

RESOLUTION NO. 2018-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING TENTATIVE MAP CVT-15-03  
(PCS15-03) FOR THE PORTION OF VILLAGE FOUR  
PROJECT, SUBJECT TO THE CONDITIONS CONTAINED  
HEREIN

I. RECITALS

WHEREAS, the parcel of land which is the subject matter of this Resolution is depicted in Exhibit 1, attached hereto and incorporated herein by this reference and for the purpose of general description consist of approximately 166 acres located on the east side of Wolf Canyon, straddling the future extension of Main Street from La Media Road to the north and to Heritage Road to the southwest (Project Site); and

WHEREAS, on March 13, 2015, duly verified concurrent applications were filed with the City of Chula Vista by Otay Valley Quarry, LLC (Applicant) requesting amendments to the Otay Ranch General Development Plan (GDP), a new Portion of Village Four Sectional Planning Area (SPA) Plan, and an Environmental Impact Report (FEIR 17-001) for the Village Four project; and

WHEREAS, on March 15, 2015, a duly verified application was submitted requesting approval of a Tentative Subdivision Map (PCS-15-03) for Chula Vista Tract No. 15-03, to implement the proposed land use changes and subdivide 166 acres into parcels supporting up to 73 single-family residential units, 277 multi-family residential units, approximately 2.08 acres of Community Public Facility (CPF) uses, and 20.19 acres of open space uses (the "Project") for the Portion of Village Four project; and

WHEREAS, the Development Services Director set the time and place for a Planning Commission hearing on 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, took public testimony, heard staff's presentation, and thereafter closed the hearing; 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 these proceedings; and

WHEREAS, the City Clerk set the time and place for the hearing on the Project application 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 within 500 feet of the exterior boundary of the Project, at least 10 days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the Project was held before the City Council to receive the recommendations of the Planning Commission and to hear public testimony with regard to the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it hereby finds and determines as follows:

**II. CERTIFICATION OF COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

That the Development Services Director has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has determined that, in light of the whole record, the Project may have a significant effect on the environment; therefore, the Development Services Director has caused the preparation of an Environmental Impact Report, EIR 17-0001.

That the City Council of the City of Chula Vista reviewed, analyzed, considered, approved and certified the Final EIR 17-0001, made certain Findings of Fact, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Project pursuant to CEQA.

**III. 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 the Project, is in conformance with the elements of the Chula Vista General Plan (CVGP) and associated regulatory documents, based on the following:

1. Land Use and Transportation

<b>General Plan</b>	<b>General Dev Plan</b>	<b>SPA Plan</b>
Residential Low Medium	Residential Low Medium, Medium and High Density Residential	Single Family (SF) – permits densities 3-6 units/acre; Residential Multi-Family Medium High (MF) – permits densities of 11-18 units/acre including small lot SF, alley homes, duplexes, townhouses, rowhouses, courtyard/clusters, and stacked flats; Multi-Family Medium High (MF) – permits densities of 18-27 units/acre including apartments and condominium-type in multiple-story buildings.
Open Space	Open Space	Open Space (OS) permits developed or usable open space and park uses, may include naturalized open space; Open Space Preserve (OSP) permits natural, undisturbed and/or restored open space which is part of the Otay Ranch Preserve

The proposed project is consistent with the CVGP and Otay Ranch General Development Plan (GDP) land use designations. It contains all the requisite land uses in accordance with the Otay Ranch Village Four General Plan Land Use Diagram.

The zones in the Project's Planned Community District Regulations are consistent with the GDP land use designations, as shown in the Otay Ranch GDP/SRP Land Use Plan.

The Project is consistent with and implements the CVGP and GDP by establishing developable parcels, public improvements and public facilities that will create a village that contains complementary land uses, including community purpose facilities, preserve open space, and residential neighborhoods that offer a variety of housing types and densities.

