the voters for approval or rejection. MPA at 9, citing Elec. Code § 9241. They argue state law prohibits local jurisdictions from approving the same or similar legislation for a one-year period after a referendum qualified for the ballot is either passed by a vote or the referendum approval is rescinded. OB at 29, citing Cal. Const. art 4 § 1, Elec. Code § 9241. The FAP alleges the City violated the Elections Code by removing a qualified certified referendum about the project from the November 8, 2022 ballot, and then readopting the project (on Sept. 14, 2022) well before one year elapsed from the City's May 25, 2022 repeal of the project approvals. FAP ¶ 115, OB at 30.

The Elections Code's section 9241 states:

If the legislative body does not entirely repeal the ordinance against which the [referendum] petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. *If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.*

Elec. Code § 9241, emphasis added.

Here, petitioners assert the City "repealed" the Fanita Ranch Project approvals on May 25, 2022. FAP ¶ 113, 115, OB at 29, citing AR 24151-53, 1595-99, 1609-12. The City also acknowledges that on May 25, 2022, the City "adopted a resolution setting aside all prior project approvals on May 25, 2022 — including the Final REIR certification and the 2020 GPA approval — and subsequently filed its return. (AR 1767; RJN Ex. 9 [Fanita Ranch III Initial Return to Peremptory Writ].)" RB at 15. City and HomeFed argue, however, that section 9241 does not apply under the circumstances of this case because it makes no sense to have a referendum for legislation that no longer existed, since the Court ordered the prior EIR invalid and to be set aside. Yet section 9241 makes no exception for when a judicial body directs a city to rescind an approval pursuant to a writ.

City and HomeFed also argue the one-year delay required by Elections Code section 9241 would be inconsistent with the expedited processing timeframes for housing developments under the Housing Accountability Act and Housing Crisis Act (SB 330). RB at 38-39. In accordance with the policy reasons



explained above, these sections likewise do not apply and cannot form the basis for non-compliance with the Elections Code here. The petition on the third cause of action is granted.

**Conclusion**

For the reasons stated, petitioners' first amended petition for writ of mandate on the first, second, third and fifth causes of action in the complaint is **GRANTED**.

The minute order is the order of the Court.

Petitioner to prepare the proposed writ. The Clerk to serve notice.

*Katherine A. Bacal*

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Judge Katherine A. Bacal

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

Central  
330 W. Broadway  
San Diego CA 92101

**SHORT TITLE:** PRESERVE WILD SANTEE VS CITY OF SANTEE [IMAGED]

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:**  
**37-2022-00041478-CU-MC-CTL**

I certify that I am not a party to this cause. I certify that a true copy of the 08/09/2024 Minute Order was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California on 08/12/2024.

Clerk of the Court, by: S. Christensen, Deputy

AMY E HOYT  
655 BROADWAY 15TH FLR  
SAN DIEGO CA 92101

JOHN BUSE  
1212 BROADWAY ST., SUITE 800 800  
OAKLAND CA 94612

PETER J BRODERICK  
CENTER FOR BIOLOGICAL DIVERSITY  
1212 BROADWAY 800  
OAKLAND CA 94612

JEFFREY A. CHINE  
ALLEN MATKINS LECK GAMBLE  
600 WEST BROADWAY 27TH FLOOR  
SAN DIEGO CA 92101

JEFFREY A CHINE  
600 WEST BROADWAY, STE. 2700  
SAN DIEGO CA 92101

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**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

## JUDGMENT

1 John Buse (SBN 163156)  
2 Peter J. Broderick (SBN 293060)  
3 CENTER FOR BIOLOGICAL DIVERSITY  
4 1212 Broadway, Suite 800  
5 Oakland, California 94612  
6 Telephone: (510) 844-7117  
7 Facsimile: (510) 844-7150  
8 jbuse@biologicaldiversity.org  
9 pbroderick@biologicaiversity.org

10 Attorneys for Center for Biological Diversity,  
11 Preserve Wild Santee, Endangered Habitats  
12 League, and California Chaparral Institute

**F I L E D**  
San Diego Superior Court  
Central Division

OCT 01 2024

Clerk of the Superior Court  
By: A. Yim, Deputy

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SAN DIEGO**

15 PRESERVE WILD SANTEE, CENTER FOR  
16 BIOLOGICAL DIVERSITY,  
17 ENDANGERED HABITATS LEAGUE, and  
18 CALIFORNIA CHAPARRAL INSTITUTE

19 Petitioners,

20 v.

21 CITY OF SANTEE, CITY OF SANTEE  
22 CITY COUNCIL, and DOES 1 through 20,  
23 inclusive,

24 Respondents,

25 HOMEFED FANITA RANCHO, LLC, and  
26 DOES 21 through 40, inclusive,

27 Real Parties in Interest.

Case No. 37-2022-00041478-CU-MC-CTL

~~PROPOSED~~ JUDGMENT

**Action Filed:** October 14, 2022  
**Trial Date:** June 14, 2024  
**Department:** Dept. C-63  
**Judge:** Hon. Katherine Bacal

1           Petitioners Preserve Wild Santee, Center for Biological Diversity, Endangered Habitats League,  
2 and California Chaparral Institute (“Petitioners”) by the above-captioned action challenged the  
3 September 14, 2022 decision of the City of Santee and the City of Santee City Council (“Respondents”)  
4 to re-approve the Fanita Ranch Project (“Project”), adopt findings, adopt resolutions approving a vesting  
5 tentative map, a development plan, and other approvals for the Project, and certify an Environmental  
6 Impact Report (“EIR”) for the Project. The matter came on for hearing on June 14, 2024, in Department  
7 C-69 of the above-captioned court, the Honorable Katherine Bacal, presiding. Appearances were as  
8 noted in the record. The Court having reviewed the record of proceedings in this matter and having  
9 heard oral argument and fully considered the arguments of all parties, both written and oral, and after  
10 taking the matter under submission, issued a ruling by Minute Order on August 9, 2024 (“Order”), a  
11 copy of which is attached hereto as Exhibit A, and incorporated herein by reference.

12           For the reasons set forth in the Order,

13           IT IS NOW ORDERED, ADJUDGED, AND DECREED that:

14           1.       Judgment is hereby entered in favor of Petitioners, Preserve Wild Santee, Center for  
15 Biological Diversity, Endangered Habitats League, and California Chaparral Institute, and against  
16 Respondents City of Santee and City of Santee City Council, and Real Party in Interest HomeFed Fanita  
17 Rancho, LLC.

