

**Kerry Bigelow**

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**From:** Benjamin Dejo <[REDACTED]>  
**Sent:** Saturday, June 15, 2019 4:55 PM  
**To:** Mike Diaz; Steve C. Padilla; Jill Galvez; John McCann; Mary Salas  
**Cc:** gustavo.solis@sduniontribune.com; sara.libby@voiceofsandiego.org  
**Subject:** June 18, 2019 Council Agenda, Item 10, freeway commercial VOTE NO FOR THE VOTERS OF CHULA VISTA

**Warning:  
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Email**

Dear Councilmen and women,

I am concerned with where our city is headed. Traffic is bad and getting worse, overcrowding is affecting our everyday lives in negative ways (have you tried going to costco lately?), but the city always seems ready to approve more homes. Not to mention there are about 15,000 units and a college, still to be built in the area. Enough is enough.

As such, I took the time to read the development agreement associated with the freeway commercial development and am appalled by the blatant give away to the developer at the cost of the residents of chula vista. Just say no to this development, we don't need it. We already have a deal that is better than this one.

The development agreement is very one sided in favor of baldwin and the agenda statement does not adequately identify the negative impacts to the citizens of chula vista. Two sentences about the development agreement does not begin to describe what giveaways are in it for the developer. How can you even make a decision based on the report?

In return for OPPORTUNITY to have 300 more houses with more traffic, more people and declining revenues to city, the agreement would allow the baldwins to:

- delay the delivery of the second hotel (section 5.12 of development agreement) and the payment of \$629,800 a year if they don't meet the deadlines. They are already required to deliver it at 451 units. Why should it be delayed for what could amount to a year or more? What do the voters of chula vista get in return, nothing, just more traffic and negative impacts to our everyday lives.
- reduce the amount of commercial space by 15,000 square feet (section 5.2). This is the part that actually makes money for the city. They are already required to do this. Why would we reduce this? These revenues could go towards more police officers or something.
- delay the timing for delivery of the park (section 5.3.1, 5.3.1.1 and 5.3.1.5), a park that is being reduced in acreage for some reason. Sounds like the substandard parks in melania. Why delay it? What a mess. What do we get for this giveaway? Less acreage and subpar parks?
- delay the timing of the CPF site (section 5.3.2). Not exactly sure what this is, but if it is already promised why would we want to give it away? What do we get for it?

The report also notes that while the project has a "positive net fiscal impact" it is an average "decrease of approximately \$95,931 annually". We cannot afford that. This would amount to another tax on the public. We could keep that money and use it to fund more police officers. Why give it up?

Please vote no on this project. Take a few minutes to read the development agreement and you will realize that t costs the city too much, is completely one sided in favor of the developer and leaves us nothing but negative impacts.

## Kerry Bigelow

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**From:** kathleen reed <[REDACTED]>  
**Sent:** Tuesday, June 18, 2019 2:02 PM  
**To:** Jill Galvez; John McCann; Steve C. Padilla; Mary Salas; Mike Diaz  
**Subject:** Please have these answers and vote No on Area 12

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City documentation for Area 12 says:

The most intense development is concentrated near the trolley station(s), with building heights and sizes gradually decreasing toward the edge of the planning area. (See Part II, Chapter 1, Section F. 12.; Eastern Urban Center [Planning Area 12] for applicable policies.)

Baldwins plan has a 5 story building at the Olympic Parkway and Town Center Drive, Olympic Parkway is the edge.

How does this comply with a decrease toward the edge of the planning area?

Where in any of the other villages is there a 5 story building?

This 5 story building is clearly visible from Olympic Parkway, is this complying with a Scenic Corridor?

How does area 12 comply with transitioning into the existing communities as stated in City documentation and the Scenic Highway Corridor Protection Program?

How does area 12 comply in, "Creating an open space preserve unequalled in San Diego County, which preserves for today and manages for tomorrow" stated in the GDP?

Last Amended December 13, 2018, **all neighborhood and community commercial uses; be located away from major circulation element roads**; include higher intensity residential development in close proximity to the village center; and mix commercial uses with civic, residential, employment and recreational uses in an environment which allows transit users, pedestrians, bicyclists and automobile drivers equal and easy access to and within each village center.

