

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING TENTATIVE MAP CVT-13-02
(PCS-13-02) FOR THE OTAY RANCH VILLAGE THREE
NORTH AND A PORTION OF 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 consists of 436.0 acres, and identified in County Assessor Records as APN # 644-060-07-00, 644-060-15-00 and a portion of 644-060-19-00, (Project Site); and

WHEREAS, on March 26, 2012, a duly verified applications requesting approval of a Tentative Subdivision Map (PCS-13-02), Chula Vista Tract No. 13-02 (Tentative Subdivision Map), and the Sectional Plan Area (SPA) Plan (PCM-12-06), which followed the duly verified applications for General Plan Amendment (GPA-10-02)(GPA), and General Development Plan Amendment (PCM-09-28) (GDPA), all of which were filed with the City of Chula Vista Development Services Department by SSBT LCRE V, LLC (the “Applicant” and “Owner”); and

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 would result in a significant impact to the environment, and therefore has prepared the Otay Ranch University Villages Project Environmental Impact Report (EIR), SCH#2013071077 (EIR-13-01); and

WHEREAS, the development of the Project Site has been the subject matter of General Plan Amendment GPA-10-02, and the Otay Ranch General Development Plan Amendment GDPA-09-28, previously approved by the City Council on December 2, 2014, by Resolution No. 2014-___ wherein the City Council, in the environmental evaluation of said GPA/GDPA, relied on the Otay Ranch University Villages Project EIR No. 13-01; and

WHEREAS, on December 2, 2014, the Applicant obtained approval of the Otay Ranch Village Three North and a Portion of Four Sectional Planning Area (PCM 12-06) establishing the pattern of land uses and circulation, policies to guide the development of the Project Site, and establishing the zoning for the property, wherein the City Council, in the environmental evaluation of said Sectional Planning Area, reviewed, considered and certified Final EIR-13-01 (FEIR-13-01) and adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, pursuant to Resolution No. EIR-13-01; and

WHEREAS, the Applicant requests approval of a Tentative Map to subdivide 436.0 Acres into parcels supporting up to 1,002 single-family residential units, 595 multi-family residential units, approximately 40 gross acres of industrial and office uses, and a minimum of 20,000 square feet of retail uses (the “Project”) on said Project Site; and

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 on November 19, 2014; the Planning Commission took public testimony; heard staffs' presentation; and reviewed and considered EIR-13-01 and said hearing was thereafter closed; and

WHEREAS, following the Planning Commission's public hearing on the Project, a hearing time and place was set by the City Council 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 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 on December 2, 2014 in the Council Chambers, 276 Fourth Avenue, at 2:00 p.m. to hear public testimony with regard to the same; and

WHEREAS, immediately prior to this action, the City Council reviewed and certified FEIR-13-01 and adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, pursuant to Resolution No. EIR-13-01.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Chula Vista that it does hereby find, determine and resolve as follows:

II. PLANNING COMMISSION RECORD

Record of the proceedings of the Planning Commission at their public hearing on November 19, 2014, including their vote, along with any relevant comments, have been provided to the City Council and are hereby incorporated into the record of this proceeding.

III. CERTIFICATION OF COMPLIANCE WITH CEQA

The City Council, in the exercise of their independent review and judgment, immediately prior to this action, on December 2, 2014, reviewed and certified FEIR-13-01 and adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program by Resolution No. EIR-13-01.

IV. 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 City's General Plan, based on the following:

1. Land Use and Circulation

The Project is consistent with and implements the Otay Ranch Village Three North and a Portion of Four SPA Plan by establishing developable parcels, public
Village 3 North/4 Version 102114

improvements and public facilities that will create a mixed-use urban pedestrian village with a village core that contains complementary land uses, including community purpose facilities, public schools and parks, and residential neighborhoods that offer a variety of housing types and densities. The Mixed Use Urban Village would be comprised of integrated commercial, residential and office uses that would encourage use of alternative modes of transportation and reduce reliance on the automobile. The project also contains a business park that provides a strong employment base for the residents of the Village and the City and supports economic development goals of the general plan. The Project will be designed to encourage residents to utilize modes of transportation such as local bus service, pedestrian sidewalks and trails, and bicycle lanes.

