

RESOLUTION NO. 2014-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING A TENTATIVE SUBDIVISION  
MAP WITHIN OTAY RANCH VILLAGE 2 – CHULA VISTA  
TRACT 12-04

I. RECITALS

1. Project Site

WHEREAS, the parcel, that is the subject matter of this resolution, is represented in Exhibit A, attached hereto and incorporated herein by this reference, and for the purpose of general description, is located in the northern portion of Otay Ranch Village 2 Neighborhoods R-15b and R-31 Chula Vista (“Property”); and

2. Project; Applications for Discretionary Approval

WHEREAS, on July 9, 2012, a duly verified application for a Tentative Subdivision Map (Chula Vista Tract (CVT) 12-04) was filed with the City of Chula Vista Development Services Department by Baldwin and Sons (“Applicant”) to subdivide a .81-acre site within Otay Ranch Village 2, Neighborhoods R-15b and R-31 into six (6) single-family lots and twenty-five (25) multi-family units on one lot; and

3. Environmental Determination

WHEREAS, The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project may have a significant effect on the environment as identified in previous FEIR 02-02; therefore, the City of Chula Vista has prepared a Supplemental Environmental Impact Report, SEIR-12-01/SCH 2003091012 pursuant to CEQA 15163.; and

The City Council of the City of Chula Vista, having reviewed, analyzed, and considered the previously certified Final Environmental Impact Report (FEIR) as revised by the Final Supplemental Environmental Impact Report (FSEIR 12-01/SCH2003091012) pursuant to the California Environmental Quality Act, made certain Findings of Fact and adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the GPA, GDPA, SPA Plan and associated Tentative Maps pursuant to CEQA, by Resolution No. 2014 -

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4. Planning Commission Record on Application

WHEREAS, on October 8, 2014, the Director of Development Services set a hearing before the Planning Commission for the consideration of and recommendation on Tentative Subdivision Map. Notice of said hearing, together with its purpose, was given by both publication in a newspaper of general circulation in the City and mailing to property owners and residents within 500 feet of the exterior boundaries of the Property at least ten (10) days prior to the hearing; and

WHEREAS, a hearing at the time and place as advertised, namely October 8, 2014, at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, was held before the Planning Commission and said hearing was thereafter closed; and

WHEREAS, the Planning Commission reviewed and considered the Tentative Subdivision Map CVT 12-04; and

WHEREAS, the Planning Commission after considering all evidence and testimony presented, the Planning Commission did not act on the resolution since the Planning made a motion that the City Council reject the project by not making certain findings of fact; not adopt a Statement of Overriding Considerations; not adopt a Mitigation Monitoring and Reporting Program and not Certify the Final Supplemental Environmental Impact Report (FSEIR 12-01/SCH 2003091012) for amendments to the General Plan, Otay Ranch General Development Plan, Otay Ranch Villages Two, Three and a portion of Four Sectional Planning Area Plan, four associated Tentative Maps pursuant to the California Environmental Quality Act. This motion carried 5-1-0-; and

5. City Council Record on Application

WHEREAS, a hearing time and place was set by the City Council of the City of Chula Vista for consideration of the Project and notice of said hearing, together with its purpose, was given by both publication in a newspaper of general circulation in the City and mailing to property owners and residents within 500 feet of the exterior boundaries of the property at least ten (10) days prior to the hearing; and

WHEREAS, on November 4, 2014 at 2:00 p.m. in the Council Chambers, 276 Fourth Avenue, the City Council of the City of Chula Vista held the duly noticed public hearing to consider said Project: said hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find, determine, and resolve as follows:

II. TENTATIVE SUBDIVISION MAP FINDINGS

- A. Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the City Council finds that the Tentative Subdivision Map, as conditioned herein, is in conformance with the elements of the City's General Plan, based on the following:

1. Land Use and Transportation

The current General Plan land use designation for Neighborhood R-15b is Residential Low Medium and for Neighborhood R-31 is Mixed Use Residential. The proposed project is consistent with these land use designation as all densities fall within the prescribed GP ranges for each of these categories.