18           2.       The Peremptory Writ of Mandate attached hereto as Exhibit B shall issue from this Court,  
19 ordering Respondents to, *inter alia*:

20                   a.   Set aside and vacate in its entirety Resolution No. 112-2022 of the City Council  
21                   for the City of Santee Certifying the Revised Environmental Impact Report (SCH  
22                   # 2005061118), Including the Recirculated Sections of the Revised EIR (except  
23                   for chapter 4.18 “Wildfire), for the Fanita Ranch Project; Adopting Findings of  
24                   Fact and a Statement of Overriding Considerations Under the California  
25                   Environmental Quality Act; Adopting a Mitigation Monitoring and Reporting  
26                   Program; and Approving the Project;

27                   b.   Set aside and vacate in its entirety Resolution No. 113-2022 of the City Council  
28                   of the City of Santee, California Approving the Application of HomeFed Fanita

1 Rancho LLC for Fanita Ranch Vesting Tentative Map TM2022-1 for the  
2 Subdivision of Approximately 2,638 Acres into 1,467 Lots to Develop the Fanita  
3 Ranch Master Planned Community Located North of the Terminus of Fanita  
4 Parkway in the Fanita Ranch Planned Development Area;

- 5 c. Set aside and vacate in its entirety Resolution No. 114-2022 of the City Council  
6 of the City of Santee, California Approving the Application of HomeFed Fanita  
7 Rancho LLC for Fanita Ranch Development Plan and Development Review  
8 Permit DR2022-4 for the Subdivision of Approximately 2,638 Acres into 1,467  
9 Lots to Develop the Fanita Ranch Master Planned Community Located North of  
10 the Terminus of Fanita Parkway in the Fanita Ranch Planned Development Area;  
11 d. Set aside and vacate in their entirety any and all permits, entitlements, or other  
12 land use approvals issued in reliance on the above-described Project  
13 environmental documents or land use approvals that the Court has commanded be  
14 set aside.

15 3. It is declared and adjudged that, consistent with and for the reasons set forth in the  
16 Court's Order, Respondents' actions in approving the Project and certifying the EIR (except chapter  
17 4.18 "Wildfire) violated the State Planning and Zoning Law, the Subdivisions Map Act, the Elections  
18 Code, and the California Environmental Quality Act.

19 4. Petitioners are entitled to recover costs in an amount to be determined. This Court  
20 reserves jurisdiction to hear post-trial issues matters, including the award costs and attorney's fees.

21 5. Pursuant to Public Resources Code section 21168.9(b), the Court shall retain jurisdiction  
22 over these proceedings by way of a return to the Peremptory Writ of Mandate until such time as this  
23 Court determines that the City has complied with the terms of the writ.



1           6.       Nothing in this Judgment directs Respondents to exercise their discretion in any  
2 particular way.

3 DATED: 10/1/27

SAN DIEGO COUNTY SUPERIOR COURT



By: Hon. Katherine Bacal  
Judge of the Superior Court

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PEREMPTORY WRIT OF MANDATE

OCT 01 2024

Clerk of the Superior Court  
By: A. Yim, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

PRESERVE WILD SANTEE, CENTER FOR  
BIOLOGICAL DIVERSITY,  
ENDANGERED HABITATS LEAGUE, and  
CALIFORNIA CHAPARRAL INSTITUTE

Petitioners,

v.

CITY OF SANTEE, CITY OF SANTEE  
CITY COUNCIL, and DOES 1 through 20,  
inclusive,

Respondents,

HOMEFED FANITA RANCHO, LLC; and  
DOES 21 through 40, inclusive,

Real Parties in Interest.

Case No. 37-2022-00041478-CU-MC-CTL

~~PROPOSED~~ PEREMPTORY WRIT OF  
MANDATE

**Action Filed:** October 14, 2022  
**Trial Date:** June 14, 2024  
**Department:** Dept. C-63  
**Judge:** Hon. Katherine Bacal

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1 TO RESPONDENTS CITY OF SANTEE AND CITY OF SANTEE CITY COUNCIL:

2 Judgment having been entered in this proceeding, ordering that a peremptory writ of mandate be  
3 issued from this Court:

4 IT IS NOW ORDERED that, promptly after service of this Peremptory Writ of Mandate upon  
5 Respondents,

6 1. Respondents shall:

- 7 a. Set aside and vacate in its entirety Resolution No. 112-2022 of the City Council  
8 for the City of Santee Certifying the Revised Environmental Impact Report (SCH  
9 # 2005061118), Including the Recirculated Sections of the Revised EIR (except  
10 for Chapter 4.18 “Wildfire”), for the Fanita Ranch Project; Adopting Findings of  
11 Fact and a Statement of Overriding Considerations Under the California  
12 Environmental Quality Act; Adopting a Mitigation Monitoring and Reporting  
13 Program; and Approving the Project;
- 14 b. Set aside and vacate in its entirety Resolution No. 113-2022 of the City Council  
15 of the City of Santee, California Approving the Application of HomeFed Fanita  
16 Rancho LLC for Fanita Ranch Vesting Tentative Map TM2022-1 for the  
17 Subdivision of Approximately 2,638 Acres into 1,467 Lots to Develop the Fanita  
18 Ranch Master Planned Community Located North of the Terminus of Fanita  
19 Parkway in the Fanita Ranch Planned Development Area;
- 20 c. Set aside and vacate in its entirety Resolution No. 114-2022 of the City Council  
21 of the City of Santee, California Approving the Application of HomeFed Fanita  
22 Rancho LLC for Fanita Ranch Development Plan and Development Review  
23 Permit DR2022-4 for the Subdivision of Approximately 2,638 Acres into 1,467  
24 Lots to Develop the Fanita Ranch Master Planned Community Located North of  
25 the Terminus of Fanita Parkway in the Fanita Ranch Planned Development Area;
- 26 d. Set aside and vacate in their entirety any and all permits, entitlements, or other  
27 land use approvals issued in reliance on the above-described Project  
28

1 environmental documents or land use approvals that the Court has commanded be  
2 set aside.

3 2. Respondents are further ordered to suspend all project activity that could result in any  
4 change or alteration to the physical environment unless and until Respondents have corrected the  
5 deficiencies identified in the Court's Judgment and attached August 9, 2024 Order; reconsidered an EIR  
6 certification determination and findings relative to the project; and brought their determination and  
7 findings into compliance with the requirements of the California Planning and Zoning Law and CEQA.