Does Area 12 Comply?

Please activate your due diligence and have these answers and vote no for Area 12, as it can be proven the project does not comply with published standards.

Thank You,

Kathleen Reed

## Kerry Bigelow

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**Subject:** FW: before you vote please read

**From:** kathleen reed <[REDACTED]>  
**Sent:** Tuesday, June 18, 2019 10:38 AM  
**To:** Mike Diaz <mdiaz@chulavistaca.gov>; Mary Salas <MSalas@chulavistaca.gov>; Jill Galvez <jmgalvez@chulavistaca.gov>; John McCann <jmccann@chulavistaca.gov>; Steve C. Padilla <spadilla@chulavistaca.gov>  
**Cc:** Jo Anne Springer <[REDACTED]>; Gus Guzman <[REDACTED]>; Gloria & Roberto Cazares <[REDACTED]>  
**Subject:** before you vote please read

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The City may not rely on the 2003 SPA EIR for several reasons, including but not limited to the following:

- 1. The proposed Project is an entirely different project from the one that was analyzed in the 2003 EIR. The 2003 SPA EIR did not analyze this residential Project at all; it did not even contemplate it. In fact, the 2003 SPA EIR's analysis was limited to "freeway-oriented commercial uses that are anticipated to occur within Planning Area 12 FC Site" and that "[n]o residential or industrial uses are proposed in Planning Area 12." 2003 SPA EIR, p. 2-1 (emphasis added). A prior CEQA document may only be used for a later project that is "essentially the same project" as was analyzed in the prior document. *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320; *American Canyon Community v. American Canyon* (2006) 145 Cal.App.4th 1062. Addenda are limited to minor modifications to previously approved projects. This is not a minor modification or technical change – it is an entirely new project that raises important new issues about the significant effects on the environment. The 2003 SPA EIR did not analyze the Project at all, and thus it did not consider any impacts from the residential uses associated with the Project. The Third Addendum even admits that "the proposed modification represents new information that was not available at the time that the FEIR was certified." p. 4. The court of appeal has held that even an increase in size from 75 feet to 90 feet for a building is a substantial

- SAFER Comments on Otay Ranch Planning Area 12 Project  
May 21, 2019  
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change to a project requiring a supplemental EIR and not suitable for an addendum. *Ventura Foothill Neighbors v. Cty. of Ventura* (2014)232 Cal. App. 4th 429, 436. Here the difference is much more drastic and a supplemental EIR is required.

2. The Project will have significant environmental impacts that were not analyzed in the 2003 SPA EIR. For example, the Project will have likely significant air quality impacts from diesel trucks and other sources. The Project described under the 2003 EIR already had both significant construction and operational air quality impacts. These impacts must be analyzed under the Office of Environmental Health Hazard Assessment ("OEHHA") guidelines, which have been updated since the 2003 SPA EIR. The Third Addendum does not contain its own air quality analysis. Nor does

it analyze the potential impacts associated with indoor air quality at the Project.

3. The Project will certainly increase public service impacts such as police, fire protection and emergency medical services to levels above those required for the commercial project analyzed in the 2003 EIR. The Third Addendum seems to acknowledge these impacts and to mitigate them relies on the Public Facilities Finance Plan (“PFFP”) that was prepared pursuant to the 2003 EIR. However, the Third Addendum contains no analysis of the PFFP, merely saying that it must be modified at some unknown future date. This lack of analysis and appropriate mitigation is not proper. There must be a supplemental EIR to analyze and mitigate these impacts.

4. The Project will have significant biological impacts based on changed circumstances since 2003. The 2003 SPA EIR identified northern harrier at the Project site based on 2002 surveys. It identified habitat for northern harrier and burrowing owls at the Project site. No mention is made of these species in the Third Addendum. Obviously, animals move and migrate. While certain species may not have been on the site in 2003, they may well be there now. No supplemental biological assessment was prepared for the Third Addendum, nor was one prepared for the First and Second Addendums. Furthermore, this Project includes proposed modifications that would increase the maximum building height to 84 feet and 8 inches above-grade. The City has not conducted any analysis of potential bird collisions and kills that would result from this change.

