

COUNCIL RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING A TENTATIVE SUBDIVISION  
MAP FOR THE OTAY RANCH VILLAGE EIGHT WEST  
PROJECT SUBJECT TO THE CONDITIONS CONTAINED  
HEREIN

I. RECITALS

1. Project Site

WHEREAS, the area of land that is the subject of this Resolution is depicted in Exhibit A, attached hereto and incorporated herein by this Reference and commonly known as Otay Ranch Village 8 West (APNs 644-070-12-00 and 644-070-14-00), consisting of approximately 300.7 acres, and generally located south of the existing terminus of La Media Road and southwest of the intersection of Magdalena Avenue and Main Street (Project Site); and

WHEREAS, in December 2013, the Village 8 West Sectional Planning Area (SPA) Plan was approved by Chula Vista City Council Resolution 2013-270; and

WHEREAS, in December 2013, a Tentative Subdivision Map for Village 8 West (CVT 09-04) was approved by Chula Vista City Council Resolution 2013-271 to implement the Village 8 West SPA Plan; and

2. Project; Applications for Discretionary Approval

WHEREAS, on May 13, 2019, a duly verified application requesting approval of an amendment to the SPA Plan (MPA19-0011) and a new Tentative Subdivision Map (PCS19-0003) for Village 8 West (Project), were filed with the City of Chula Vista Development Services Department by HomeFed Village 8, LLC (“Applicant” and “Owner”); and

WHEREAS, the Applicant requests approval of a Tentative Map to subdivide 300.7 acres into parcels supporting 2,334 residential units and up to 300,000 square feet of commercial/office space on the Project Site; and

3. Environmental Determination

WHEREAS, the City’s Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and determined that the Project is substantially covered in the previously certified Final Environmental Impact Report for Village 8 West (FEIR 10-03/SCH #2010062093), that only minor technical changes or additions to this document are necessary, and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Director of Development Services has caused the preparation of an Addendum to FEIR 10-03 (IS19-0002) for consideration; and

4. Planning Commission Record on Application

WHEREAS, a hearing time and place was set by the Planning Commission for consideration of the Project and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its 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, the Planning Commission held an advertised public hearing on the Project and voted to forward a recommendation to the City Council on the Project; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project, and the minutes and resolution resulting therefrom, are incorporated into the record of this proceeding; and

5. City Council Record on Application

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

WHEREAS, the City Council of the City of Chula Vista held a duly noticed public hearing to consider the Project at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed; and

WHEREAS, immediately prior to this action, the City Council considered an Addendum to FEIR 10-03 (IS19-0002), pursuant to Resolution No. 2020- A; and

WHEREAS, immediately prior to this action, the City Council approved a General Plan Amendment (MPA19-0009) and a General Development Plan Amendment (MPA19-0010), pursuant to Resolution No. 2020- B; and

WHEREAS, immediately prior to this action, the City Council approved the Village 8 West SPA Plan Amendment (MPA19-0011), pursuant to Resolution No. 2020- C.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby find and determine, 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 for Otay Ranch Village 8 West, is in conformance with the elements of the City's General Plan, based on the following:

1. Land Use and Circulation

The Project is consistent with and implements the Otay Ranch Village 8 West SPA Plan by establishing developable parcels, public improvements and public facilities that create an active mixed-use Town Center and other complementary adjacent land uses, including community purpose facilities, public schools and parks, and residential neighborhoods that offer a variety of housing types and densities. The

Town Center is comprised of integrated commercial, residential, office and town square uses. The Project is designed to encourage residents to utilize alternative modes of transportation such as rapid bus transit service, pedestrian sidewalks and trails, and bicycle lanes.

The Project includes a vehicle circulation system that complies with the requirements of the Chula Vista General Plan, the Otay Ranch General Development Plan (GDP), and the Otay Ranch Village 8 West SPA Plan. The circulation system includes La Media Parkway and Main Street, developed with two intersecting one-way, two-lane couplet streets with reduced lane widths and bulb-outs at intersections, which will enhance pedestrian comfort and safety in the Town Center. The construction of the circulation system will be phased in accordance with the Village 8 West SPA's Public Facilities Financing Plan (PFFP), such that the development of the circulation system will respond to planned growth and maintain acceptable levels of service, as required by the City's Growth Management Program.