8 3. Respondents are further ordered to file and serve a return to the writ no later than 60 days  
9 after service of this writ. The return shall specify the actions taken to comply with the terms of this  
10 Peremptory Writ of Mandate.

11 4. The Court shall retain jurisdiction over these proceedings by way of a return to this  
12 Peremptory Writ of Mandate pursuant to Public Resources Code section 21168.9(b) until such time as  
13 this Court determines that the City has complied with the terms of this writ.

14 5. Nothing in this Peremptory Writ of Mandate directs Respondents to exercise their  
15 discretion in any particular way.

16  
17 THE FOREGOING PEREMPTORY WRIT OF MANDATE ISSUES IMMEDIATELY.

18  
19 DATED: 10/01/2024

SAN DIEGO SUPERIOR COURT

20  
21 By:   
22 CLERK OF THE SUPERIOR COURT





**Appendix T. Memorandum**

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## Memorandum

**To:** City of Santee  
**From:** BBK  
**Date:** February 20, 2025  
**Re:** *Density Bonus Law Waivers and Essential Housing Program Certification for the Fanita Ranch Project, Santee, California*

### I. OVERVIEW

The purpose of this memorandum is to provide the legal support to the City of Santee (City) and its City Council to address the deficiencies noted by the San Diego County Superior Court in the Final Recirculated Revised Environmental Impact Report (Final Recirculated REIR) for the Fanita Ranch project (Fanita Ranch or Project). Specifically, the trial court granted relief to petitioners based on General Plan inconsistencies,<sup>1</sup> highlighting the need for a clearer explanation of how the Project approvals align with the City's General Plan land use hierarchy, particularly with respect to reliance on the State Density Bonus Law (DBL) (Gov. Code, § 65915) and the Housing Accountability Act (HAA) (Gov. Code, § 65589.5). Additionally, the trial court found that the City must better articulate how the Project's processing under the Essential Housing Program conforms to the General Plan and land use hierarchy.

This memorandum provides the legal analysis to support the City's resolution of the identified deficiencies. As to the DBL, it demonstrates that the City may find that the Project is entitled to mandatory waivers, which eliminate any General Plan constraints, such as minimum lot size standards and the requirement for a golf course/lake outlined in the Guiding Principles for Fanita Ranch. Further, the analysis explains how the City may find that the Project qualifies for incentives due to its significant contribution to affordable and senior housing.

The memorandum also examines the Project's processing under the City's Essential Housing Program and the City's recent amendments to that program. It clarifies how the program lawfully extends DBL benefits to projects addressing critical housing needs during the declared housing crisis. It also discusses the applicant's entitlement to rely on the Essential Housing Program under Senate Bill (SB) 330 and the Housing Crisis Act of 2019, which freezes applicable development regulations at the time a preliminary housing application is submitted.

The memorandum also explains that because the City may find that the Project qualifies for mandatory waivers, which renders General Plan constraints inapplicable, and is therefore deemed consistent under the City's Essential Housing Program, the City may find that the Project

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<sup>1</sup> The ruling did not specify the precise General Plan inconsistencies found, but recited the inconsistencies alleged by petitioners and identified the need for a clearer explanation of how the Project approvals align with the General Plan's land use hierarchy. (See Ruling, at pp. 7-8.)

does not require a General Plan Amendment or any other legislative act, and so a public vote on the Project under Measure N is not required.

The memorandum first addresses the application of the DBL to the project, clarifying how its provisions resolve alleged General Plan inconsistencies and support the project's compliance with state housing laws. Second, it addresses the Essential Housing Program and related amendments, explaining how the Program extends DBL benefits to meet critical housing needs.

This memorandum addresses the trial court's ruling and its implications beyond the specific requirements of the California Environmental Quality Act (CEQA). Under CEQA, the environmental review process mandates an assessment of whether a proposed project may result in significant environmental impacts due to conflicts with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects. However, the trial court's decision raised considerations that extend beyond CEQA's requirements, warranting further analysis and extending into consistency/inconsistency with the City's General Plan and the application of state DBL. For these reasons, this memorandum provides an analysis of such issues for completeness.

## **II. Factual Background**

The Fanita Ranch project initially sought a General Plan Amendment, Specific Plan, Development Agreement, and Rezoning approval, as detailed in the August 2020 Final Revised EIR.

However, with the 2022 Final Recirculated REIR, the proposed project instead requested EIR certification and approvals for a Development Plan, Vesting Tentative Map, Development Review Permit, and Conditional Use Permits. This change reflected the declared housing crisis and impact of state housing laws—including the State Density Bonus Law (DBL) (Gov. Code § 65915 et seq.) and the HAA—which in certain circumstances may limit the City's discretion to impose legislative entitlements to further statewide housing objectives. The change also reflected the City's adoption of its Essential Housing Program under the authority granted by the DBL to streamline and spur housing development.

The City certified the 2022 Final Recirculated REIR and approved the Project on September 14, 2022, and an action to challenge those approvals was filed. The court granted the challenge in part, finding that the 2022 Final Recirculated REIR failed to adequately disclose the Project's purported land use inconsistencies.

The proposed Project's physical characteristics and requested entitlements have not changed compared to the 2022 Final Recirculated REIR. However, the Project attributes that entitle it to DBL benefits, as opposed to those benefits available under the Essential Housing Program, were not plainly detailed in the 2022 Project approval. Those attributes include the provision of 445 senior housing units within the Project's Active Adult Community, as well as the development of 150 low-and moderate-income units and \$2.6 million contribution towards the provision of very-low-income units.

On February 12, 2025, the City Council adopted an Amendment to Urgency Ordinance No. 592 (the ordinance that adopted the Essential Housing Program) to address the Court's ruling. The Amendment explains that the Essential Housing Program is authorized by the DBL and other state

housing laws. It also clarifies that projects that follow its procedures and meet its strict requirements are deemed to be in compliance with the Santee General Plan through the use of density bonus units, concessions, incentives, and/or waivers to eliminate any inconsistency with inconsistent development standards or regulations, as appropriate, to allow certified housing projects to develop at the density and with the amenities proposed. Pursuant to the DBL, the Amendment explains the granting of the bonus, concessions, incentives, or waivers do not require an amendment to the Santee General Plan or any other legislative action/approval, as any such regulations do not apply to the Project. (Gov. Code, §§ 65915(f)(5), (j)(1).) The Fanita Ranch Project remains certified as an Essential Housing Project under the City’s Essential Housing Program.