The Project has been designed to include a transportation system that complies with the requirements of the CVGP, GDP and the Portion of Village Four SPA Plan. The transportation system includes a hierarchy of streets, each providing accommodations for pedestrian walkways and bicycle ways. The construction of the transportation system will be phased in accordance with the Portion of Village Four SPA's Public Facilities Financing Plan (PFFP), such that the development of the circulation system will precede 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 accommodating a village that will provide for a range of Single and Multi-family residential product types that will enhance the image and appearance of the Otay Ranch community and will benefit the local economy. Approval of the Project will help achieve the CVGP 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. Housing

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

4. 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 PFFP has been prepared to analyze the demand generated by the Project, and the phasing needs created by the Project.

Schools – The project is served by the Chula Vista Elementary School District and Sweetwater Union High School Districts. According to the latest Growth Management Oversight Committee (GMOC) report, both school districts are able to accommodate students from the Project. As presented in Table A-1 of the PFFP, school fees are to be paid and verification of payment is to be provided prior to the issuance of Building Permits.

Sewer - The Project Site is within the boundaries of the City of Chula Vista wastewater services area. 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.

Parks - The Project generates a demand for 2.94 acres of parkland. In accordance with the provisions of the Park Land Development Ordinance (PLDO), the Developer will pay in-lieu fees for the required parkland prior to the issuance of Building Permits.

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. The City Engineer, Fire and Police Departments have reviewed the Portion of Village Four SPA Plan for conformance with City safety policies and have determined that the proposal generates the same demand and therefore continues to meet 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, ensuring energy-efficient homes will be developed.

5. Growth Management

The Project is in compliance with applicable Growth Management Element requirements according to the PFFP that has been prepared as required by the Growth Management Ordinance. The PFFP requirements have been included in the Project's Conditions of Approval.

- B. Pursuant to Government Code Section 66473.1 of the Subdivision Map Act, the City Council finds that 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 City Council 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 City Council finds that the proposed Project:
1. Is consistent with applicable general and specific plans as specified in Section 65451. Applicant proposes to amend very limited portions of the ORGDP to facilitate implementation of the development plan for a Portion of Otay Ranch Village Four. The proposed amendments are to ORGDP land use designations for the site, including: the addition of Residential Medium High; and Residential High. The amendments are consistent with applicable general and specific plans as specified in Section 65451 because the General Plan designation Residential Low Medium (RLM, 3-6 dwelling units per acre) allows for a maximum of 453 units and the Project proposes 350 units. The Project is within a Sectional Planning Area which is equivalent to a Specific Plan area. With the proposed amendments, the Village Four project will remain consistent with the Chula Vista General Plan land use, transportation, economic development, housing, public facilities and services, environmental and growth management objectives and policies. The proposed Portion of Village Four plan remains compatible with the general and specific plans for the area, and the land uses are compatible with the CVGP and ORGDP land use designations.
  2. Design or improvement is consistent with applicable general and specific plans. The General Plan establishes the vision for the eastern part of the City, and the portion of Village Four SPA Plan defines the land use character and mix of uses, design criteria, circulation system, and public infrastructure requirements for the Project. The Project's design of 73 single family lots is consistent with the Single Family (SF-1) and 3 multi-family lots consisting of 277 units within the (RM-1 and RM-2) zoning classifications which are consistent with the General Plan's RLM designation. The Tentative Map is consistent with the general and specific plans.
  3. Site is suitable for the proposed density of development. The Project's proposed zoning (Planned Community District Regulations) support the design of a viable village with residential uses that will create a strong sense of place for residents of a portion of Village Four and surrounding communities. The Projects 350 units are equal to the allowed density range of 3-6 dwelling units per acre with a maximum yield of 350 units. The densities are in accordance with the General Plan and the SPA Plan for the area.