## 2. Economic Development

The Project will contribute to the economic base of the City by providing a new, high-quality, energy-efficient mixed-use Town Center. The integration of commercial, office and multi-family residential uses is designed to enhance the image and appearance of the Otay Ranch community and provide a local employment center. Approval of the Project will help achieve the General Plan objectives that seek to promote a variety of job and housing opportunities to improve the City's jobs/housing balance, provide a diverse economic base, and encourage the growth of small businesses.

## 3. Public Facilities and Services

**Schools:** To fulfill educational needs of students residing in Village 8 West an 11.1-acre Elementary School site has been reserved as described in the PFFP for acquisition by the Chula Vista Elementary School District. The Chula Vista Elementary School District will be able to accommodate the additional students generated by the Project, and the existing schools will not be adversely impacted by the approval of the Project.

**Wastewater:** The Project Site is within the boundaries of the City of Chula Vista wastewater services area. Sewer capacity needs for the Project, in conjunction with long-term growth in the area, have been analyzed in the PFFP. Sewer capacity will be available to serve the Project subject to the PFFP requirements, which are included as conditions of approval for the Project. Based on these requirements, no adverse impacts to the City's sewer system or City's sewer threshold standards will occur as a result of the Project.

**Parkland:** The Project has been conditioned to dedicate parkland for one neighborhood park, the Town Square, and the on-site portion of the Otay Ranch North Community Park. The total dedicated park acreage is expected to be approximately 23.4 acres overall, which exceeds the acreage required for Village 8 West (19.8 acres are required). The excess acreage will be applied to the Village 9 park obligation. Phasing of park facilities and maintenance has been addressed in the PFFP. The actual park facilities and amenities will be determined in conjunction with

the park master plan process for each individual park. The Applicant will also be required to pay park acquisition and development fees pursuant to the provisions in the Village 8 West Park Agreement.

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. The City Engineer, Fire and Police Departments have reviewed the proposed subdivision for conformance with City safety policies and have determined that the proposal meets those standards. Project construction will be required to comply with the applicable California Green Building Standards, the City's Green Building Standards and the City's Energy Efficiency Ordinance in affect at the time of Building Permit issuance, and therefore energy-efficient homes will be developed.

4. Housing

The Project will provide a variety of housing types, including high-quality, market-rate single-and multi-family residential home ownership opportunities, as well as affordable housing opportunities, as required by the Affordable Housing Program prepared for Project. The Project has been conditioned to require that the Applicant enter into an agreement to provide affordable housing prior the approval of the first Final Map. Thus, the Project is consistent with the Housing Element of the City's General Plan, providing additional opportunities for high-quality, market-rate single-family residential home ownership in the southeastern portion of the City.

5. Growth Management

The Project complies with applicable Growth Management Element requirements because a PFFP (2013) and Supplemental PFFP (2019) have been prepared as required by the GMOC. These PFFP requirements have been included in the Project's conditions of approval.

6. Environmental Element

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it was determined that the Project is substantially covered in the previously certified Final Environmental Impact Report for Village 8 West (FEIR 10-03), which addressed the goals and policies of the Environmental Element of the General Plan and found the development of Village 8 West to be consistent with these goals and policies. A Sewer Evaluation Amendment Report, a Water Evaluation Amendment Report, an Air Quality and Greenhouse Gas Update, a Noise Update Analysis, a Trip Generation Analysis, a Geotechnical Review of the Tentative Map, and a Cultural and Paleontological Resources Review have been prepared, reviewed and approved by City Staff. The Development Services Director determined that only minor technical changes or additions to FEIR 10-03 are necessary, and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Director caused the preparation of an Addendum to FEIR 10-03 (IS19-0002).

7. Open Space and Conservation

The Project meets the minimum open space requirement in accordance with the Village 8 West SPA Plan and Planned Community District Regulations/Form-Based Code. The Project generates a demand of 23.4 gross acres of parkland. This obligation will be met through the dedication and development/in-lieu fees for a Neighborhood Park, a Town Square and a portion of the Otay Ranch North Community Park.

The Otay Ranch Resource Management Plan (RMP) requires conveyance of 1.188 acres of land to the Otay Ranch Preserve for every one-acre of developed land prior to the recordation of any Final Map. Approximately 261.2 acres will be conveyed to the Otay Ranch Preserve Owner Manager via grant deed. The Project is consistent with the requirements of the Otay Ranch RMP and Multi-Species Conservation Program (MSCP) Subarea Plan.