5. There are many mitigation measures that are now feasible that were not feasible or did not exist in 2003. For example, the 2003 SPA EIR concluded that the project would have significant unmitigated air pollution impacts. The Project could offset its air pollution and greenhouse gas emissions in part by installing solar photovoltaic panels, using only Tier 4 construction equipment, operating only 2010 or better diesel trucks, using only electrified forklifts and related equipment, and many other measures that were not feasible in 2003.

- For example, Tier 4 construction equipment was not available until 2015, and is not required for the Project. A new EIR is required to analyze these measures. Also, greenhouse gas mitigation measures are now feasible that were not feasible in 2003, such as electric vehicles, electric forklifts, solar panels, and other measures.

6. While CEQA allows an addendum to an EIR, it does not have any provision allowing an addendum to an addendum to an addendum. Even if this were allowed, the current Third Addendum increases the number of residential units by 300 over the level in the prior addenda. This is a significant change that must be analyzed in a supplemental EIR.

For the above and other reasons, the City must prepare an EIR to analyze and mitigate the impacts of the Project. The City may not rely on the 16-year old 2003 SPA EIR.

- Thank You,
- Kathleen Reed

## Kerry Bigelow

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**From:** kathleen reed [REDACTED]  
**Sent:** Monday, June 17, 2019 10:13 AM  
**To:** Mike Diaz; Jill Galvez; John McCann; Steve C. Padilla; Mary Salas  
**Cc:** Jo Anne Springer; Peter Watry; Gus & Victoria Chavez; Gloria & Roberto Cazares  
**Subject:** Otay Ranch monitored by Growth Management Commiittee

**Warning:  
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Dear Major Salas and City Council,

Below shows the Otay Ranch GDP/SRP.

I personally went to the Growth Management Meeting and it is my understanding the Growth Management Committee has not had involvement in the Otay Ranch GDP/SRP for over 3 years.

Can you verify the Growth Management Committee has done their due diligence monitoring the reports?

### Section C Policies

The following policies shall govern Implementation Program Documents: Policy: Implementation Program Documents shall be adopted by resolution concurrent with the adoption of the Otay Ranch GDP/SRP.

#### Policy:

The Implementation Program Documents shall be used to guide jurisdictions in the implementation of the Otay Ranch GDP/SRP through the review and approval of SPA plans, and related required planning studies.

#### Policy:

Implementation Program Documents shall guide the preparation and evaluation of the annual review and monitoring report required in the GDP/SRP Growth Management Chapter. Policy: Implementation Program Documents may be amended or updated in response to changing conditions.

#### Otay Ranch GDP/SRP

▫ Part I Adopted October 28, 1993 Page I - 55 Last Amended December 13, 2018

#### Policy:

Amended Implementation Program Documents must be approved by the appropriate land use jurisdiction, and be consistent with the Otay Ranch GDP/SRP and applicable General Plan.

Village Phasing Plan: The Otay Ranch Village Phasing Plan is an implementation requirement of the GDP/SRP Growth Management Chapter.

The Phasing Plan is designed to ensure that Otay Ranch complies with the goals, objectives and policies of the Growth Management Chapter and the facility threshold standards and processing requirements contained in the Capital Facilities Chapter of the GDP/SRP. To remain timely, the Phasing Plan shall be evaluated and updated as part of the GDP/SRP annual monitoring and SPA review process requirements. The fundamental basis for the Phasing Plan is to time the development of villages in a logical order to respond to market forces, ensure the timely provision of public facilities, assure the efficient use of public fiscal resources, and promote the viability of Otay Ranch villages.

o Facility Implementation Plans: Facility Implementation Plans provide an integrated and comprehensive analysis of the public facilities necessary to serve the Otay Ranch. Otay Ranch GDP/SRP

▫ Part I Adopted October 28, 1993 Page I - 56 Last Amended December 13, 2018 Each of the 22 facility implementation plans review applicable public goals, objectives and policies and recommends policies to govern the implementation of the Otay Ranch GDP/SRP.