The current Otay Ranch GDP land use designation for Neighborhood R-15b is Low Medium Village Density Residential (LMV) and for Neighborhood R-31 is High Density Residential (H). The proposed project is consistent with these land use designation as all densities fall within the prescribed GDP ranges for each of these categories.

The existing implementing zone in the Village 2 Planned Community District Regulations is Single Family 4 (SF4) for Neighborhood R-15b and Residential Multi Family 2 (RM2) for Neighborhood R-31. All neighborhoods, as shown on the TM, are consistent with these designations. In total, this TM depicts 31 residential units.

The subdivision design consists of 7 residential lots. Six (6) of the lots will be single family and range from 5,270 sf to 6,083 sf in size. The multi-family lot is 1.1 acres in size and will allow up to 25 residential units.

The proposed project furthers the policy objective for “Urban Villages” to have “*higher densities and mixed uses in the village cores*” and to “*provide a wide range of residential housing opportunities...which promotes a blend of multi-family and single-family housing styles and densities, integrated and compatible with other land uses in the area.*” The proposed project would support Smart Growth Principles, as it provides compact development oriented to pedestrians, bicyclists and transit, and would further minimize urban sprawl development patterns. The proposed changes would also provide more land use diversity, increase pedestrian orientation and make commercial uses in Village 2 more viable.

All off-site public streets required to serve the subdivision already exist or will be constructed or funded by the Applicant in accordance with the Supplemental PFFP and Conditions of Approval. The on-site public streets are designed in accordance with the City design standards and/or requirements and provides for vehicular and pedestrian connections.

2. Economic Development

The proposed project results in an increase 1,562 residential units. There is a reduction of 70 typical single family lots and provision of a wider range of housing options and pricing for potential home-buyers in the current housing market. By adding these units, increased patronage to the nearby commercial and public/quasi-public uses can be anticipated to contribute to greater economic development within Village 2 and the City.

The Project allows for further development of detached small lot single-family homes and multi-family housing. The Project provides homebuyers the opportunity to purchase both attached and detached homes with greater affordability, reduced maintenance/utility costs, and less dependency on the automobile, a guiding principal of the Otay Ranch GDP. The proposed homes also provide further variation in housing opportunities available to Chula Vista residents, consistent with General Plan Objective ED 2.

The proposed project also fosters economic development benefits at the community level by providing for increased housing densities within the same development footprint. These increased densities allow for infrastructure and municipal services to be provided at reduced cost per capita (more people served by the same municipal services). Additionally, with increased housing (and population) within the same development footprint, increased densities improve the viability of community serving commercial and public/quasi public uses as well as alternative transportation modes. As a result, the proposed project may serve as a catalyst for small and mid-sized industries and businesses and community serving and neighborhood uses, consistent with General Plan Objectives ED 3 and ED 9.

3. Public Facilities and Services

The Project has been conditioned to ensure that all necessary public facilities and services will be available to serve the Project concurrent with the demand for those services. A Supplemental PFFP has been prepared to analyze the additional demand generated by 1,562 new units for public services and facilities, and the phasing needs created by the Project.

A project-level water quality technical report was completed for the proposed project. The water quality technical report outlines the means and methods for achieving the water quality treatment and hydromodification requirements of the City of Chula Vista. The recommendations of the report will be implemented through grading and improvement plans approved by the City Engineer.

The proposed project would continue to comply with all applicable rules and regulations including compliance with NPDES permit requirements for urban runoff and storm water discharge. Best Management Practices (BMPs) for design, treatment and monitoring for storm water quality would be implemented as delineated in the Mitigated Negative Declaration with respect to municipal and construction permits. Compliance with all applicable rules and regulations governing water quality as well as implementation of all mitigation measures outlined in the Mitigated Negative Declaration and the water quality technical report would ensure no additional impacts to water quality.

Project-specific analyses have been conducted relative to the project's potential sewer and water impacts. The proposed project would increase average projected water demands by 472,420 gallons per day (gpd). A Water Supply Assessment and

Verification Report analyzing these new demands was approved by the Otay Water District's Board of Directors on November 6, 2013.