4. Site is physically suitable for the type of development. The Project is surrounded by adjacent multi- and single- family development, and planned commercial uses in Village 8 West with available access and infrastructure to serve the Project.
  5. 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 disturbance with cut and fill slopes balance, and a habitat restoration plan has been prepared that avoids permanent disturbance or injury to wildlife or their habitat.
  6. 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 plenty of separation between homes, able to be served by fire and emergency services, and located over 500 feet from a major highway.
  7. 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. The project's roadways and utilities are within and are not in conflict with proposed easements.
- E. The City Council finds that the site is physically suited for development because it will be developed in conformance with the Otay Ranch a Portion of Village Four SPA Plan and FEIR-17-0001, 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 City Council finds that the conditions herein imposed on the Project, are approximately proportional both in nature and extent to the impact created by the Project, based upon the City's police powers and evidence provided by the record.

#### 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 Section 66020(a) and failure to follow in a timely manner this procedure will bar any subsequent legal action to attack, set aside, void or annul 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. INDEMNITY PROVISION

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 the Project; (b) City's approval or issuance of any other permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated on the Project Site; and (c) approval of any CEQA action, including, certification of Final EIR 17-0001. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Resolution where indicated. 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.

VI. 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 the Applicant, and a signed, stamped copy of this recorded document shall be returned within ten days of recordation to the City Clerk. Failure to record this document shall indicate the Property Owner and Applicant's desire that the Project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval. Said document will also be on file in the City Clerk's Office and known as Document No. 2018-XXX.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Applicant

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

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Printed Name of Owner

VII. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions 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, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The Applicant shall be notified ten (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 within a reasonable and diligent time frame.

VIII. 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, provision, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal or unenforceable, this resolution shall be deemed to be automatically revoked and of no further force and effect ab initio.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Project subject to the Findings contained herein and subject to the Conditions of Approval set forth in Exhibit 2 attached hereto and incorporated herein by this reference and on file in the Office of the City Clerk.

Presented by:

Approved as to form by:

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Kelly G. Broughton, FASLA  
Director of Development Services

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Glen R. Googins  
City Attorney



PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this \_\_\_ day of \_\_\_\_\_ 20\_\_\_, by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NAYS: Councilmembers: \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
Mary Casillas-Salas, Mayor

ATTEST:

\_\_\_\_\_  
Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO    )  
CITY OF CHULA VISTA     )