### **III. The Density Bonus Law**

#### **A. Density Bonus Law Background and Relationship to Land Use Hierarchy**

Originally enacted in 1979, California’s Density Bonus Law (Gov. Code, §§ 65915, et seq.) offers advantages for applicants/owners/developers that provide market-rate, affordable, and senior housing projects. The Legislature stated that the DBL is to be “interpreted liberally in favor of producing the maximum number of total housing units.” (Gov. Code, § 65915, subd. (r).) Projects that meet the eligibility requirements of DBL are entitled to (1) a density bonus (or bonuses) above the maximum allowable residential density, (2) incentives/concessions, (3) development standard waivers, and (4) significantly reduced parking requirements. (Gov. Code, § 65915 (b).) The DBL requires cities to adopt an ordinance to implement the state law; however, the failure to do so does not relieve a city from complying with the statute. (Gov. Code, § 65915, (a)(1).)

Under the DBL, a density bonus applies to the maximum allowable residential density, defined as the “greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project.” (Gov. Code, § 65915 (o)(6).) In a July 2024 Letter of Technical Assistance to the City of Los Angeles, the State Department of Housing and Community Development (HCD) stated: “For the purposes of the S[tate] DBL, any hierarchy between planning documents is flattened” to permit the greatest number of housing units.<sup>2</sup> (Emphasis added.) It thus appears that according to HCD, the DBL eliminates the “hierarchy” in regulatory planning documents by flattening any prior hierarchy.

The DBL requires an agency to grant certain incentives or concessions, and waive or reduce development standards that would have the effect of physically precluding the construction of a housing development at the density, or with the requested incentives, permitted by the DBL, unless one or more of the listed exceptions apply. (Gov. Code, § 65915 (d)(1)(B)-(C), (e)(1).) Density bonus benefits do not require a general plan amendment, local coastal plan amendment,

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<sup>2</sup> See Letter to City of Los Angeles, *City of Los Angeles Density Bonus Law Implementation – Letter of Technical Assistance* (July 31, 2024). <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/los-angeles-hau399-ta-qcondition-073124.pdf>

HCD is the state agency responsible for accountability and enforcement of state housing laws, including DBL, and provides guidance on implementation and enforcement of state housing laws, including DBL. (Gov. Code, § 65585 (j)(3).)

zoning change, or other discretionary approval. (Gov. Code, §§ 65915(f)(5), (j)(1).) As HCD explained in another Letter of Technical Assistance, explained:

A fundamental aspect of the S[tate] DBL is that it allows a project to exceed the maximum allowable densities expressed in the General Plan (i.e., a density bonus) and to exceed certain development standards that may be expressed in the General Plan (i.e., maximum floor area ratios, building heights, etc.). SDBL has, since its inception, allowed developments to be inconsistent with the General Plan for the explicit purpose of producing affordable housing.<sup>3</sup>

(See also, *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1349 [stating that waived development standards are not applicable for determining consistency with general plan designations or policies or zoning designations and regulations]; and *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 783 [stating that agency is preempted from denying a project for inconsistency with a waived development standard].)

Section 65915, subdivision (n) provides that an agency may award a development extra units or benefits or extend density bonus benefits to developments that do not meet the minimum requirements of the DBL. The Legislature has also directed that DBL be “interpreted liberally in favor of producing the maximum number of total housing units.” (Gov. Code, § 65915 (r).)

**B. The DBL applies because the Project “seeks a density bonus”**

The DBL applies when a qualifying project “seeks a density bonus” for a housing development. (Gov. code § 65915(a)(1).) The statute defines a “density bonus” as “a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, *no increase in density*.” (Gov. Code, § 65915 (f), emphasis added.) The definition of “density bonus” thus explicitly includes projects, like Fanita Ranch, that do not seek to increase density, but seek other benefits of the DBL, such as incentives, concessions or waivers.<sup>4</sup> The Project seeks a “density bonus” within the meaning of the DBL.

**C. Project’s Entitlement to Mandatory DBL Benefits**

The City may legally find that the proposed Project’s provision of a qualifying senior citizen housing development entitles it to density bonus benefits under the DBL. (Gov. Code, § 65915(b)(1)(C), *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 832-

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<sup>3</sup> See Letter to County of El Dorado, *Cameron Park Housing Project – State Density Bonus Law and AB 2334 – Letter of Technical Assistance* (March 9, 2023). [Cameron Park Housing Project – State Density Bonus Law and AB 2334 – Letter of Technical Assistance](#)

<sup>4</sup> The Project does not seek an increase in density because under the General Plan, there is no density limit for the Project site. With respect to the General Plan, the site is designated Planned Development (PD), which provides for “[m]ixed-use development potential including employment parks, commercial, recreational, and various densities of residential development pursuant to a development plan and entitlements being approved by the City Council.” (Santee General Plan, Land Use Element, p. 1-29. The designation itself “does not, in itself, limit the extent or mix of development to occur...” (Santee General Plan, p. 1-29.)



833) (“*Friends of Lagoon Valley*”). Specifically, the Project would develop 445 age-restricted units within an Active Adult community. (See Section 3.3.1.4 of Final Recirculated REIR.)

Under the DBL, a project is eligible for a density bonus, waiver, and reduced parking benefits if it qualifies as a “senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code.” (Gov. Code, § 65915, subds. (b)(1)(C), (e)(1), (f)(3)(A), (p)(1).) Civil Code section 51.3(b)(4) defines a “senior citizen housing development” as “a residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units.” (*Id.*, emphasis added.) In this context, “senior citizens” means people who are 55 years of age or older. (Civ. Code, § 51.3(b)(1).) The Project provides considerably more “senior citizen housing development” than required by law (compare 35 units to the Project’s 445 age-restricted units within an Active Adult community in Fanita Ranch).

In *Friends of Lagoon Valley*, the First District Court of Appeal clarified the DBL benefits that flow from providing “senior citizen housing development” regardless of project size:

“The statute states that a developer is entitled to a density bonus if it agrees to construct a “senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.” (Gov. Code, § 65915, subd. (b)(3) [2005 version].) Under Civil Code section 51.3, “[s]enior citizen housing development’ means a residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units.” (Civ. Code § 51.3, subd. (b)(4).) Here, Triad agreed to provide a senior citizen housing development of 100 units—nearly three times as many units as were necessary to obtain a density bonus. Thus, pursuant to Government Code section 65915, subdivision (g)(1), Triad was entitled to a density bonus of “at least 20 percent,” and the City had discretion to provide a greater bonus. (Gov. Code, § 65915, subd. (n)). ...