The proposed project adds 1,562 units to the Poggi and Salt Creek basins, which results in an increase of 248,730 gpd (938 EDU) to the Poggi Basin and 128,315 gpd (484 EDU) to the Salt Creek Basin. Two reaches of the Poggi Canyon Interceptor have already been identified for future replacement; the proposed project would require one additional reaches of the Poggi Canyon Interceptor to be upgraded in the future. Upon approval of the proposed project, the Development Impact Fee for the Poggi Basin would be updated to reflect the inclusion upsizing of P345 to P363 and to include these additional units. The new units do not result in any deficiencies in the Salt Creek Basin.

4. Environmental Element

The proposed project has been reviewed in accordance with the requirements of CEQA. A Water Quality Technical Report, Traffic Impact Study, Noise Impact Report, Air Quality and Global Climate Change Evaluation, Sewer Service Technical Memo and Water Service Technical Memo have been prepared, reviewed and approved by the City. A Supplemental Environmental Impact Report (SEIR-12-01) has been prepared for the project in order to address the proposed addition of 1,562 units (inclusive of the subject 31 units associated with this Tentative Map) to the Village 2 SPA Plan.

5. Growth Management

The proposed project would result in 1,562 additional dwelling units in Village 2. A Supplemental PFFP has been prepared which analyzes any potential impacts on public facilities and services, and identifies the facilities, phasing and timing triggers for the provision of facilities and services to serve the project, consistent with the City's Quality of Life Threshold Standards.

A project-specific traffic study, the *Traffic Impact Analysis Village 2 Comprehensive SPA Amendment*, analyzes the impact of 1,562 additional units in Village 2. The traffic study concludes that the proposed project would generate a total of 13,840 external daily trips by buildout of the project, including 1,068 AM peak hour trips and 1,367 PM peak hour trips.

Direct traffic impacts would occur at two intersections along Heritage Road; signalization would mitigate the intersection with Avenida De Las Vistas (in the City of San Diego) and the intersection with Olympic Parkway will be mitigated through payment of TDIF fees that will allow for the construction of Main Street and La Media Road. Additionally, the project would result in cumulative impacts to seven other intersections. Of these, all but one will be mitigated through signal and road improvements that are covered by the TDIF program (towards which the project will pay all appropriate fees). The final intersection, at I-805 SB ramps and Olympic Parkway, has no feasible mitigation and remains significant and unmitigable.

In terms of study area roadway segments, the proposed project would result in a direct traffic impact on Heritage Road between East Palomar Street and Olympic Parkway. This direct impact would be mitigated by payment of TDIF fees for the construction of Main Street between Heritage Road and La Media Road. Two other roadway segments would be cumulatively impacted by the proposed project. Olympic Parkway between Heritage Road and Santa Venetia Street would be mitigated through payment of TDIF fees toward construction of Main Street between Heritage Road and La Media Road. The other roadway segment, Orange Avenue between Melrose Avenue and I-805 SB Ramps, has no feasible mitigation and remains significant and unmitigable.

In addition to roadway and intersection impacts, traffic generated by the proposed project would have a cumulative impact on I-805, from SR-94 to Telegraph Canyon Road. For this, there is no feasible mitigation available, and the impact would remain significant and unmitigable.

The Project site is within the boundaries of the Chula Vista Elementary School District (CVESD). Based on Student Generation Factors from CVESD, the proposed 1,562-unit increase would result in roughly 539 additional elementary school students. A single elementary school was planned within the Village 2 core to serve the build-out population, but due to the increased student generation, the project proposes a second school in the expanded southern portion of the core. It is anticipated the entire Village 2 project will now generate approximately 1,517 students. CVESD sizes elementary schools to accommodate between 750 and 1,000 students; therefore, the new students would not result in inadequate school facilities. The CVESD will determine which elementary school students generated by the project will attend on an interim basis.

The Project is also within the attendance area of Olympian High School, within the Sweetwater Union High School District (SUHSD). It is anticipated that approximately 123 middle school and 344 high school students are generated by the Village 2 SPA Amendment project.

The project site is within the boundaries of established Communities Facilities Districts for both CVESD (CVESD CFD 17) and SUHSD (SUHSD CFD 17). As such, the Applicant will mitigate impacts on secondary and elementary school facilities through participation in CVESD and SUHSD CFDs.