The plans also evaluate the existing facilities, which serve the Otay Ranch Project Area and surrounding communities. The plans analyze the demand for new facilities necessary to serve the build-out of the Otay Ranch. Several GDP/SRP Goals, Objectives and Policies and EIR mitigation measures require the preparation of "Facility Master Plans." It is anticipated that revisions to the Facility Implementation Plans (or attendant appendices) will satisfy this requirement.

Thank You,

Kathleen Reed

## Kerry Bigelow

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**From:** Stan Donn  
**Sent:** Tuesday, June 11, 2019 10:10 AM  
**To:** 'kathleen reed'; John McCann; Jill Galvez; Mary Salas; Mike Diaz; Steve C. Padilla  
**Cc:** Kelly Broughton  
**Subject:** RE: Area 12  
**Attachments:** Reso 2016-187 FC-2 SPA, Addendum.pdf

Hi Kathy,

The Otay Ranch Freeway Commercial SPA Plan was amended in September of 2016 to allow mixed use in FC-2 by Council Resolution 2016-187, attached.

That SPA Plan is available on City's website.

Thank you,  
Stan

***Stan Donn, AICP, Project Manager***

City of Chula Vista, Development Services Department  
276 Fourth Avenue, Chula Vista, CA 91910  
Ph (619) 409-5953  
Fx (619) 409-5859  
Email [sdonn@chulavistaca.gov](mailto:sdonn@chulavistaca.gov)

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**From:** kathleen reed [mailto:████████████████████]  
**Sent:** Monday, June 10, 2019 5:27 PM  
**To:** John McCann; Jill Galvez; Mary Salas; Mike Diaz; Steve C. Padilla; Stan Donn  
**Subject:** Area 12

**Warning:  
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According to the Otay Ranch GDP, it states Area 12:

The freeway commercial use has not been included in any of the previously approved or implemented SPAs so there are no established SPA-level commercial design standards to which this project must adhere. SPA Level Planning Within both the City and the County, the Otay Ranch GDP/SRP is implemented through additional, more detailed planning processes prior to the subdivision of land. The City of Chula Vista requires the preparation and adoption of "Sectional Planning Area" plans. The County of San Diego requires "Specific Plans." The requirements of each process are substantially similar.

The Site Utilization Plan identifies two planning areas (FC-1 and FC-2) which correspond to the two major ownerships of the property. Because of the independent ownerships, project plans have been designed and structured to allow the two parcels to develop separately but in a coordinated manner. The SPA Plan is intended to provide the necessary SPA-level planning and design approvals which will be implemented at successive stages of planning and design separately by each owner.

Can you provide the documentation and date of this action?

Kathleen Reed

RESOLUTION NO. 2016-187

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA: 1) CONSIDERING THE SECOND ADDENDUM TO FEIR-02-04; 2) APPROVING THE AMENDMENT TO OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA (SPA) PLAN, DESIGN PLAN, AND ASSOCIATED REGULATORY DOCUMENTS; AND 3) APPROVING OTAY RANCH FREEWAY COMMERCIAL NORTH MASTER PRECISE PLAN

I. RECITALS

A. Project Site

WHEREAS, the parcel, that is the subject matter of this resolution, is represented in Exhibit A, attached hereto and incorporated herein by this reference, and for the purpose of general description is located in the northern portion of Planning Area 12 of Otay Ranch; and

B. Project; Applications for Discretionary Approval

WHEREAS, on September 24, 2015, a duly verified application was filed with the City of Chula Vista Development Services Department by Baldwin & Sons (Applicant) requesting approval of amendments to Otay Ranch Freeway Commercial Sectional Planning Area Plan (PCM 12-16), including Design Plan and associated regulatory documents, and a new Master Precise Plan (MPA 15-0018) for the Freeway Commercial North portion of Otay Ranch PA-12; and

C. Prior Discretionary Approvals

WHEREAS, the Property has been the subject matter of an amendment to the City's General Plan and the Otay Ranch General Development Plan (GDP) approved on May 26, 2015 and adopted by City Council by Resolution No. 2015-114; and