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

8. Safety

The City Engineer, Fire and Police Departments have reviewed the proposed subdivision for conformance with City safety policies and have determined that the proposal meets those standards.

9. Noise

The Project has been reviewed for compliance with the Noise Element and will comply with applicable noise measures at the time of issuance of a Building Permit.

- B. Pursuant to Government Code Section 66473.1 of the Subdivision Map Act, the configuration, orientation, and topography of the site allows for the optimum siting of lots for natural and passive heating and cooling opportunities and that 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. Pursuant to Government Code Section 66474 (a-g) of the Subdivision Map Act, the proposed Project meets the following requirements:
  - a. The Project is consistent with applicable general and specific plans as specified in Section 65451 because the General Plan designations for Otay Ranch allow for a maximum of 2,334 residential units within Village 8 West and the Project proposes 2,334 residential units. The Project is within a SPA/Specific Plan area.
  - b. Project design or improvement is consistent with applicable general and specific plans. The Project's design is consistent with the Village 8 West SPA Plan and its

form-based code/zoning classifications which are consistent with the General Plan's land use designations for Otay Ranch.

- c. Project Site is suitable for the proposed density of development. The Project development is within the allowed density range, with a maximum yield of 2,334 residential units and up to 300,000 commercial/office square feet.
  - d. Project Site is physically suitable for the type of development. The Project is surrounded by existing and entitled (future) planned community developments with available access and infrastructure to serve the Project.
  - e. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project has been designed to minimize landform disturbance with cut and fill slopes balance, and on a disturbed site that avoids permanent disturbance or injury to wildlife or their habitat.
  - f. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the Project has been designed to have suitable separation between homes, is able to be served by fire and emergency services and is located over 500 feet from a major highway.
  - g. The subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The project's roadways and utilities are within and are not in conflict with existing easements.
- E. The site is physically suited for development because it will be developed in conformance with the Otay Ranch Village 8 West Sectional Planning Area Plan and associated FEIR-10-03, which contain provisions to ensure that the site is developed in a manner that is consistent with the standards established by the City for a master-planned community.
- F. The conditions herein imposed on the entitlement contained herein are approximately proportional both in nature and extent to the impact created by the proposed development.

### III. TENTATIVE MAP CONDITIONS OF APPROVAL

Unless otherwise specified or required by law, the conditions and Chula Vista Municipal Code ("CVMC" or "Municipal 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, or their designees. 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 and any other entitlement document, any conflict shall be resolved by the City Manager or designee.

A. General Conditions

1. The Applicant, or his/her successors in interest, shall improve the Project Site as described in the Tentative Subdivision Map, Chula Vista Tract Number 19-03, generally located south of the existing terminus of La Media Road, and southwest of the intersection of Magdalena Avenue and Main Street.
2. The Project shall comply with the General Plan, the General Development Plan, and the Village 8 West SPA Plan, and all supporting documents including but not limited to the Public Facilities Finance Plan, the Air Quality Improvement Plan, the Non-Renewable Energy Conservation Plan, the Affordable Housing Plan, and the City of Chula Vista Standard Tentative Map Conditions ("STMC")(Subdivision Manual Section 5-300), as referenced hereto and incorporated herein.
3. The Applicant shall pay in full any unpaid balance for the Project, including Deposit Account DDP1539.
4. Prior to the issuance of the 1,167th residential building permit for the Village 8 West Project, the Applicant shall obtain approval of a Final Map, grading plan and improvement plans that ensure that the Community Purpose Facility (CPF) Site Lot R is graded and in a usable condition, including installation of necessary access and utilities, to the satisfaction of the Development Services Director.
5. The Applicant shall implement, to the satisfaction of the Development Services Director and the City Engineer, the mitigation measures identified in the Otay Ranch Village 8 West SPA Plan Environmental Impact Report (FEIR 10-03) and associated Mitigation Monitoring and Reporting Program (MMRP), as well as any relevant MMRP measures in the University Villages (Village 8 East) Environmental Impact Report (FEIR 13-01), within the timeframe specified in the respective MMRPs.
6. The Applicant shall submit Covenants, Conditions and Restrictions (CC&Rs) for review and approval prior to approval of the Final Map. Said CC&Rs shall include the following, in addition to the requirements of STMC 34:
  - a. Indemnification of City for private sewer spillage.
  - b. Indemnification of City-General.
  - c. Listing of maintained private facilities.
  - d. The City's right but not obligation to enforce the CC&Rs.
  - e. Provision that no private facilities shall be requested to become public unless all homeowners and 100% of the first mortgage obligees have signed a written petition.
  - f. Maintenance of all walls, fences, lighting structures, paths, recreational amenities and structures, sewage facilities, drainage structures and landscaping.