The Project has been designed to include a vehicle circulation system that complies with the requirements of the City of Chula Vista's General Plan, Otay Ranch General Development Plan and Otay Ranch Village Three North and a Portion of Four SPA Plan. The circulation system includes a hierarchy of streets, each providing accommodations for pedestrian walkways and bicycle ways. Reduced lane widths and bulb-outs at intersections will enhance pedestrian comfort and safety in the Village Core, and Mixed-Use Residential districts. The construction of the circulation system will be phased in accordance with the Village Three North and a Portion of 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 providing a mixed use Village Core and Residential districts that will provide for a range of multi-family residential product types that will enhance the image and appearance of the Otay Ranch community and will benefit the local economy. The development of a business park component provides a strong employment base along with a mixed-use office/commercial area. 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

To fulfill educational needs of students residing in Village Three North and portion of Four, an elementary school site of approximately 8.3 gross acres has been reserved as described in the PFFP for acquisition by the Chula Vista Elementary School District. The Chula Vista Elementary School District would be able to accommodate the additional students generated by the Project, and the existing schools would not be adversely impacted by the approval of the Project.

Sewer

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.

Parks

The Project has been conditioned to dedicate parkland for a 6.7 net-acre Neighborhood Park and approximately 8.6 net-acres of Community Park. Said park sites will be developed with a variety of recreational opportunities ranging from active to passive recreational experiences. 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.

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 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, ensuring energy-efficient homes will be developed.

4. 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 the approval of the first Final Map. Thus the Project is consistent with the Housing Element of the City's General Plan by 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 is in compliance with applicable Growth Management Element requirements because a PFFP has been prepared as required by the Growth Management Ordinance. The PFFP requirements have been included in the Project's conditions of approval.

6. Environmental

The Project EIR-13-01 addressed the goals and policies of the Environmental Element of the General Plan and found development of this site to be consistent with these goals and policies. 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 approval of any Final Map, which is equivalent to approximately 259.6 acres. The Project has been conditioned to dedicate Multi-species Conservation Plan (MSCP) open space preserve lands prior to recordation of

each Final Map. The Project is therefore consistent with the requirements of the Otay Ranch RMP and MSCP Subarea Plan.

- 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 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. The site is physically suited for development because it will be developed in conformance with the Otay Ranch Village Three North and a Portion of Four SPA Plan and EIR-13-01, 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.
- E. 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 of the proceedings of EIR-13-01.

V. 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.

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. _____.

Signature of Applicant

Date

Signature of Property Owner

Date

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.

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Development Services Director

Glen R. Googins
City Attorney

EXHIBIT "1"