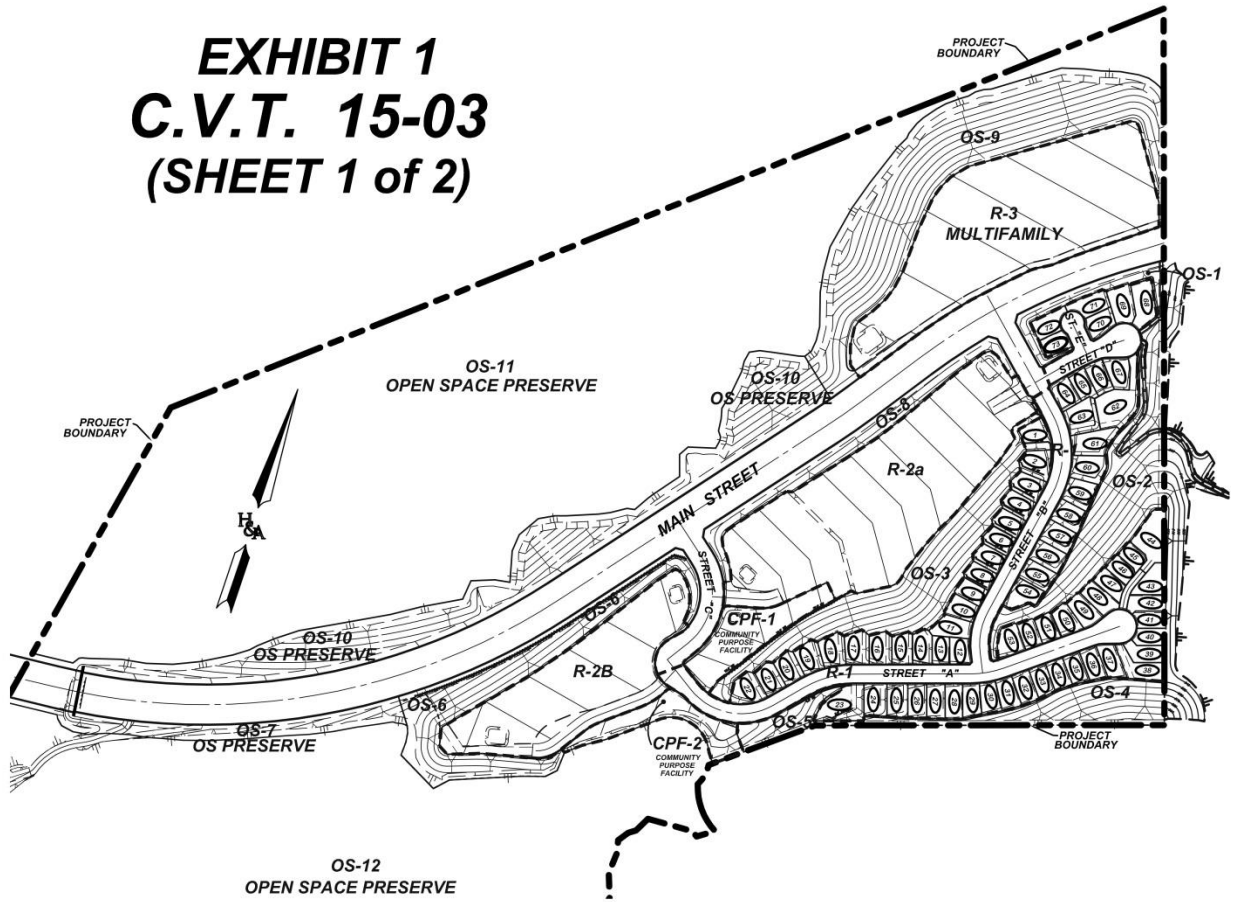
I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2018-\_\_\_ was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the \_\_\_ day of \_\_\_\_\_ 20\_\_\_.

Executed this \_\_\_ day of \_\_\_\_\_ 20\_\_\_.