- g. Implement education and enforcement program to prevent the discharge of pollutants from all on-site sources to the storm water conveyance system.
      - h. Said CC&Rs shall be consistent with CVMC Chapter 18.44, the Subdivision Ordinance, and shall be recorded concurrently with the Final Map.
7. The CC&Rs for each Homeowners Association (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 Airport Land Use Compatibility Plan (ALUCP):
  - a. 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.
  - b. A copy of this disclosure document shall be recorded with the San Diego County Recorder's Office and a conformed copy submitted to the City of Chula Vista as part of the 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 or lease of a home.
8. 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.
9. The Applicant shall construct public facilities in compliance with the Otay Ranch Village 8 West 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.
  - a. Prior to approval of any Final Map, the Applicant shall present verification to the City Engineer in the form of a letter from the Otay Water District that the subdivision will be provided adequate water service and long-term water storage facilities.
  - b. Prior to approval of any 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.
  - c. Prior to approval of any Construction Permit, the 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.



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 and as specified in Otay Ranch Village 8 West SPA Plan Public Facilities Finance Plan Table 4.1.3A, "Project Access and Direct Traffic Mitigation Threshold Requirements" and Table 4.1.4, "Internal Street Improvements."
  - a. The Applicant shall secure and agree to construct all backbone roadway improvements shown on the approved Village 8 West Tentative Map (CVT19-03) prior to approval of the first Final "A" Map within Village 8 West, satisfactory to the City Engineer and City Attorney.
  - b. The Applicant shall be required to secure and agree to construct all in-tract street improvements shown on the approved Village 8 West Tentative Map (CVT 19-03) prior to approval of each corresponding Final "B" Map, 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. Prior to submittal of any Design Review application, the Applicant must obtain Master Developer Approval.
13. Prior to the first Final Map for the Town Center, Applicant shall submit and obtain approval by the City of a Master Precise Plan and Planned Sign Program for the Town Center. The Applicant shall be required to obtain an approval of a Master Encroachment Permit prior to construction of signage in the public right-of-way in the Town Center, to the satisfaction of the City Engineer and Development Services Director.
14. Prior to issuance of the 2,241<sup>st</sup> Building Permit, the Applicant shall either construct 23,400 square feet of commercial/office space or the Applicant shall off-set the revenue shortfall in Years 7 and 8 with a one-time payment to the City of Chula in the amount of \$41,644.
15. Prior to approval of a Design Review application that includes any portion of Parcel H (as shown on Tentative Map No. 19-03 as Parcels H-1A, H-1B, H-1C and H-1D), the Village 8 West Master Developer or Parcel H Developer shall prepare a Parcel H Conceptual Commercial Site Plan that distributes the minimum 20,000-square foot of commercial office/retail required per the SPA Site Utilization Table between Parcels H-1A, H-1B, H-1C, H-1D. Said plan shall be comprised of a 1:100' scale exhibit addressing conceptual building placement, approximate commercial square footage per parcel/neighborhood lot, parking lot/drive aisle locations, vehicular and pedestrian circulation and access and master signage locations. Architecture, landscaping, lighting, walls, bicycle storage, internal courtyards and open space areas, building signage and other design elements shall be addressed on individual Design Review submittals. The Parcel H Conceptual Commercial Site Plan shall be subject to review and approval of the Development Services Director, or his designee. If the Master Developer or Parcel H Developer's Design Review application includes the minimum 20,000-square foot of commercial office/retail required for the entire Parcel H area, then the Parcel H Conceptual Commercial Site Plan shall not be required.
16. Prior to approval of a Design Review application that includes any portion of Parcel L (shown on Tentative Map No. 19-03 at Parcels L-A, L-B, L-C and L-D), the Village 8 West Master Developer or Parcel L Developer shall prepare a Parcel L Conceptual