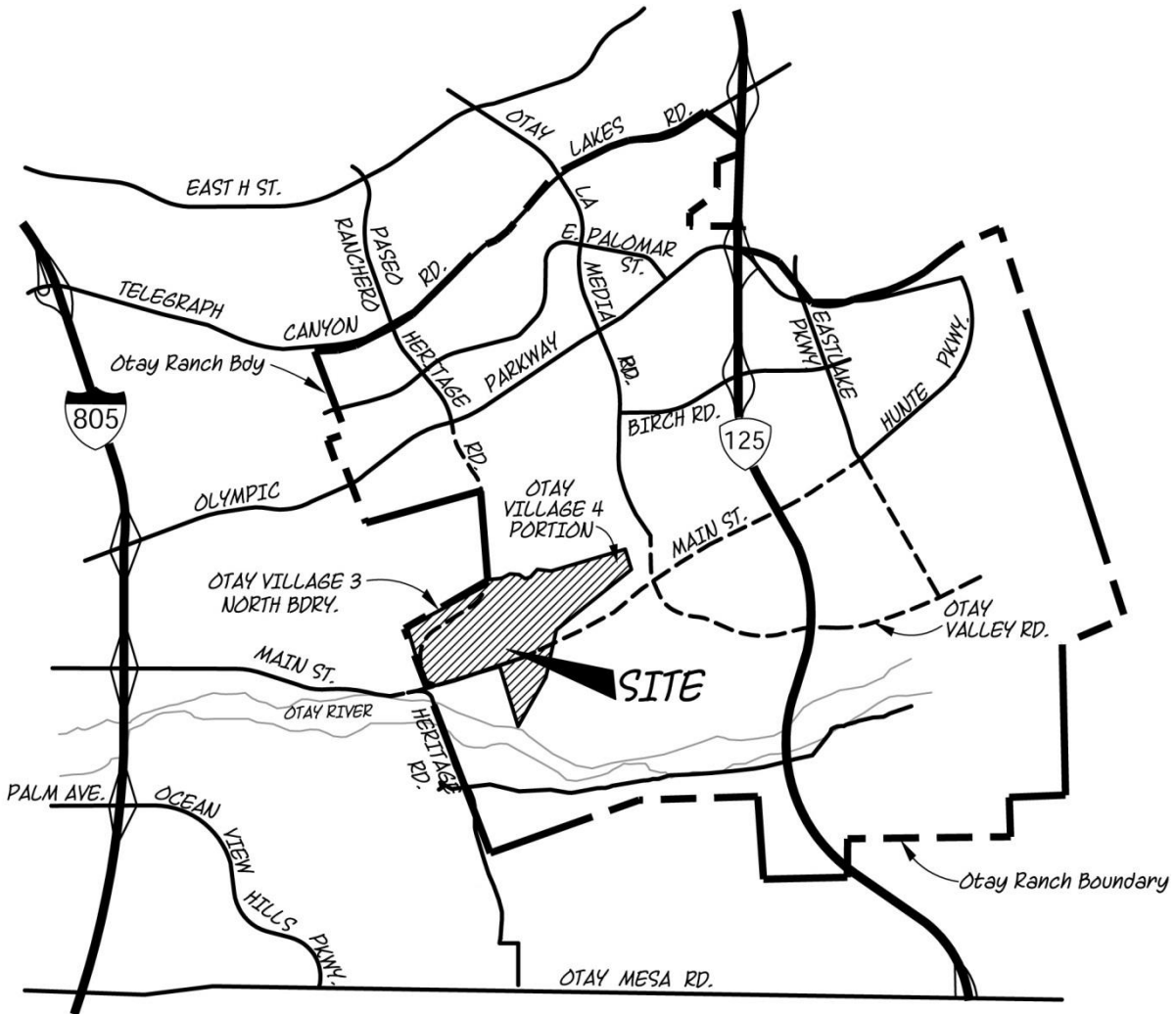


Exhibit “2” - Village Three North and a Portion of Four Tentative Map Conditions

TENTATIVE MAP CONDITIONS OF APPROVAL

GENERAL/PLANNING AND BUILDING

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, 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 his/her 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. Should conflicting wording or standards occur between these conditions of approval, any conflict shall be resolved by the City Manager or designee.
3. 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. 13-02, generally located adjacent to Main Street and adjacent to Heritage Road.
4. The Project shall comply with approved General Plan Amendment GPA-10-02 and General Development Plan Amendment PCM-09-28 approved December 2, 2014, the Sectional Planning Area (SPA) Plan PCM-12-06, approved December 2, 2014 and all supporting documents including but not limited to the Public Facilities Finance Plan, Parks, Recreation, Open Space and Trails Plan, Affordable Housing Plan and Non-Renewable Energy Conservation Plan, and the City of Chula Vista Standard Tentative Map Conditions as outlined in the Subdivision Manual and incorporated herein.
5. 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 (EIR-13-01: SCH No. 2013071077) for Amendments to the Chula Vista General Plan (GPA-10-02), Amendments to the Otay Ranch General Development Plan (PCM-09-28), the Sectional Planning Area Plan (SPA Plan) (PCM-12-06) for the Village Three North and a Portion of Four Project, and the Tentative Map for the Village Three North and portion of Four Project (CVT-13-02), within the timeframe specified in the MMRP.
6. During any real estate transaction, or prior to lease-signing of any property within the Village Three North and Portion of Four Project, the prospective owners or residents shall be notified of the following information in disclosure documents and in the CC&Rs for each 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 Three North and a Portion of 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 that Caltrans has a long-term 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, and landfill prior to purchase of property and or occupancy.

- 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 Three North and Portion of Four 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. The Applicant shall dedicate, with the applicable Final Map, for public use all the public streets shown on the Village Three North and a Portion of Village Four Tentative Map (CVT 13-02) 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 Village Three North and Portion of Four Project and as specified in Otay Ranch Village Three North and portion of Four SPA Plan Final Public Facilities Finance Plan Table C.8 "Project Access and Direct Traffic Mitigation Threshold Requirements" and Table C.7 "Internal Street Improvements." The Applicant shall construct the public improvements and provide security satisfactory to the City Engineer.

10. 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.
11. In accordance with Subdivision Manual Condition 40: The applicant shall notify the City at least 60 days prior to consideration of the first map if any off-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 Applicant shall comply with the requirements set forth in Subdivision Manual Condition 40.
12. 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 per 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.
13. 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.
14. 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).
15. Prior to approval of the first final map authorizing dwelling units containing any parcel within the Village Core, the applicant shall submit and obtain approval by the City of a Master Precise Plan
16. Prior to approval of the First Minal map, the Applicant shall submit and obtain approval by the City of a Village-Wide Planned Sign Program. 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 any project area, to the satisfaction of the City Engineer and Development Services Director.