6. Open Space and Conservation

The proposed project meets the minimum open space requirement per the Village 2 SPA Plan and Planned Community District Regulations. The project generates a demand for an additional 12.16 acres of park land. This obligation will be met through the Applicant's dedication of parkland. To achieve this, two new public parks have been created and two within the existing plan have been expanded.

As part of the Villages 2 SPA Plan, 109 acres of open space was required to be provided to meet Otay Ranch GDP threshold. The Village 2 SPA Plan provided approximately 203.5 acres of on-site open space. The proposed project would increase the open space demand to 176.7 acres. The 181.2 acres provided in the village exceeds the Otay Ranch GDP open space requirement.

In addition, the Otay Ranch Resource Management Plan requires conveyance of 1.188 acres of preserve land for every acre of non-common development area. Applicant will be responsible for satisfying this requirement concurrently with the processing of the final maps. Because the amendment is over areas of previously planned development, the total dedication required does not change much from the original project. The Applicant has existing “credits” which were previously dedicated to the Otay Ranch Preserve Owner/Manager which will be used to partially satisfy this obligation.

The proposed landform grading conforms to the City’s grading Ordinance and retains regional and natural open space features. The development of the site is consistent with the goals and policies of the Conservation Element.

- B. Pursuant to Government Code Section 66473.1 of the Subdivision Map Act, the configuration, orientation, and topography of the site allow for the optimum siting of lots for natural and passive heating and cooling opportunities. The development of the site will be subject to site plan and architectural review to ensure the maximum utilization of natural and passive heating and cooling opportunities.
- C. Pursuant to Government Code Section 66412.3 of the Subdivision Map Act, the Council certifies that it has considered the effect of this approval on the housing needs of the region and has balanced those needs against the public service needs of the residents of the City and the available fiscal and environmental resources.
- D. The site is physically suited for residential development, because it is generally level and is located adjacent to existing residential developments. The Project conforms to all standards established by the City for a residential development.
- E. The conditions herein imposed on the grant of permit or other entitlement herein contained is approximately proportional both in nature and extent to the impact created by the proposed development.

### III. GOVERNMENT CODE SECTION 66020 NOTICE

Pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, set aside, void or annual imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to

planning, zoning, grading, or other similar application processing fees or service fees in connection with the project; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Project subject to the general and special conditions set forth below.

#### IV. TENTATIVE MAP GENERAL CONDITIONS OF APPROVAL

Unless otherwise specified or required by law: (a) the conditions and Code requirements set forth below shall be completed prior to the related Final Map as determined by the Development Services Director and the City Engineer, unless otherwise specified, "dedicate" means grant the appropriate easement, rather than fee title. Where an easement is required the Applicant shall be required to provide subordination of any prior lien and easement holders in order to ensure that the City has a first priority interest and rights in such land unless otherwise excused by the City. Where fee title is granted or dedicated to the City, said fee title shall be free and clear of all encumbrances, unless otherwise excused by the City.

Should conflicting wording or standards occur between these conditions of approval, any conflict shall be resolved by the City Manager or designee.

#### **GENERAL/PLANNING AND BUILDING**

1. The Applicant, or his/her successors in interest, shall improve the Project Site with the Project as described in the Tentative Subdivision Map, Chula Vista Tract No. 12-02, 12-03, 12-04, and 12-05 generally located south of the existing Olympic Parkway and west of La Media Road.
2. The Project shall comply with approved General Plan Amendment GPA-12-04 and General Development Plan Amendment PCM-12-17, the Sectional Planning Area (SPA) Plan PCM-12-18, approved November 4, 2014, and all supporting documents including but not limited to Public Facilities Finance Plan, Parks, Recreation, Open Space and Trails Plan, Affordable Housing Plan and Non-Renewable Energy Conservation Plan, Air Quality Improvement Plan, Water Conservation Plan Fire Protection Plan and the City of Chula Vista Standard Tentative Map Conditions, as attached hereto and incorporated herein.
3. Prior to the issuance of the 60<sup>th</sup> residential building permit for Neighborhood R-20, the Applicant shall commence construction on the CPF-2 park site, to the satisfaction of the Development Services Director.
4. Applicant shall pay in full any unpaid balance for the Project, including Deposit Account No. DQ1696.
5. The Applicant shall implement, to the satisfaction of the Development Services Director and the City Engineer, the mitigation measures identified in the Supplemental Environmental Impact Report (CV SEIR 12-01) for Amendments to the Chula Vista