D. Environmental Determination

WHEREAS, the Development Services Director reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the project was covered in the previously adopted *Final Environmental Impact Report for the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan - Planning Area 12 (FEIR 02 -04)* (SCH #1989010154), and has determined 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 Development Services Director has prepared the Second Addendum to FEIR 02-04; and

E. Planning Commission Record on Application

WHEREAS, the Development Services Director set the time and place for a 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 within 500 feet of the exterior boundaries of the property, at least 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely 6:00 p.m., August 10, 2016 in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on August 10, 2016 and the Minutes and Resolution resulting therefrom, are incorporated into the record of this proceeding; and

WHEREAS, the Planning Commission voted 5-0-0 recommending that the City Council approve the Project; and

F. City Council Record on Application

WHEREAS, a hearing time and place was set by the City Clerk of the City of Chula Vista 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 City Council of the City of Chula Vista held a duly noticed public hearing to consider said Project at the time and place as advertised, namely September 13, 2016, at 5:00 p.m. in the Council Chambers, 276 Fourth Avenue, said hearing was thereafter closed.

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

II. CERTIFICATION OF COMPLIANCE WITH CEQA

That the City Council, in the exercise of their independent review and judgment as set forth in the record of its proceedings, considered the Second Addendum to FEIR-02-04 in the form presented, which has been prepared in accordance with the requirements of the CEQA and the Environmental Review Procedures of the City of Chula Vista and does hereby adopt the Second Addendum to FEIR-02-04.

III. SPA FINDINGS/APPROVAL

A. THE SECTIONAL PLANNING AREA (SPA) PLAN, AS AMENDED, IS IN CONFORMITY WITH THE OTAY RANCH GENERAL DEVELOPMENT PLAN, AS AMENDED, AND



## THE CHULA VISTA GENERAL PLAN, AS AMENDED, AND ITS SEVERAL ELEMENTS.

The proposed SPA Plan amendment implements the GP and GDP. The GP land use designation is Retail Commercial and Mixed Use Residential. The proposed project is consistent with these land use designations. It contains all the requisite land uses comprising Retail Commercial and Mixed Use Residential: commercial hotels, mixed-use development, multi-family residential housing, a public park and open space.

The current Otay Ranch GDP designation is Freeway Commercial and Mixed Use. The proposed project is consistent with these land use designations.

The existing implementing zone in the Freeway Commercial Planned Community District Regulations is FC-2, which is divided into three subcategories: H (Commercial Hotel) for lots H-1 and H-2; RM (Multi-Family Residential) for lots MF-1, MF-2, and MF-3; MU (Mixed Use Commercial/Multi-Family) for lots MU-1, MU-2, and MU-3; and P (Park) for lot P-1. All neighborhoods, as shown on the TM, are consistent with these designations. In total, this TM depicts 600 residential units.

All off-site public streets required to serve the subdivision already exist. The on-site public streets are designed in accordance with the City design standards and/or requirements and provide for vehicular and pedestrian connections.

### B. THE SPA PLAN, AS AMENDED, WILL PROMOTE THE ORDERLY SEQUENTIALIZED DEVELOPMENT OF THE INVOLVED SECTIONAL PLANNING AREAS.

The subdivision design consists of three (3) multi-family residential lots, three (3) mixed-use commercial – multi-family residential lots, two (2) hotel lots, two (2) open space lots, one (1) public park, one (1) private street, and one (1) remainder parcel. The condominium subdivision is planned to allow a maximum of 600 residential units.

The Freeway Commercial SPA Public Facilities Financing Plan (PFFP) permits non-sequential phasing by mandating specific facilities requirements for each phase to ensure that the new Freeway Commercial SPA development in FC-2 is adequately served and City threshold standards are met. Anticipated Freeway Commercial North phasing is as follows. Hotel 1 is currently under construction, projected to be completed by April, 2017. Residential West will be developed next. Pursuant to the executed Otay Ranch Freeway Commercial SPA Development Agreement recorded on June 17, 2016, construction of Hotel 2 will commence prior to issuance of the 451st residential building permit for the Project. Construction of the commercial component of the mixed use development will commence prior to or concurrently with obtaining building permits and commencing construction of the residential development located east of Town Center Drive. The Developer shall commence construction of the public park prior to the issuance of the 300th residential building permit and substantially complete the park within 15 months of start of construction.