Public Facilities:

17. The Applicant shall provide the City with evidence from the CVESD that the Village 3 North school site has been determined by the district to be acceptable for school use, to the satisfaction of the Director of Development Services.
18. Prior to approval of the Final Map or Design Review application that identifies the need for local public transit facilities in accordance with MTS determination, the Applicant shall provide a deposit in the amount of \$20,000 for each planned transit facility station or transit stop payable to the City of Chula Vista for a Capital Improvement Project for future transit improvements as depicted on the Village Three North and Portion of Village Four SPA Plan, Conceptual Public Transportation Plan, Exhibit 19, or enter into an agreement to construct future transit improvements to the satisfaction of MTS or their designee.
19. Prior to approval of the first Final Map for the Project, the Applicant(s) shall provide the City with a Village Three North and a Portion of Village Four Subarea Master Plan(s) (SAMP) for potable, recycled, and fire flow water, as approved by Otay Water District (OWD). Applicant(s) 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.
20. The project shall comply with Section 3-400 of the Subdivision Manual.
21. Prior to approval of the first Final Map for Village Three North and a Portion of Four that exceeds 120 EDUs, Applicant shall secure and construct Heritage Road between the northerly Village Three North boundary and Main Street, to the satisfaction of the Development Services Director.
22. Prior to 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.
23. Prior to approval of the first Final Map, the Applicant shall grant the right-of-way for Energy Way within the boundaries of the Village Three North and a Portion of Village Four Tentative Map (CVT 13-02) providing the connection between the existing Energy Way and the proposed Heritage Road.
24. The Applicant shall bond for and construct intersection improvements at Energy Way and Heritage Road prior to the approval of the Final Map that contains the 1,000th EDU, or as approved by the Development Services Director.
25. Prior to issuance of a Land Development (“Grading”) Permit for Neighborhoods R-9, R-11 or R-20, the Applicant shall provide, on the appropriate grading plan, a 16-foot wide graded bench within the grading limits depicted on the Village Three North and a Portion of Village Four Tentative Map (CVT 13-02) at the approximate location of the future Wolf Canyon western bridge abutment, to the satisfaction of the Development Services Director.
26. Prior to the approval of the first Final Map for Village Three North and a Portion of Four that includes Neighborhood R-20, Applicant shall bond and construct Main Street between Heritage Road and the eastern boundary of Village Three North, to the satisfaction of the Development Services Director.

27. Prior to the approval of the first Final Map that includes the 800th EDU, the Applicant shall begin grading operations of the development areas I-1a to I-3b, to the satisfaction of the Development Services Director.
28. Prior to approval of the first Final Map the Applicant shall demonstrate to the satisfaction of the Development Services Director that:
 - a. The off-site property located at the northwest corner of the future Heritage Road and Main Street intersection where a proposed bioretention basin will be located (pursuant to the "Master Water Quality Technical Report for Otay Ranch Village Three North and a Portion of Village Four Tentative Map", Hunsaker & Associates, March 7, 2014) has been acquired by the Applicant; otherwise, Applicant shall process an amendment to the SPA Plan to propose new storm water treatment facilities for the site.
 - b. A funding mechanism is in place to fund the perpetual maintenance of storm water treatment facilities, including, but not limited to, the proposed bioretention basin.

Affordable Housing:

29. 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 applicable City and State of California regulations. This agreement shall identify potential affordable housing sites, schedules and the following building permit threshold requirements described in the Affordable Housing Plan: (1) prior to the City's issuance of the 798th building permit within Village Three North and portion of Four the Applicant shall commence construction of the Initial Phase of the low and moderate-income housing units, and (2) prior to the City's issuance of the 1,197th building permit, Applicant shall commence construction of the remainder of required low and moderate-income housing units. "Initial Phase" shall mean 60% of the total number of qualified low and moderate-income housing units.

Water Quality:

30. Applicant shall agree to remain in compliance with the City's Storm Water Manual, as determined by the Development Services Director.

Parks:

31. Prior to approval of the first Final Map, the Applicant shall provide the City with an Irrevocable Offer of Dedication (IOD) for the 6.7 acre (net) neighborhood park site (Lot P-1) and approximately 8.56 net acres of Community Park land within either the Village Four Community Park or the Village Eight East Active Recreation site (Lot P-2) acceptable to the Development Services Director. The Existing 1.9 acre IOD within the Village Four Community Park in satisfaction of the Village Two Project area park acre obligation shall be accounted for when calculating available eligible park credit within the Village Four Community Park.