Commercial Site Plan that distributes the minimum 87,000-square foot of commercial office/retail required per the SPA Site Utilization Table between Parcels L-A, L-B, L-C, L-D. Said plan shall be comprised of a 1:100' scale exhibit addressing conceptual building placement, approximate commercial square footage per parcel/neighborhood lot, parking lot/drive aisle locations, vehicular and pedestrian circulation and access and master signage locations. Architecture, landscaping, lighting, walls, bicycle storage, internal courtyards, open space areas, building signage and other design elements shall be addressed on individual Design Review submittals. The Parcel L Conceptual Commercial Site Plan shall be subject to review and approval of the Development Services Director, or his designee. If the Master Developer or Parcel L Developer's Design Review application includes the minimum 87,000-square foot of commercial office/retail required for the entire Parcel L area, then the Parcel L Conceptual Commercial Site Plan shall not be required.

B. Fire

17. Prior to the issuance of the first Building Permit within Planning Areas U, S, O, M, E and I, provide an off-site fuel management program per Section 9.4 "Off-Site Fuel Management" of the Fire Protection Plan, and CVMC Chapter 15.38 "Urban Wildland Interface Code." The Program shall establish the obligations for fuel management that apply to each of the Planning Areas and adjacent off-site properties, including required fuel management zones adjacent to structures, consent from affected off-site property owners, and other applicable requirements to the satisfaction of the Fire Marshal and Development Services Director. The program requirements shall be satisfied prior to the delivery of combustible material to the site, to the satisfaction of the Fire Marshal.
  - a. Parcel "V" (Lots 22-33) are required to provide access to adjacent fuel management zones and are required to be maintained by the Master HOA (in accordance with the approved FPP). These requirements shall also be codified in the CC&Rs.
  - b. Prior to approval of the first Final "A" Map within Village 8 West, the Applicant shall provide funding to the City of Chula Vista for the preparation of a Village 8 Fire Station Trigger Analysis to address the timing and location of a new fire station to serve the buildout of Otay Ranch Villages 8 West and 8 East. The Applicant agrees to comply with the recommendations of the final Village 8 Fire Station Trigger Analysis.

C. Public Facilities

18. Prior to construction of a Bus Rapid Transit or Rapid Bus Transit Station in the Town Center, the entity responsible for said construction shall obtain approval of improvement plans to the satisfaction of SANDAG, MTS and the Development Services Director.
19. Prior to approval of the Final Map that contains the public transit (local bus) facilities, the Developer shall provide a deposit in the amount of \$20,000 for each local bus 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 City Engineer and Development Services Director.

20. Prior to approval of the first Final Map or the issuance of the first Grading Permit for the Village 8 West Project, whichever occurs first, the Applicant shall provide all of the following:
  - a. Evidence satisfactory to the Development Services Director, that the Applicant has entered into a binding and properly executed agreement with the City of San Diego to construct a new City of San Diego waterline at a location that has been approved by the City of Chula Vista Waterline Agreement to replace the existing waterline located within Village 8 West.
  - b. Evidence that the City of San Diego has abandoned or has agreed to abandon any water main easements not needed as a consequence of the relocation of the City of San Diego Waterline within Village 8 West.
  - c. Submit grading and improvement plans for the approval of the Development Services Director, including security for completion of said work (or proof of security in which City of Chula Vista has a right thereto), for the construction of the new City of San Diego waterline in accordance with the provisions of the Waterline Agreement. The improvement plans shall depict the closure or abandonment of the existing water line in accordance 'with standard engineering practices.
  - d. Enter into an agreement with the City of Chula Vista to defend, indemnify and hold harmless the City, its elected and appointed officers and employees, from and against any and all claims, causes of action, demands, suit , actions or proceedings, judicial or administrative, for writs, orders, injunction or other relief, damages, liability, cost and expense (including without limitation attorneys' fees) arising out of, connected with or incidental to the construction of the new City of San Diego waterline and the closure and abandonment of the old waterline, or from any and all City action, conduct or matter related thereto.
21. Prior to approval of the first Final Map, the Applicant shall provide evidence that they have obtained approval from Otay Water District for the amendment to the Otay Ranch Village 8 West Subarea Master Plan (SAMP).