The proposed project furthers the policy objective for “Urban Villages” to have “higher densities and mixed uses in the village cores” and to “provide a wide range of

residential housing opportunities” which promotes a blend of for-sale and for-rent housing products and a range of densities integrated and compatible with other land uses in the area. The proposed project would support Smart Growth Principles, as it provides compact development oriented to pedestrians, bicyclists and transit, with shopping and recreational uses conveniently and centrally located and would minimize segregated and auto-dependent urban sprawl development patterns.

C. THE OTAY RANCH FREEWAY COMMERCIAL SPA PLAN, AS AMENDED, WILL NOT ADVERSELY AFFECT ADJACENT LAND USES, RESIDENTIAL ENJOYMENT, CIRCULATION OR ENVIRONMENTAL QUALITY.

The proposed modifications to land use and development standard provisions within the project site have been fully analyzed and will not adversely affect the circulation system and overall land uses as previously envisioned in the Otay Ranch GDP and Otay Ranch Freeway Commercial SPA Plan. The existing infrastructure (sewer, water, public services and facilities) has been determined to be adequate to serve the proposed project, as described in the Supplemental PFFP. Additionally, a Water Quality Technical Report, Traffic Impact Study, Noise Impact Report, Air Quality and Global Climate Change Evaluation, Sewer Service Technical Report and Water Service Technical Report have been prepared, reviewed and approved by the City. Second Addendum to FEIR 02-02 has been prepared to analyze the Project’s impacts.

IV. MASTER PRECISE PLAN FINDINGS

- i. THAT SUCH PLAN WILL NOT UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE BE DETRIMENTAL TO THE HEALTH SAFETY OR GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE VICINITY OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY

The City Council finds that the proposed precise plan and development standards contained in attached Exhibit C on file at the office of the City Clerk will not have a negative impact on the surrounding neighborhood because the proposed standards are consistent with the Otay Ranch GDP and Freeway Commercial SPA Plan. It allows the Applicant to design a project that is compatible with the type and intensity of existing development in the area. The proposed project establishes a unified, walkable, mixed-use plan for Otay Ranch Freeway Commercial North. It is intended to enhance living, working, shopping, and transit options in the area. Residential uses are located on the southwest and eastern portions of the site. This provides direct adjacency to the Otay Ranch Town Center Mall. The location is also proximate to Otay Ranch Village 6 which includes neighborhood serving uses such as parks and schools. Additionally, construction of the BRT bridge and a pedestrian connection will exist, shortening the walk to these uses to less than a 1/4 mile. The close proximity to these neighboring uses, as well as to commercial uses within the project, encourages residents to walk to these uses, rather than drive. The proposed residential uses are also within a short walk, less than half of a mile of the future BRT transit stop along Eastlake Parkway at the Otay Ranch Town Center Mall. The proximity of

the BRT transit stop encourages residents to reduce automobile use in favor of walking and transit. Residential uses adjacent to SR-125 will be set back from the western property line to minimize the effects of the freeway. Additionally, the freeway is located approximately 25 to 30 feet below the level of the residential pad. To create a pedestrian friendly environment and encourage residents to walk, pedestrian sidewalks and pathways will connect residential, hotel, and commercial uses to each other and the Town Center Park. Architecture will be complementary across all uses to further establish a cohesive site design.

- ii. THAT SUCH PLAN SATISFIES THE PRINCIPLE FOR THE APPLICATION OF THE P MODIFYING DISTRICT AS SET FORTH IN CVMC 19.56.041:

The City Council finds that application of the P modifying district is appropriate because the underlying zoning is Planned Community District. This Master Precise Plan is required by the Freeway Commercial SPA Plan (PC. District Regulations), and provides the entitlement bridge linking the approved policies and land use designations of the Freeway Commercial SPA/Design Plan with subsequent project-level approvals within the project area. It serves as a framework document by which future "Individual Precise Plans" will be evaluated for compliance with the approved Master Precise Plan concepts that encompass streetscape and landscape design, signs, and architectural and lighting guidelines.