General Plan (GPA 12-04) and Otay Ranch General Development Plan (PCM-12-17) and associated Mitigation Monitoring and Reporting Program (MMRP) for the Project; and the Otay Ranch Sectional Planning Area (PCM-12-18) Supplemental Environmental Impact Report (CV SEIR 12-01) and associated Mitigation Monitoring and Reporting Program (MMRP) for the Project, within the timeframe specified in the MMRP.

6. The CC&R's for each HOA within the project shall contain a provision that provides all new residents with an overflight disclosure document that discloses the following information during any real estate transaction or prior to lease signing, as required by the Brown Field ALUCP:

*NOTICE OF AIRPORT VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.*

A copy of this disclosure document shall be recorded with the City of Chula Vista as part of project approval. Each prospective homeowner shall sign the disclosure document confirming they have been informed of the vicinity of the airport prior to the purchase of a home.

7. The Applicant shall obtain approval of a subsequent Final Map showing condominium ownership prior to development of condominiums within any Planning Area proposing mixed residential/commercial or multi-family residential uses.
8. The Applicant shall construct public facilities in compliance with the Otay Ranch Village 2 Comprehensive SPA Public Facilities Finance Plan (as amended from time to time) as specified in the Threshold Compliance and Recommendations Section for each public facility chapter. At the applicant's request, the City Engineer and Development Services Director may, at their discretion, modify the sequence, schedule, alignment and design of improvement construction should conditions change to warrant such a revision.
9. Prior to the first final map, the applicant will enter into an agreement to provide funding for periods where project expenditures exceed projected revenues in compliance with CVMC 19.09.060(J).
10. The Applicant shall dedicate, with the applicable final map, for public use all the public streets shown on the tentative map within the subdivision boundary. The applicant shall construct or enter into an agreement to construct and secure all street and intersection improvements as necessary to mitigate the impacts of the Project and as specified in Otay Ranch Village 2 SPA Plan Supplemental Public Facilities Finance Plan Table B.5 "Phasing Summary" and Table C.6 "Project Frontage & Access". The Applicant shall

construct the public improvements and provide security satisfactory to the City Engineer and City Attorney.

11. Prior to approval of any final map showing public or private streets, the Applicant shall obtain approval of street names to the satisfaction of the Development Services Director and City Engineer.
12. In accordance with Standard Tentative Map Condition 40: The applicant shall notify the City at least 60 days prior to consideration of the first map by the City if any of-site right-of-way or any interest in real property needed to construct or install offsite improvements cannot be obtained as required by the Conditions of Approval. After said notification, the developer shall comply with the requirements set forth in Standard Condition 40.
13. Prior to approval of the first Final Map for the Project, the Applicant(s) shall provide an approved amendment to the Subarea Water Master Plan (SAMP) by the Otay Water District. The SAMP will provide more detailed information on the project such as project phasing; pump station and reservoir capacity requirements, and extensive computer modeling to justify recommended pipe sizes. (Engineering, Planning).
14. Prior to approval of each Final "B" Map, present verification to the City Engineer in the form of a letter from Otay Water District that the subdivision will be provided adequate water service and long-term water storage facilities. (Engineering, Planning)
15. Prior to approval of each Final Map or Grading Plan for the Project, the Engineer-of-Work shall submit and obtain approval by the City Engineer a waiver request for all subdivision design items not specifically waived on the Tentative Map, and not conforming to adopted City standards. The Engineer-of-work request shall outline the requested subdivision design deviations from adopted City standards and state that in his/her professional opinion, no safety issues will be compromised. The waiver is subject to approval by the City Engineer in the City Engineer's sole discretion. (Engineering)
16. Prior to approval of any construction permit, Applicant shall ensure that all emergency access roads are designed with a Traffic Index of 5 and constructed out of concrete or as approved by the City Engineer. (Engineering)

**Public Facilities:**

17. Prior to approval of the Final Map that contains the public transit facilities, the Developer shall provide a deposit in the amount of \$20,000 for each transit stop payable to the City of Chula Vista for a Capital Improvement Project for future transit improvements, or enter into an agreement to construct future transit improvements to the satisfaction of the Chula Vista Transit Coordinator and MTS.
18. Prior to issuance of any building permit for a residential unit located within the City of San Diego's easement for the Otay II Pipeline, Applicant shall relocate the waterline from within Village Two to Olympic Parkway and La Media Road.