32. Prior to approval of the Final Map that includes the Parks & Recreation lot ("P-2"), Applicant shall:
- a. Demonstrate to the satisfaction of the Development Services Director that an access road to the Village Four Community Park has been provided.
 - b. Provide adequate sewer and water connections to serve the future park and recreation facilities.

Trails:

33. Prior to approval of the first Final Map, the Applicant shall obtain approval of and record an easement for public trail purposes for the segments of the Chula Vista Greenbelt Trail within the boundaries of Village Three North on any portion of Wiley Road and/or the existing Salt Creek Sewer Easement, owned by the Applicant, to the satisfaction of the Development Services Director.
34. The Applicant shall submit and obtain approval of trail improvement plans and shall construct all required trails fencing and signage, consistent with City trail standards when required by the Development Services Director. Said improvement plans containing Chula Vista Greenbelt Trail segments as depicted on the Village Three North and a Portion of Village Four Tentative Map (CVT 13-02), to be located within existing Salt Creek Sewer Easement, will include improvements such as fencing and signage.
35. Prior to the approval of the first residential building permit within the Village Three North Red Phase, as depicted on the Conceptual Phasing Plan of the Otay Ranch Village Three North and a Portion of Four SPA Plan Exhibit 33, the Applicant shall construct all Chula Vista Greenbelt Trail improvements, including fencing and signage consistent with City trail standards, as required by the Development Services Director.

Landscaping/Walls/Fences:

36. Footings and geosynthetic reinforcement grid for retaining walls and walls that may be planted shall not encroach into adjacent properties or public rights-of-way subject to approval of the Development Services Director.
37. In place of Subdivision Manual Condition 30 and 33, 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 parks, 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 Community Facilities District (CFD) or Open Space District. A Community

Facilities District 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 Open Space District. The final determination of which improvements are to be included in the Open Space District and those to be maintained by the MHOA shall be made during the 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 Village Three North and portion of 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 or MHOA. Separate lists shall be submitted for the improvements and facilities to be maintained by the 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 maintenance costs of any medians and parkways along the applicable roadways as identified in the PFFP adjoining the development as determined by the City Engineer.
 - iii. All water quality basins serving the Project.
38. 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.
39. 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 Village Design 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.

40. Prior to the approval of the first Final Map, the applicant shall annex the project area within the Otay Ranch Preserve Community Facilities District No. 97-2, Improvement Area "C."
41. 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.
42. Prior to construction of Regional Bus Rapid Transit and/or Rapid Bus transit stations in Village Three North and a Portion of Four, the Applicant shall obtain approval of improvement plans as depicted on the Village Three North and a portion of Village Four, Public Transportation Concept Plan, Exhibit 19, to the satisfaction of SANDAG, MTS, and the Development Services Director.
43. Prior to issuance of the first building permit or other discretionary permits for mixed use, multi-family, or 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).
44. Prior to recordation of each Final B Map, all CFD slope and open space areas shall be designated as individual lots on said Final Map to the satisfaction of the Development Services Director.
45. Prior to approval of the first Final A Map, Applicant shall update the Village Two, Three and portion of Four SPA Plan to reflect the detachment of Village Three North and portion of Four SPA Plan area from the former Village Two, Three and portion of Four SPA Plan boundaries, to the satisfaction of the Development Services Director.
46. Prior to the first Final Map Applicant shall cause all unplottable easements to be quitclaimed.

47. Prior to each Final Map approval, Applicant shall provide letters of permission to grade all off-site areas (including slopes, roads, utilities, etc) necessary to support each Final Map independently.
48. Prior to approval of each Final Map, Applicant shall provide proof that all offsite right of way, drainage, sewerage and water facilities have 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 or rights-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 principal, all to the satisfaction of the Development Services Director and City Engineer.
49. Prior to approval of each residential building permit in Village Three North and a Portion of Village Four, the applicant shall provide evidence satisfactory to the Development Services Director (or their designee) that each proposed residential unit to be constructed shall be located at least 1,000 feet away from the then active solid waste disposal areas of the Otay Landfill as required by General Plan Policy E 6.4 and by Section 2.5 of the Amended and Restated Otay Landfill Expansion Agreement. Notwithstanding the typically ministerial nature of building permit approvals, the City shall have and retain discretion here to deny any building permit application regarding any residential lot or parcel that does not comply with this Condition of Approval.