We recognize that, under our interpretation, the senior housing provision of Section 65915 has the potential to create a windfall for developers in some circumstances. In a large-scale project with development of 2,000 units, for example, a developer would have to build 200 low income units or 100 very low income units to qualify for a density bonus of 20 percent . . . *but could obtain the same density bonus by constructing only 35 units of senior citizen housing.*”

*Friends of Lagoon Valley, supra*, 154 Cal.App.4th 807, 832-833 (emphasis added.)

The Court in *Friends of Lagoon Valley* also found that “[no]thing in [the DBL] states or suggests that the density bonus for senior citizen housing could not be applied to the development project as a whole.” (See *Friends of Lagoon Valley, supra*, 154 Cal.App.4th at 832.)

The Project Description in the Final Recirculated REIR, which has not changed, explains the proposed Project would develop an “Active Adult” neighborhood, which would provide 445 “age-restricted residential uses in a variety of building types with densities ranging from 5 to 25 residential units per acre.” (Section 3.3.1.4 of Final Recirculated REIR.) The Project’s 445 age-restricted “senior citizen housing” units far surpass the 35 units needed to qualify for the density bonus and waiver benefits under the state DBL. (Gov. Code, § 65915, subds. (b)(1)(C), (e)(1).)

Thus, the City may legally find that the Project is a qualifying density bonus project and is entitled to mandatory density bonus benefits, including a density bonus and waivers of development standards, for meeting the senior housing requirements of Government Code section 65915 (b)(1)(C). (*Id.*, *Friends of Lagoon Valley, supra*, 154 Cal.App.4th at pp. 832-833.) DBL benefits are mandatory and do not require discretionary review. (Gov. Code, § 65915 subd. (e)(1).)<sup>5</sup>

The proposed Project would additionally develop 150 low-and moderate-income units on- or off-site and contribute \$2.6 million to a City fund for development of very-low-income units. As the court in *Friends of Lagoon Valley* noted, the DBL allows developers to obtain greater density bonus benefits “in exchange for even more low income or senior housing than is provided for in Section 65915.” (*Friends of Lagoon Valley, supra*, 154 Cal.App.4th at 825-826, Gov. Code, § 65915 (n).)

**D. The Project is Entitled to The Project’s Entitlement to Mandatory Waivers of Development Standards**

To accommodate the proposed Project at the density and with the amenities proposed, the City may conclude that the Project is entitled to under the DBL to waivers of the following General Plan Guiding Principles:

1. Guiding Principle 3, which provides the Planned Development plan “shall contain a mix of house sizes on lot sizes distributed as follows:
  - 6,000 sq. ft. lots – 20 percent of total lots
  - 10,000 sq. ft. lots – 20 percent of total lots
  - 20,000 sq. ft. lots – 60 percent of total lots or greater.”
2. Guiding Principle 9, which provides:

“The plan shall contain a championship level, minimum 6,800-yard, par 70-75, 18-hole golf course, including support facilities. A hotel/conference complex shall be included in conjunction with the golf-course facility. An alternative plan may also be designated which, in lieu of a golf course and hotel/conference facility, includes a recreational facility based around a man-made lake, using non-reclaimed water, and which is approximately 200 acres in area.
3. Guiding Principle 14, subdivision (e), which provides the plan “shall include a Comprehensive Implementation Element which shall consist of:… (e) A Development Agreement....

*1. Legal Principles*

For qualifying projects, the DBL requires an agency to waive any development standard that will have the effect of physically precluding project construction at the densities and with the amenities proposed. (Gov. Code, § 65915, subd. (e)(1).) A “development standard” is defined as “a site or construction condition, including, *but not limited to*, a height limitation, a setback

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<sup>5</sup> See also Letter to City of Glendale, *Discretionary Review of State Density Bonus Law Waiver Requests – Letter of Technical Assistance*. Department of Housing and Community Development (February 5, 2024) [Discretionary Review of State Density Bonus Law Waiver Requests – Letter of Technical Assistance](#).

requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation that is adopted by the local government or that is enacted by the local government's electorate exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government." (Gov. Code, § 65915, subd. (o)(2), emphasis added.)

If the City finds that the Project is subject to the DBL, HCD's technical assistance explains that the granting of appropriate development standard waivers is mandatory and does not require or permit discretionary review.<sup>6</sup> The DBL states: "[I]n no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." (Gov. Code, § 65915 subd. (e)(1).)<sup>7</sup> The City's authority to disapprove waivers is limited to a request that "would have a specific, adverse impact ... upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact," or if the waiver "would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law." (*Ibid.*)

HCD has advised that an agency is "strictly limited in denying requested development standard waivers, preventing it from applying any development standard that would physically preclude a project as proposed unless doing so would have a specific adverse impact on health or safety (as defined), which could not be mitigated (Gov. Code, § 65915, subd. (e))."<sup>8</sup> As with other DBL benefits, granting waivers does not require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. (See Gov. Code, §§ 65915, subsd. (f)(5), (j)(1).)

Interpreting the DBL, the Court of Appeal in *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775 held that "so long as a proposed housing development project meets the criteria of the Density Bonus Law by including the necessary affordable units, a city may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes 'amenities' beyond the bare minimum of building components."

The Court of Appeal in *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1349 ("*Wollmer*") held that "waived zoning standards are not 'applicable'" for purposes of determining

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<sup>6</sup> See also Letter to City of Glendale, *Discretionary Review of State Density Bonus Law Waiver Requests – Letter of Technical Assistance*. Department of Housing and Community Development (February 5, 2024) [Discretionary Review of State Density Bonus Law Waiver Requests – Letter of Technical Assistance](#).

<sup>7</sup> *Id.* ["A development project meeting the requirements of the SDBL is entitled to not only an increase in the number of units allowed on the site (*i.e.*, a "density bonus"), but also to a prescribed number of concessions/incentives and any development standard waivers which are necessary to facilitate the project overall."]

<sup>8</sup> Letter to City of Mill Valley, *Blithedale Terrace Mixed-Use Project – Notice of Potential Violation*, Department of Housing and Community Development (January 9, 2023). [Blithedale Terrace Mixed-Use Project – Letter of Support and Technical Assistance](#)

“consistency with applicable general plan designations and policies and applicable zoning designations and regulations.”