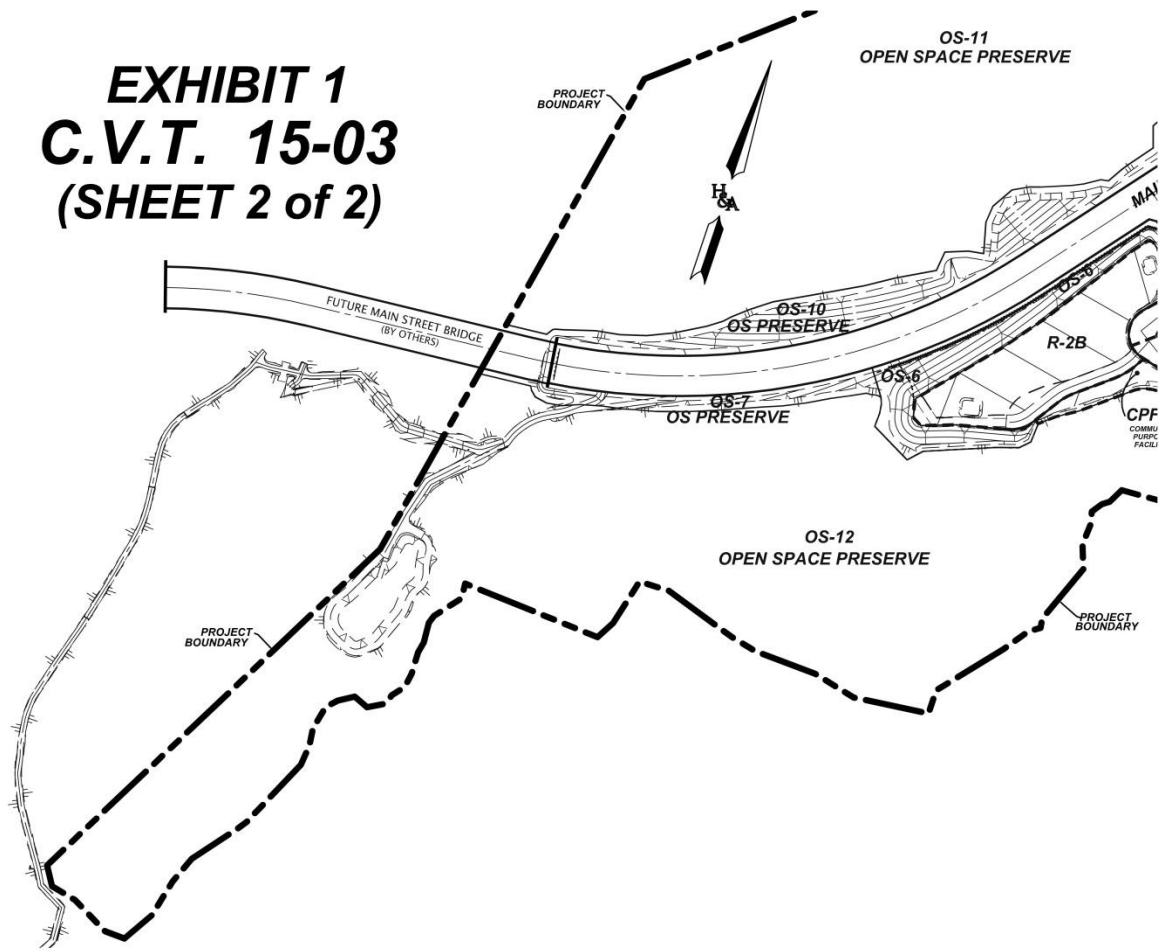
\_\_\_\_\_  
Kerry K. Bigelow, MMC, City Clerk

**EXHIBIT 1**  
**SITE LOCATION MAP**

**EXHIBIT 1**  
**C.V.T. 15-03**  
**(SHEET 1 of 2)**



**EXHIBIT 1**  
**C.V.T. 15-03**  
**(SHEET 2 of 2)**



## **EXHIBIT 2**

### **VILLAGE FOUR (CVT-15-03) TENTATIVE MAP CONDITIONS**

#### **TENTATIVE MAP CONDITIONS OF APPROVAL:**

1. Unless otherwise specified or required by law: (a) the conditions and Chula Vista 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 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 waived by the City Manager or designee. 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.
2. The Project shall incorporate, by reference, all of the City of Chula Vista Standard Tentative Map Conditions of Approval, as set forth in Section 5-300 of the City of Chula Vista Subdivision Manual.
3. The Applicant shall obtain approval of a Final Map showing condominium ownership prior to development of condominiums within any lot proposing multi-family residential uses.
4. The Applicant shall dedicate, with the applicable Final Map, for public uses all the public streets shown on the Portion of Village 4 Tentative Map (CVT 15-03) within the subdivision boundary.
5. Prior to issuance of each Final Map, Applicant shall be responsible for assuring right-of-way improvements necessary for vehicular and pedestrian connection from the subject map area to existing public roadways to the satisfaction of the City Engineer.
6. Prior to issuance of each Final Map, Applicant shall be responsible for assuring enhancements within and outside the right-of-way and internal to the subject map area in addition to applicable off-site infrastructure improvements sized to serve the subject map area.
7. Prior to the approval of the first Final Map, one of the following shall occur to the satisfaction of the City Engineer: the Applicant shall provide approved and bonded roadway Improvement Plans for the roadways that provide direct access to the Project Site, specifically La Media Road from its existing southern terminus to Main Street and Main Street from La Media Road to the westerly project boundary and the improvements shall be constructed prior to issuance of the first Building Permit (other than Building Permits for

model homes); or Applicant shall cease development of the Project until those assumed future roadways are constructed by others as presently planned.