D. Affordable Housing

22. Prior to approval of the first Final Subdivision 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. This agreement shall identify potential affordable housing sites, schedules and the following building permit threshold requirements, as described in the Affordable Housing Plan: the first or “Initial Phase” for construction of the low and moderate-income housing units shall be comprised of 100% of the required 117 qualified low-income housing units and shall commence construction prior to the issuance by the City of the 1,167th production Building Permit within Village 8 West (Initial Phase). Construction of the required 117 moderate-income housing units shall commence prior to the City's issuance of the 2,100th production Building Permit (Final Phase). Such agreement may also identify alternative methods of compliance at the approval and sole discretion of the City and as set forth and in compliance with the Affordable Housing Plan and the City’s Balanced Communities Policy Guidelines, as may be amended from time to time.

E. Grading

23. 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-foot wide level bench for landscaping and maintenance access adjacent to the wall.
24. Prior to the 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.
25. Prior to issuance of any Grading or Construction Permit based on plans proposing the creation of down slopes adjacent to public or private streets, the Applicant shall obtain the City Engineer's approval of a study to determine the necessity of providing guard rail improvements at these locations. The Applicant shall construct and secure any required guard rail improvements in conjunction with the associated Construction Permit as determined by and to the satisfaction of the City Engineer. The guard rail 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.
26. The Applicant shall ensure that all private lot drainage and slopes comply with the current Building Code used by the City of Chula Vista.
27. Prior to the approval of each Grading Permit issued by the City, including for the Reservoir Site, the Applicant shall provide a notarized letter of permission for all off-site grading work that is to be included in each of the Grading Permits.

F. Parks

28. Prior to approval of the first Final "A" Map, the Applicant shall provide two irrevocable offers of dedication (IODs) on the map for a total of 14.8 usable acres of community parkland. One of the two community parkland IODs shall consist of 12.3 usable acres of community parkland related to a portion of the overall park obligation for Otay Ranch Village 8 West. The second IOD shall consist of 2.5 usable acres of community parkland related to a portion of the overall park obligation for Otay Ranch Village 9. Said IODs are subject to the review and approval of the Development Services Director.
29. Prior to approval of the first Final "A" Map, the Applicant shall enter into a Parks Agreement with the City for the purpose of addressing parkland obligations including but not limited to parkland acreage (Lots A, T, & G1-G2), other potential IODs within Village 8 West for the neighborhood park (Lot T) and Town Square park (Lots G1-G2), budgets, design, construction, maintenance, and timing.
30. The Park Master Plans for Lots A, T & G1-G2 shall comply with the provisions of the City of Chula Vista Parks and Recreation Master Plan as adopted, as may be amended from time to time, and as it affects facility and other related requirements for the Project's parks. Design and development of each park shall be as stated in the Parks Agreement.

G. Trails

31. The Landscape Master Plan and Grading Plans for Planning Areas P and N shall provide neighborhood trail connections passing between single family homes in Planning Area N (approximately Lots 4-5, 25-26 and 67-68) and Planning Area P (approximately Lots 24-25, 45-46 and 84-85). Trails shall maintain the minimum required width of 6 feet. In other areas, neighborhood trails shall maintain a minimum of 6 feet of trail within an 8-foot-wide bench, as shown on approved Tentative Map No. 19-03, Sheet 8, Typical Neighborhood Trail Detail, to the satisfaction of the Development Services Director.
32. The Applicant shall rough grade, provide all weather access to, and install all underground utilities to the property line of the park sites (A, G1, G2, and T) to the satisfaction of the Director of Development Services and the Fire Marshall concurrent with the installation of project backbone streets for any portion of the Project adjacent to the park sites or upon request of the Director of Development Services, whichever occurs earlier.
33. The Applicant shall grant an easement on the first Final "A" Map for recreational trails and utility access and shall secure the construction of the Chula Vista Regional Trail improvements from Calle Mayfair to the Village 8 West southern boundary as described on TM 19-03, Avenida Caprise, Street Section 14 (Phase 2). Construction timing shall be at the discretion of the Director of Development Services.
34. Prior to approval of the first Final "A" Map, the Applicant shall grant an easement for recreational trail and utility access and shall secure the construction of the Chula Vista Regional Trail improvements from the southern boundary of Village 8 West to the future Chula Vista Greenbelt Trail (Salt Creek Sewer Easement), as described on TM 19-03, Avenida Caprise, Street Section 12 (Phase 2). Construction timing shall be at the discretion of the Director of Development Services.
35. In conjunction with the backbone street improvements, the Applicant shall provide a regional trail, through the Town Center, which is clear of obstructions except for the provision of emergency exit doors for adjacent buildings.
36. Prior to 'Phase 2 improvements' for Avenida Caprise (completion of the regional trail connection to OVRP) the Applicant shall design and install the 'Greenbelt Trail kiosk' within the neighborhood park (Lot T), corner of La Media and Avenida Caprise, at grade with adjacent regional trail.
37. Prior to approval of the first Final "A" Map, the Applicant shall submit an entire Village 8 West Landscape Master Plan which shall reflect changes shown within the amended SPA and supporting documents, including trail realignment and cross-sections.