2. Grounds for granting the requested mandatory waivers

The lot size development standard and mix in Guiding Principle 3 would preclude the Project from being built as proposed, as it would limit the number of units allowed to be constructed. Guiding Principle 3 lot size development standard is consistent with the previously approved project in 2007 (the Barratt American Development Plan), which would allow for up to 1,395 residential units on site based on the lot size mix. Based on that previous design, only 1,465 acres of the site would be designated as habitat preserve. The Project’s design condenses the previous development footprint to respect existing topography and preserve 1,650.4 acres of the site as habitat. This approach is consistent with other Guiding Principles that encourage “creative product design” and “alternative residential design” as alternatives to conventional lotting across the site. (Guiding Principles 4 and 6.)

Based on the above evidence, if the City determines that the Project is a qualifying project, the Project is entitled to a mandatory waiver of the lot size development standard in Guiding Principle 3 because the applicant has provided documentation showing that imposing this development standard would physically preclude construction of the project’s 2,949 to 3,008 units — including the 445 age-restricted senior citizen housing units — as designed and with the amenities proposed. (Gov. Code, § 65915, subs. (e)(1), (o)(2) [providing for waivers of a minimum lot area per unit requirement]; *Bankers Hill 150, supra*, 74 Cal.App.5th at p. 775.)

Also based on the above evidence, if the City determines that the Project is a qualifying project, the Project is entitled to mandatory waivers of Guiding Principles 9 (approximately 200-acre golf course or lake amenity) and 14 (Development Agreement) as it would physically preclude construction of the Project’s 2,949 to 3,008 units and Guiding Principle 14 (See also, Gov. Code, § 65915 (e)(1), (o)(2) [providing for waivers of open space requirements and other conditions].)

With respect to Guiding Principle 14’s requirement of a Development Agreement, the Second Recirculated Sections of the Final REIR Land Use section confirms that the although the Project’s Development Plan does not incorporate a “Development Agreement,” it does include a comprehensive implementation element (Chapter 10, Implementation). Here, it appears that the purpose of Guiding Principle 14 is not to avoid or mitigate environmental effects, but instead to ensure that public improvements are constructed concurrently with their anticipated need. The Project’s Development Plan addresses phasing, financing, operation, maintenance, administration, implementation, modification, and monitoring of public facilities and improvements, thereby addressing the purpose of the principle. And even if the principle concerned project impacts on the environment, here, the Project’s conditions of approval and MMRP ensure that the Project’s environmental effects will be mitigated to the extent feasible.

Accordingly, with mandatory waivers and concessions, the City may conclude that the conditions of approval satisfy the requirements of Guiding Principle 14. The Project would not conflict with any Guiding Principle and does not require — or propose — a General Plan Amendment, Specific Plan, Rezone, Development Agreement, or any other legislative act, which can be associated with increased costs. (See Legislative Analyst report, “California’s High Housing Costs, Causes and Consequences,” March 17, 2015 at p. 17 [A study of jurisdictions in

the Bay Area found that each additional layer of independent review was associated with a 4 percent increase in a jurisdiction's home prices].)

#### **IV. Housing Accountability Act and SB 330**

Pursuant to the Housing Accountability Act (“HAA”; Gov. Code § 65589.5) and SB 330, codified at Government Code section 65905.5 and adopted as part of the Housing Crisis Act of 2019, if a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, the agency may not disapprove a housing development project or require projects be developed at a lower density unless the agency makes specific statutory findings supported by a preponderance of the evidence in the record. (Gov. Code, § 65589.5, subd. (j)(1), 65905.5, subd. (c)(1)).

Additionally, the HAA and SB 330 clarify that the receipt of a density bonus, incentive/concession, waiver, or reduction of development standards pursuant to the DBL is not a valid basis on which to find that a proposed housing development project is inconsistent, not in compliance, or not in conformity with an applicable objective standard or other similar provision. (Gov. Code, §§ 65589.5, subd. (j)(3), 65905.5, subd. (c)(1)). Thus, the City may find that with the required DBL waivers and/or incentives, the Project complies with applicable objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete.

#### **V. Essential Housing Program**

##### **A. The Essential Housing Program Extends DBL Benefits to Projects that Meet the Program's Criteria**

Since 2021, Urgency Ordinance No. 592, the City's Essential Housing Program, has provided an expedited pathway to increase housing production and improve affordability for eligible projects (City of Santee 2021). However, in the litigation challenging the Fanita Ranch project, the trial court found that the City did not clearly explain how the project approvals under that Program aligned with the established land use hierarchy and state housing laws.

On February 12, 2025, the Santee City Council will take final action on an Amendment to Urgency Ordinance No. 592 to address the trial court's concerns. The amended ordinance explicitly details that the DBL and other state housing laws authorize the City's Essential Housing Program to streamline housing production and enhance affordability by circumventing unnecessarily burdensome governmental and legislative processes.

The amendment emphasizes that the DBL empowers local governments to adopt ordinances that grant density bonuses, incentives, concessions, waivers, and parking reductions beyond those mandated by state law. Specifically, Government Code section 65915, subdivision (n) states:

“If permitted by local ordinance, nothing in this section shall be construed to prohibit a city county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.”

This provision, subdivision (n), allows the Essential Housing Program to exceed state requirements, creating opportunities for local flexibility in supporting housing projects. (*Friends of Lagoon Valley, supra*, 154 Cal.App.4th at p. 825.) This ensures that proposed projects can achieve their intended density with the amenities proposed without requiring amendments to the General Plan or other legislative actions. (Gov. Code, §§ 65915, subs. (f)(5), (j)(1).)

State housing laws, including the HAA, mandate that locally authorized density bonus benefits are treated equivalently to those under State law. For example, Government Code sections 65589.5, subdivision (o)(2)(E) and 65655, subdivision (a) provide that local programs extending additional density bonuses or waivers for affordable housing the same as benefits required under the DBL. As discussed above, waived zoning standards are considered not “applicable” to a project (*Wollmer, supra*, 193 Cal.App.4th at p. 1349), and receipt of density bonus benefits are not a basis for a finding of general plan inconsistency. (Gov. Code, 65589.5, subd. (j)(3), 65905.5, subd. (c)(1).) If the City approves incentives, concessions or waivers in accordance with the DBL, then the Housing Accountability Act precludes a determination that the project is inconsistent or non-compliant with the local plans, development standards or policies based on the benefits received under the DBL.