8. The Applicant shall request and deliver to the City a service availability letter from the Otay Water District prior to approval of a Final Map.
9. The Applicant shall comply with the Sewer Utility mitigation measures identified in the Project Environmental Impact Report.
10. The Applicant shall underwrite the cost of all studies and reports required to support the addition of sewer flows to existing lines, assume the capital costs of all sewer lines and connection identified in the Project PFFP, comply with Section 303 of the Subdivision Manual, and construct off-site connections as required by the City Engineer.
11. The Applicant shall comply with the recommended mitigation measures provided in the Project Drainage Study, SWQMP, and Project EIR.
12. Prior to the issuance of the first Building Permit (other than for a model home), the Applicant shall assure the maintenance of drainage facilities by a property owner's association that would raise funds through fees paid by each property owner and/or participation in a Community Facilities District (CFD) established over the entire Project to raise funds through the creation of a special tax for drainage maintenance purposes.
13. Prior to approval of each Final Map, Applicant shall provide proof that all off-site right of way, drainage, sewage, and water facilities have been approved and bonded Improvement Plans necessary to connect said Final Map to existing facilities to the satisfaction of the Development Services Director and City Engineer. In the case of two separate property owners utilizing the same plans and bonds of said Improvement Plans and right of ways, both property owners shall provide written proof to process plans, construct from the same set of plans, process as-builts, complete punch list items, and have the same bond company listing them both as principals, all to the satisfaction of the Development Services Director and City Engineer.
14. Prior to issuance of the 121<sup>st</sup> Building Permit, Applicant shall negotiate with the Chula Vista Fire Department to determine the contribution by the Applicant and contribute to fully fund a fourth firefighter. This is to be monitored annually until either the Millenia or Village 8 West fire station is operational.
15. The Applicant shall comply with the Air Quality mitigation measure in the Project EIR and Project Air Quality Improvement Program.

16. Should conflicting wording or standards occur between these Conditions of Approval, any conflict shall be resolved by the City Manager.
17. 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. 15-03, generally located adjacent to Main Street.
18. The Project shall comply with the General Development Plan Amendment (MPA17-0006), and the Sectional Planning Area (SPA) Plan for a Portion of Village Four (PCM-15-07), and the City of Chula Vista Standard Tentative Map Conditions as outlined in the Subdivision Manual and incorporated herein.
19. The Applicant shall implement, to the satisfaction of the Development Services Director and the City Engineer, the associated Mitigation Measures and associated Mitigation Monitoring and Reporting Program (MMRP) identified in the Final Environmental Impact Report (FEIR-17-0001: SCH No. 2016041080) for Amendments to the Otay Ranch General Development Plan (MPA17-0006), adoption of a new Portion of Village Four SPA Plan (PCM-15-07), and for the Portion of Village Four Tentative Map for CVT-15-03 (PCS15-03), within the timeframe specified in the MMRP.
20. During any real estate transaction, or prior to lease-signing of any property within the Portion of Village Four Project, the prospective owners or residents shall be notified of the following information in disclosure documents and in the Covenants, Conditions & Restrictions (CC&Rs) for each Homeowners Association (HOA) within the Village:
  - 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 / overflight area. For that reason, the property may be subject to some of the annoyances or 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. NOTICE OF MINING OPERATIONS: This property is located near an existing mining operation that is expected to operate during and after build-out of Village Four and could subject residents to nuisance noise, blasting, vibration and dust from on-going mining operations.
  - c. NOTICE OF LANDFILL: This property is located in the vicinity of the Otay Landfill which is a solid waste disposal facility. Customary solid waste disposal operations may include, but are not limited to, noise, odors, dust, vibrations, birds, and vectors. Individual sensitivities to those annoyances can vary from person to person. You may wish to consider which of these annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.
  - d. NOTICE OF FUTURE EXPANSION OF STATE ROUTE 125 (SR-125): Be advised there is a plan (per SANDAG RTP) for the widening of SR-125 to improve traffic flows. This

property may be subject to some of the annoyances related to the construction and operation of the road.