19. Prior to the approval of the first Final Map for the Project, the Developer shall provide an agreement to the satisfaction of the Development Services Director stating that the Applicant will not protest the formation of a reimbursement district to finance the construction of Heritage Road for its prorated share of the road as determined by the Development Services Director.
20. Prior to each final map developer shall either demonstrate that Poggi Sewer has adequate capacity or upsize the inadequate segment, all to the satisfaction of the Director of Development Services.
21. Prior to the first final map, Developer shall fund the updates of the Poggi Canyon and Salt Creek Sewer DIFs to include the projects proposed additional units. Further, prior to the first final map developer shall agree not to protest the update of the Poggi and Salt Creek Sewer DIF.
22. Applicant shall agree to update the pedestrian bridge DIF to incorporate additional units or change in facility cost or location refinements facilities prior to approval of the first final map.

**Affordable Housing:**

23. Prior to approval of the first final map for the project, the Developer shall enter into a Balanced Communities Affordable Housing Agreement, in compliance with applicable City and State of California regulations. If an existing Affordable Housing Agreement is already in place, Applicant shall adhere to the terms thereof.

**Grading:**

24. Grading plans that include freestanding walls or sound walls adjacent to 2:1 or greater slopes more than 6 feet high shall include a minimum 2 ft. wide level bench for landscaping and maintenance access adjacent to the wall
25. Applicant whose property is adjacent to graded slopes where landscape and irrigation is required to be installed shall be responsible for that portion of the slope landscape and irrigation installation.
26. Prior to City acceptance of any landscaped areas, Applicant shall install permanent water meters in accordance with the approved landscape and irrigation plans to the satisfaction of the Development Services Director.
27. Prior to issuance of any grading permit, the Applicant shall ensure that all earthwork shall balance to the satisfaction of the development services director and the city engineer. (Land Development)
28. Prior to the issuance of any construction or grading permit which impacts off-site property, the Applicant shall deliver to the City, a notarized letter of permission to construct or grade and drain for all off-site grading. (Engineering)

29. Prior to issuance of any grading or construction permit based on plans proposing the creation of down slopes adjacent to public or private streets, Applicant shall obtain the City Engineer's approval of a study to determine the necessity of providing guardrail improvements at those locations. Applicant shall construct and secure any required guardrail improvements in conjunction with the associated construction permit as determined by and to the satisfaction of the City Engineer. The guardrail shall be installed per CalTrans Traffic Manual and Roadside Design Guide requirements and American Association of State Highway and Transportation Officials (AASHTO) standards to the satisfaction of the City Engineer.
30. Applicant shall ensure that all private lot drainage and slopes comply with the current building code used by the City of Chula Vista.
31. Prior to the first final map or grading permit for the Project, Applicant shall enter into an agreement to maintain and repair any erosion caused by the Project on any offsite property to the satisfaction of the Director of Development Services.

**Parks:**

32. The Applicant shall offer for dedication, with the appropriate final maps, for public use, all the remaining park sites identified in the SPA plan and tentative maps that have not been previously offered for dedication (except the 0.3 acre located within R-4B(b) lot 2 which shall be offered for dedication, if necessary to meet parkland obligations, prior to approval of the final map for Neighborhood R-4B(b).
33. The Applicant shall remove all easements and encumbrances in the IOD areas of park sites in V2 prior to acceptance of parkland by the City.
34. Prior to City acceptance of parkland located in the City of San Diego's easement for the Otay II Pipeline, Applicant shall relocate the waterline from within Village Two to Olympic Parkway and La Media Road. No credits will be issued for parkland acquisition until the easement is removed and the land is unencumbered.