This streamlined approach reinforces the City’s commitment to accelerating housing development while maintaining compliance with state housing mandates. Urgency Ordinance No. 592 further strengthens this commitment by controlling over any conflicting City plan or ordinance, and with the City’s interpretation afforded the fullest possible weight to the interest, approval, and provision of housing.

**B. Legal Precedent Supporting Expanded Local Density Programs**

In the Fanita Ranch litigation, questions arose regarding whether Urgency Ordinance No. 592 served as the City of Santee’s implementation of the state-mandated provisions of the Density Bonus Law (DBL). For instance, the trial court noted:

“City and HomeFed emphasized that the ordinance no. 592 is essentially the local ordinance version of the density bonus law that gave it express statutory authority to proceed with its essential housing program based on Government Code section 65915(n).”

(*Ruling, at p. 8.*)

To clarify, the City’s Zoning Ordinance, Section 13.26.010, explicitly states that it, “implements the housing element of the General Plan; Sections 65915 through 65918 of the California Government Code; and, in accordance with those general regulations, provides incentives to developers for the production of housing affordable to lower income households, moderate income households and senior citizens.” (Gov. Code, § 65915, subd. (a)(1).) This provision ensures that the City is in full compliance with the state-mandated requirements of the DBL.

Urgency Ordinance No. 592 is not the City’s version of state DBL. Instead, it is a state-authorized program designed to expand density bonus benefits under the authority of Government Code section 65915, subdivision (n). This provision empowers local jurisdictions to adopt additional density bonus incentives, concessions and waivers through ordinances, in addition to the minimum requirements to implement the DBL. Importantly, Section 65915, subdivision (n)



does not require expanded bonuses or incentives to be incorporated into an agency's density bonus ordinance implementing state law — they may instead be authorized by a separate local ordinance.

The Court in *Banker's Hill* upheld a local program that exceeded the DBL requirements. In *Bankers Hill 150, supra*, 74 Cal.App.5th at p. 771, fn. 6, the Court of Appeal affirmed that local ordinances may exceed state-mandated DBL provisions. Citing *Friends of Lagoon Valley* (154 Cal.App.4th at pp. 824-830), the Court of Appeal noted, "A city's local ordinance may provide for a density bonus or incentives that exceed the Density Bonus Law." (*Id.*)

*Bankers Hill* considered San Diego's Affordable Homes Bonus Program, adopted in 2016. It exceeded state DBL by offering increased density bonuses and additional incentives to qualifying projects, leading to the entitlement of 2,300 homes within 20 months — a significant improvement over what would have been achieved under state law alone. The program also eliminated parking requirements for certain projects, further boosting housing production. (*Id.*)

The Court of Appeal in *Bankers Hill 150* observed that, by the time the matter was heard, the specific density bonus provisions under state law had been expanded to align with San Diego's local program. (*Bankers Hill 150, supra*, 74 Cal.App.5th at p. 771, fn. 7, referencing AB 2345.) It emphasized that agencies retain the authority to exceed and expand upon state DBL requirements, enabling further innovation in housing production. (*Id.*)

Other municipalities have also established successful local programs,<sup>9</sup> which have been demonstrated to be a lawful and successful means of expanding and extending DBL benefits.

### **C. The Fanita Ranch Project is a Certified Essential Housing Project**

The Essential Housing Program is available to expedite: (1) any new application for a Housing Development Project, (2) any Housing Development Project currently under City review, or (3) any approved, entitled, and/or permitted Housing Development Project not yet built by the date application for certification is made. An application under the Essential Housing Program was submitted for the proposed Project in December 2021. On December 27, 2021, the City's Director of Development Services certified the Project as an Essential Housing Project based on the criteria adopted by the City Council. Nothing has changed concerning the Project's physical or affordable attributes that impacts its certification.

As demonstrated by the certification and project conditions, the Project would address the City's housing crisis by providing a mix of residential and nonresidential uses and a mix of housing types and sizes. A total of 2,949 housing units would be developed if the proposed Project includes a school, or 3,008 units without a school, including 435 moderate-income units and 445 age-restricted senior citizen housing units. The Project would also develop 150 low-and moderate-income units and contribute up to \$2.6 million for affordable housing.

Stringent environmental and Santee General Plan consistency criteria established by the Essential Housing Program would be met. The proposed Project would implement mobility improvements, including bus stops, traffic calming, an up to \$300,000 contribution to relieve congestion on SR-52, and rideshare/carshare parking. Open space would be conserved. In

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<sup>9</sup> See Transit Oriented Communities Incentive Program (<https://planning.lacity.gov/plans-policies/transit-oriented-communities-incentive-program>); HOME-SF (<https://sfplanning.org/home-sf#:~:text=The%20HOME-SF%20program%20is%20San%20Francisco%E2%80%99s%20local%20density,and%20up%20to%20two%20extra%20stories%20of%20height.>)

addition to preserving 1,650.4 acres in the Habitat Preserve, it would provide at least \$300,000 in funding for the management of City-owned natural open space and plant at least 10 trees per acre of land to be developed. Water use would be reduced by connections to recycled or advanced treated water when PDMWD's East County Advanced Water Purification project is completed.

As to energy, air quality, and GHG emissions, the Project's residential units would be all-electric and exceed Title 24 standards by all-electric residential development, implementing heat pump technology, increasing solar production, and expanding ventilation systems. Appliances would be Energy Star rated, electric vehicle chargers would be provided in the Village Center, and solar panels would be installed on accessory buildings and car ports. Wildfire safety would be ensured through implementation of fuel management zones and the Fire Protection Plan (FPP), among the many other measures set forth in the FPP and Wildland Fire Evacuation Plan (see Appendices P1 and P2).

Many miles of trails and sidewalks would be provided, and up to \$300,000 would be provided to the City to fund additional improvements to trail facilities. Finally, the proposed Project's extensive park and recreational facilities would exceed the Santee Municipal Code standards by at least 5 percent and provide multi-purpose playing fields and public recreational facilities for Citywide use.

Certification of the Project based on the City's Essential Housing Project Credits Assessment Guide and Checklist demonstrates that it addresses the City's immediate housing needs and furthers Santee General Plan objectives and policies. Therefore, the Project is deemed Santee General Plan consistent under the Essential Housing Program and does not require an amendment to the Santee General Plan or other legislative act for approval. Any Guiding Principles with which the Project is in conflict, including Guiding Principles 3, 9, and 14 (e), are waived under DBL and not "applicable" to the project. (*Wollmer, supra*, 193 Cal.App.4th at p. 1349.) Any conflict is also *not* considered an inconsistency with the General Plan or other regulations under state housing law. (Gov. Code, §§ 65589.5 (j)(3), 65905.5 (c)(1).)