A copy of these disclosure documents shall be recorded with the County of San Diego Recorder's Office as part of Project approval. Each prospective homeowner and or lease holder shall sign the disclosure document confirming they have been informed of the vicinity of the airport, mine/quarry, landfill and SR-125 prior to purchase or lease of property and or occupancy.

21. The Applicant shall construct public facilities in compliance with the Portion of Village Four PFFP (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. The Applicant shall provide the applicable studies/analysis, which may be reviewed by a third party Consultant for the City paid for by the Applicant, identifying the change in conditions that may warrant a modification of the sequence, schedule, alignment and design of improvement construction, as well as, amend the PFFP to match any modification of the sequence, schedule, alignment and design of improvement construction.
22. Prior to the approval of the Final Map for Planning Areas adjacent to off-site fuel management areas, the Applicant shall provide an off-site fuel management program in accordance with Section 4.1.2 "Other Vegetation 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.
23. A reserve fund program has been established by Resolution No. 18288 for the funding of the Fiscal Impact of New Development (F.I.N.D.) Model for the Otay Ranch Project. The Applicant shall provide funds to the Reserve Fund as required by the Reserve Fund Program (RFP). Pursuant to the provisions of the Growth Management Ordinance and the Otay Ranch General Development Plan (GDP), the Applicant shall participate in the funding of the preparation of an annual report monitoring the development of the community of Otay Ranch. The annual monitoring report will analyze the supply of, and demand for, public facilities and services governed by the threshold standards. An annual review shall commence following the first fiscal year in which residential occupancy occurs in the Project and is to be completed during the second quarter of the following fiscal year. The annual report shall adhere to the GDP/SRP, as amended from time-to-time.

24. Prior to issuance of Building Permits, in order to address projected Project revenue shortfalls (in accordance with section 19.09.060(J) of the CVMC), as identified in the Financial Impact Analysis portion of the PFFP, the Applicant shall pay a fee in the amount of \$85.00 per dwelling unit, to the satisfaction of the Development Services Director.

Public Facilities:

25. Prior to approval of the first Final Map for the Project, the Applicant shall provide the City with a Portion of Village Four Subarea Master Plan(s) (SAMP) for potable, recycled, and fire flow water, as approved by Otay Water District (OWD). The Applicant shall bond and construct for all on-site and off-site water facilities in accordance with the SAMP. The SAMP shall be consistent with the SPA Plan.
26. Prior to issuance of Improvement Plans, Applicant shall obtain approval from OWD regarding adequacy of potable and recycled water.

Affordable Housing:

27. Prior to approval of the first Final Map for the Project, the Applicant shall enter into a Balanced Communities Affordable Housing Agreement, in compliance with City and State of California regulations. Such agreement shall identify methods of compliance as set forth in Appendix H, "Affordable Housing Program," including either providing affordable housing at an "On-Site" location, "Off-Site" location, or payment of an in-lieu housing fee to be paid upon issuance of Building Permits.

Parks:

28. The Project generates a demand for 2.94 acres of Parkland. In accordance with the provisions of the Park Land Development Ordinance (PLDO), the Applicant shall pay in-lieu fees for the required PAD prior to the issuance of Building Permits.

Trails:

29. The Applicant shall submit and obtain approval of Trail Improvement Plans prior to approval of a Grading Permit and shall construct all required trails fencing and signage, consistent with City trail standards, or as required by the Development Services Director. Said Improvement Plans containing Chula Vista Greenbelt Trail segments or Neighborhood trails/village pathway connection as depicted on the Portion of Village Four Tentative Map (CVT 15-03), will include improvements such as fencing and signage.