H. Landscape/Walls/Fences

38. Prior to approval of the first Final Map, the Applicant shall provide bonds for Landscape & Irrigation (L&I) Improvements Plans related to erosion control, backbone, and neighborhood streets. The amount of the security for any required improvements not constructed at the time of the Final Map shall be based on a construction cost estimate approved by the Director of Development Services, or Designee, as follows: 1) 110% times the approved estimate if improvement plans have been approved by the City; 2) 150% times the approved estimate if improvement plans are being processed by the City,

and; 3) 200% times the approved estimate if improvement plans have not yet been submitted for City review.

39. 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. Evidence of legal and physical access for maintenance purposes shall be provided to the satisfaction of the Preserve Owner Manager.
40. The Applicant shall submit a detailed wall/fencing plan with the Design Review Site Plan submittal for each planning area showing that all project walls and fences comply with the approved SPA Plan Section 4.2.4, Landscape Master Plan, and other applicable City of Chula Vista requirements, to the Development Services Director for approval. Plans shall indicate color, materials, height and location of freestanding walls, retaining walls, and fences. The plan shall also include details such as accurate dimensions, complete cross-sections showing required walls, adjacent grading, landscaping, and sidewalk improvements.
41. Prior to recordation of each Final Map, all slope and open space HOA maintenance areas shall be individually lotted on said Final Map to the satisfaction of the Development Services Director.

I. Conservation

42. 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 Liner, 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 pick-up of individual trash, recycling and green waste containers (3 total), as approved for a small-quantity generator (single family residential use).

J. On-going Conditions

43. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:
  - a. Approval of this request shall not waive compliance with any sections of the Chula Vista Municipal Code nor any other applicable City Ordinances in effect at the time of building permit issuance.
  - b. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, Planning Commission 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, (b) City's actions on any environmental document concerning this Tentative Map and (c) 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 Resolution 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.

- c. 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 Applicant as to any or all of the property.
- d. 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, Otay Ranch General Development Plan, Otay Ranch Resource Management Plan - Phases 1 and 2; Otay Ranch Overall Design Plan; Otay Ranch Village 8 West Sectional Planning Area (SPA) Plan and supporting documents including but not limited to: Public Facilities Finance Plan and supplemental PFFP; Air Quality Improvement Program, Affordable Housing Program 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.
- e. 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.
- f. The Applicant shall comply with all applicable Village 8 West SPA conditions of approval (MPA19-0011), as may be amended from time to time.

IV. 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 Government Code 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.

V. EXECUTION AND RECORDATION OF RESOLUTION OF APPROVAL

The Property owner and the Applicant shall execute this document by signing the lines provided below, said execution indicating that the property owner and Applicant have each read, understood, and agreed to the conditions contained herein. Upon execution, this document shall be recorded with the County Recorder of the County of San Diego, at the sole expense of the Property Owner and/or Applicant, and a signed, stamped copy returned to the City’s Development Services Department. Failure to return the signed and stamped copy of this recorded document within 10 days of recordation shall indicate the Property Owner/Applicant’s desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

VI. CONFORMANCE WITH CITY SUBDIVISION MANUAL

The City Council does hereby find that the Project is in conformance with the City of Chula Vista Subdivision Manual, CVMC Chapter 18.12 and the requirements of the Zoning Ordinance.

VII. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision, and condition herein stated; and that in the event that any one or more terms, provisions, or conditions are determined by a Court of



competent jurisdiction to be invalid, illegal, or unenforceable, this Resolution and the permit shall be deemed to be automatically revoked and of no further force and effect ab initio.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does, based on the findings, general and specific conditions included herein, hereby approve Tentative Subdivision Map CVT 19-03 for Otay Ranch Village 8 West in conjunction with the Village 8 West SPA Plan Amendment.

Presented by:

Approved as to form by:

\_\_\_\_\_  
Kelly Broughton  
Director of Development Services

\_\_\_\_\_  
Glen R. Googins  
City Attorney