## **VI. DBL AND SB 330'S LIMITATION ON GROWTH CONTROL MEASURES PREEMPT AND NEGATE MEASURE N**

The trial court's ruling noted that petitioners argued a General Plan Amendment (GPA) was required for the Project, which would trigger Measure N's requirement for a public vote prior to approval. (Ruling p. 5.) However, as detailed above, if the City finds that no GPA or other legislative action is required for the Project, Measure N does not mandate a public vote. Measure N also specifically provides that it shall not be construed to interfere with rights to obtain density bonuses or other entitlements available under affordable housing laws.

Measure N added Policies 12.1 through 12.4 to the City's General Plan Land Use Element:

- Policy 12.1: Permitted land uses in the City shall be intensified only when the voters approve such changes. No General Plan amendment, Planned Development Area or new Specific Planning Area shall be adopted which would: (1) increase the residential density permitted by law, (2) change, alter, or increase the General Plan Residential Land Use categories if the change intensifies use; or (3) change any residential designation to commercial or industrial designation on

any property, or vice versa, if the change intensifies use; unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such an election.

- Policy 12.2: No change to the slope criteria and minimum parcel sizes and lot averaging provisions of this General Plan which would permit increased density or intensity of use shall be adopted unless and until such change is approved by ordinance adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such an election.
- Policy 12.3: The City Council shall set any election required by this Objective to the next available general municipal election at no cost to the proponent of the land use change, or set a special election, the cost of which shall be borne by the proponent.
- Policy 12.4: The voter approval requirement of subsection (a) shall not apply where the General Plan amendment is necessary to comply with state or federal law governing the provision of housing, including, but not limited to affordable housing requirements. This exception applies only if the City Council first makes each of the following findings based on substantial evidence in the record: 1) a specific provision of state or federal law requires the City to accommodate the housing that will be permitted by the amendment; 2) the amendment permits no greater density than that necessary to accommodate the required housing; and 3) an alternative site that is not subject to the voter approval requirement in this Policy is not available to satisfy the specific state or federal housing law.

The City Attorney's Impartial Analysis for Measure N noted that judicial interpretation of the measure "may be required to assess the Measure under Government Code section 66300(b)(1)(B)." Section 66300(b)(1)(B), also known as SB 330, appears to include language that would limit a city or its voters through initiative power from enacting or enforcing any development standard that imposes a cap on housing development. It states that with respect to land where housing is an allowable use, the city (defined to include voters through initiative power) "shall not enact a development policy, standard, or condition" that would have any of the following effects: (A) decreasing the intensity of land uses; (B) imposing a moratorium or limitation on housing development; (C) imposing new subjective design standards post January 1, 2020; and (D) places caps or limits on the number of applications or permits during time period. (Government Code §§ 66300, subs. (a)(3), (b)(1)(B)(i), (b)(1)(D)(i) – (iii).) We also note that SB 330 is to be "broadly construed so as to maximize the development of housing within this state." (Gov. Code, § 66300 (e)(2).)

An argument could be made that Measure N conflicts with state housing law and policy and are prohibited. In *Building Industry Assn. v. City of Oceanside* (1994) 27 Cal.App.4th 744, 771, the court held that a proposition conflicting with state housing policy on its face can be invalidated as a matter of law, rendering it invalid from the date of adoption. (See also, *Yes in My*

*Back Yard v. City of Culver City* (2023) 96 Cal.App.5th 1103, 1112-1120; Gov. Code, §§ 66300, 66301 [extending Section 66300's effect to January 1, 2034].)

Even if not preempted, Measure N does not apply to the Project. First, no public vote is triggered under Policy 12.1. As explained in section III above, neither the General Plan nor the Zoning Ordinance prescribe a density limit for the Project site, so the Project does not “increase the residential density permitted by law.” And as explained in section III, with DBL waivers, the Project is permitted onsite; no “increase” in permitted density would occur. (Policy 12.1 (1); Gov. Code, §§ Gov. Code, §§ 65915, subds. (e)(1), (f)(5), (j)(1); 65589.5, subd. (j)(1), (3); *Bankers Hill 150*, *supra*, 74 Cal.App.5th at p. 783; *Wollmer*, *supra*, 193 Cal.App.4th 1329, 1349 [waived development standards are not applicable].) Additionally, under the Essential Housing Program, the residential density proposed is permitted and lot size standard waived. Lastly, there is no proposed change in land use category or redesignation to residential, commercial, or industrial. (Policy 12.1(2), (3).)

Second, the Project does not propose changes to the slope criteria, minimum parcel sizes, or lot averaging provisions of the City's General Plan that would permit increased density or intensity under Policy 12.2. As explained in section III(D), if the City finds that the Project is a qualifying project, the Project is entitled to waive the lot size provision of Guiding Principle 3 under DBL. (Gov. Code, § 65915, subds. (e)(1), (n); *Wollmer*, *supra*, 193 Cal.App.4th 1329, 1349 [waived development standards are not “applicable.”]) Further, the Essential Housing Program provides such waivers. No GPA or other legislative action is required for the waiver. (Gov. Code, § 65915, subds. (f)(5), (j)(1).)

Thus, the City can legally find that under the text of Policy 12.4 and state law, including DBL, the voter requirements are inapplicable and preempted. (Gov. Code, §§ 65915, subds. (e)(1), (f)(5), (j)(1); 65589.5, subds. (j)(1), (j)(3).) Additionally, Section 5 of Urgency Ordinance No. 592 makes the findings set forth in Policy 12.4 for Essential Housing Projects:

“The City Council finds that the adoption of this Ordinance is necessary to comply with state law governing the provision of housing, including but not limited to, Government Code sections 65583 and 65584 and additional affordable housing requirements, and is necessary to achieve the goals set forth in the City's Housing Element. The City Council finds that this Ordinance permits no greater density than is necessary to accommodate the required housing. The City Council finds that the criteria identified in the Essential Housing Program as establishing eligible Essential Housing Project sites have been narrowly tailored to the housing needs of the City, and alternative sites for Essential Housing Projects are not available to satisfy the requirements of state housing law.”

## **VII. CONCLUSION**

The City may legally conclude that the Fanita Ranch Project complies with state housing laws, including the DBL, the HAA, and SB 330, and adheres to the City's Essential Housing Program without requiring a GPA or any other legislative action.

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