Landscaping/Walls/Fences:

30. Footings and geo-synthetic reinforcement grid for retaining walls and walls that may be planted shall not encroach into adjacent properties or public rights-of-way, to the greatest extent possible, subject to approval of the Development Services Director.
31. Prior to approval of the first Final Map the Applicant shall:



- a. Obtain Development Services Director approval of the Landscape Master Plan for the Project. The Landscape Master Plan shall identify a funding mechanism to maintain landscape improvements, trails, open space areas and other improvement areas subject to approval of the Development Services Director. The contents of the Landscape Master Plan shall contain the major components listed in Master Condition 30(a) thru (h) in the Subdivision Standard Conditions unless waived by the Development Services Director.
- b. Submit evidence acceptable to the City Engineer and Development Services Director of the formation of a Master Homeowner's Association (MHOA), or another financial mechanism acceptable to the City Manager, including a CFD or Open Space District. A CFD is the preferred financial mechanism for a maintenance district. If another financial mechanism is not formed, the MHOA shall be responsible for the maintenance of those landscaping improvements that are not included in the proposed financial mechanism. The City Engineer and the Development Services Director may require that some improvements be maintained by the CFD or Open Space District. The final determination of which improvements are to be included in the CFD or Open Space District and those to be maintained by the MHOA shall be made during the CFD or Open Space District Proceedings. The MHOA shall be structured to allow annexation of future tentative map areas in the event the City Engineer and Development Services Director requires such annexation of future tentative map areas.
- c. The Applicant shall submit for City's approval the CC&R's grant of easements and maintenance standards and responsibility of the MHOA's for the Open Space Areas within the Portion of Village Four Project Area. The Applicant shall acknowledge that the MHOA's maintenance of public open space, trails, etc. may expose the City to liability. The Applicant agrees to establish an MHOA that will indemnify and hold the City harmless from any actions of the MHOA in the maintenance of such areas.
- d. Submit and obtain approval of the City Engineer and Development Services Director of a list of all facilities and other items to be maintained by the proposed district(s) or MHOA. Separate lists shall be submitted for the improvements and facilities to be maintained by the CFD or Open Space District or some other financing mechanism and those to be maintained by the MHOA. Include a description, quantity, and cost per year for the perpetual maintenance of said improvements. These lists shall include but are not limited to the following facilities and improvements:
  - i. All facilities located on Open Space lots to include but not be limited to: walls, fences, water fountains, lighting structures, paths, trails, access roads, drainage structures, and landscaping. Each Open Space lot shall also be broken down by the number of acres of: 1) turf, 2) irrigated, and 3) non-irrigated open space to aid in estimation of a maintenance budget thereof.
  - ii. The proportional share of the life cycle and maintenance costs of any landscaping within the public right of way, including but not limited to the landscaped medians.

- iii. All water quality basins serving the Project.
32. The Applicant shall be required to enter into a “Grant of Easement and Maintenance Agreement” with the City for all publically owned areas maintained by the MHOA prior to the approval of the first Final Map.
  33. The Applicant agrees to not protest formation or inclusion in a maintenance district or zone for the maintenance of landscape medians, and scenic corridors along streets, within or adjacent to the subject subdivision.
  34. 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, Landscape Master Plan, and other applicable City 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.
  35. Prior to recordation of each applicable 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. Access to the conveyed property for maintenance purposes shall also be provided to the satisfaction of the Preserve Owner Manager.
  36. Prior to issuance of the first Building Permit or other discretionary permits for multi-family 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 multi-family 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).
  37. Prior to recordation of each Final Map, all CFD or Open Space District slope and open space areas shall be designated as individual lots on said Final Map to the satisfaction of the Development Services Director.
  38. Prior to approval of any Landscape and Irrigation Plans for areas designated Fuel Modification Zones, the Applicant shall provide proof to the City that a Fire Protection Planning Firm has reviewed and confirmed that the plans are in conformance with the requirements of the Fire Protection Plan within the Otay Ranch a Portion of Village Four SPA Plan,.

Community Purpose Facility:

39. Prior to issuance of the 151<sup>st</sup> Building Permit, Applicant shall construct the CPF-2 site consistent with the Otay Ranch Village Four SPA PC District Regulations Figure 4.2