**Landscaping/Walls/Fences:**

35. Applicant shall comply with Standard Conditions 31, 32, 34, 35, and 37.
36. Prior to approval of the grading plans for Ind-3, landscape plans depicting edge treatments of the proposed basins and any necessary walls or fencing shall be submitted for approval to the satisfaction of the Development Services Director.

**Preserve Open Space**

37. Prior to the approval of the first final map for the SPA Plan, the applicant shall annex the project area within the Otay Ranch Preserve Community Facilities District No. 97-2.

38. Prior to recordation of each final map the applicant shall convey fee title to land within the Otay Ranch Preserve to the Otay Ranch Preserve Owner Manager or its designee at a ratio of 1.188 acres for each acre of development area, as defined in the Otay Ranch Resource Management Plan. Each tentative map shall be subject to a condition that the applicant shall execute a maintenance agreement with the Preserve Owner Manager stating that it is the responsibility of the applicant to maintain the conveyed parcel until the Otay Ranch Preserve Community Facilities District No. 97-2 has generated sufficient revenues to enable the Preserve Owner Manager to assume maintenance responsibilities. The applicant shall maintain and manage the offered conveyance property consistent with the Otay Ranch Resource Management Plan Phase 2 until the Otay Ranch Preserve Community Facilities District No. 97-2 has generated sufficient revenues to enable the Preserve Owner Manager to assume maintenance and management responsibilities.

**Other**

39. Prior to construction of a Bus Rapid Transit or Rapid Bus transit station at the corner of La Media Road and State Street, Applicant shall coordinate with SANDAG, the Chula Vista Transit Coordinator and the Development Services Director for the design of such a facility.
  40. Prior to issuance of the first building permit or other discretionary permits for mixed use, multi-family, or other non-residential developments within the project site, the Applicant shall comply with applicable provisions of Municipal Code Section 8.24 - Solid Waste and Litter, and Section 8.25 – Recycling, related to development projects, to the satisfaction of the Department of Public Works, Environmental Services Division. These requirements include, but are not limited to the following design requirements:
    - a. The Applicant shall design mixed-use, multi-family, and commercial development projects to comply with the Recycling and Solid Waste Standards for central collection bin services.
    - b. The Applicant shall design each single-family lot or residence to accommodate the storage and curbside pickup of individual trash, recycling and green waste containers (3 total), as approved for a small-quantity generator (single family residential use).
- B. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:
1. Approval of this request shall not waive compliance with all sections of the Chula Vista Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
  2. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval of this tentative map and (b) City's

approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Tentative Subdivision Map where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

3. All of the terms, covenants and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Developer as to any or all of the Property.
4. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan; the City's Growth Management Ordinance; Chula Vista Landscape Manual, Chula Design Plan; Otay Ranch General Development Plan, Otay Ranch Resource Management Plan, Phase 1 and Phase 2; Ranch Wide Affordable Housing Plan; Otay Ranch Overall Design Plan; Otay Ranch Village Two Sectional Planning Area (SPA) Plan and supporting documents including: Village Two Public Facilities Finance Plan and supplemental PFFP; Village Two Parks, Recreation, Open Space and Trails Plan; Village Two SPA Affordable Housing Plan and the Non-Renewable Energy Conservation Plan as amended from time to time, unless specifically modified by the appropriate department head, with the approval of the City Manager. These plans may be subject to minor modifications by the appropriate department head, with the approval of the City Manager, however, any material modifications shall be subject to approval by the City Council.
5. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted including issuance of building permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted; institute and prosecute litigation to compel their compliance with said conditions; and/or seek damages for their violation. The applicant shall be notified 10 days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.
6. Applicant shall indemnify, protect, defend and hold the City harmless from and against any and all claims, liabilities and costs, including attorney's fees, arising from challenges to the Supplemental Environmental Impact Report (SEIR-12-01) and subsequent environmental review for the Project and any or all entitlements and approvals issued by the City in connection with the Project.
7. The applicant shall comply with all applicable Village Two SPA conditions of approval, (PCM 12-18) as may be amended from time to time.

#### VI. EXECUTION AND RECORDATION OF RESOLUTION OF APPROVAL

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read,