- iii. THAT ANY EXCEPTIONS GRANTED WHICH DEVIATE FROM THE UNDERLYING ZONING REQUIREMENTS SHALL BE WARRANTED ONLY WHEN NECESSARY TO MEET THE PURPOSE AND APPLICATION OF THE P PRECISE PLAN MODIFYING DISTRICT:

As the underlying zoning is Planned Community District, the Precise Plan will provide higher development standards that will make the project more compatible with adjacent commercial uses.

- iv. THAT APPROVAL OF THIS PLAN WILL CONFORM TO THE GENERAL PLAN AND THE ADOPTED POLICIES OF THE CITY. (ORD. 3153 § 2 (EXH. A), 2010; ORD. 1632 § 2, 1975):

The project has been designed and evaluated in accordance with the goals and objectives of the General Plan. The Precise Plan as described above will allow the project to be consistent with the goals and objectives of the General Plan and the Chula Vista Municipal Code.

#### V. APPROVAL OF SPA AMENDMENT, MASTER PRECISE PLAN

Based on the findings above, the City Council approves the amendments to the Freeway Commercial SPA Plan, and the new Master Precise Plan as shown in Exhibits B and C and Attachment 7 on file in the office of the City Clerk, subject to the conditions set forth below:

1. Prior to approval of any land development permits, the Applicant shall demonstrate that the applicable Air Quality Improvement Plan (AQIP) project design features and measures outlined in the Air Quality Improvement Plan pertaining to the design, construction and operational phases of the project have been incorporated in the project design.
2. Prior to issuance of building permits or approval of landscape construction plans, the Applicant shall implement the applicable mandatory water quality conservation measures of the Water Conservation Plan of the SPA Plan.
3. All of the terms, covenants and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Developer as to any or all of the property. For the purpose of this document "Developer" shall have the same meaning as "Applicant."
4. 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.
5. The Applicant shall indemnify, protect, defend and hold the City its agents, officers and employees harmless from and against any and all claims, liabilities and costs, including attorneys' fees, arising from challenges to the Second Addendum to FEIR-02-04, Mitigation Monitoring and Reporting Program for the project, the Otay Ranch Freeway Commercial SPA Plan (PCM-12-16), and/or any and all entitlements issued by the City in connection with the project. The Applicant and the City agree that the indemnity provisions contained in the Development Agreement satisfy this condition.
6. The Applicant shall comply with all conditions of approval, guidelines, policies, and any other applicable requirements of the following plans and programs, as amended from time to time: The City of Chula Vista Municipal Code; the Chula Vista Subdivision Manual; City of Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; the City of Chula Vista Grading Ordinance, CVMC 15.04; the State of California Subdivision Map Act; the City of Chula Vista General Plan; the City's Growth Management Ordinance; Chula Vista Design Manual; Chula Vista Landscape Manual; Chula Vista Fire Facility Master Plan, and Fire Department Policies and Procedures; Otay Ranch General Development Plan, Otay Ranch Resource Management Plan (RMP) Phase 1 and Phase 2, including the Preserve Conveyance Schedule; City of Chula Vista Adopted Parks and Recreation Master Plan, Otay Ranch Wide Affordable Housing Plan; Otay Ranch Overall Design Plan; Otay Ranch Freeway Commercial Sectional Planning Area (SPA, PCM-12-16) Plan and supporting appendices, including: Public Facilities Finance Plan (PFFP) and Supplemental PFFP, Affordable Housing Plan, Air Quality Improvement Plan

(AQIP), Non-Renewable Energy Conservation Plan, and Water Conservation Plan (WCP), as amended from time to time; and Tentative Subdivision Map CVT-15-0007 For Otay Ranch Planning Area 12 Freeway Commercial North (PCS-15-0007). The Project shall comply with all applicable mitigation measures specified in the Second Addendum to EIR Mitigation Monitoring and Reporting Program, as they relate to the Freeway Commercial Sectional Planning Area Plan and Tentative Map Environmental Impact Report to the satisfaction of the Development Services Director.

7. The project shall satisfy the requirements of the Parkland Dedication Ordinance (PDO) pursuant to Chula Vista Municipal Code Chapter 17.10. The Ordinance establishes a requirement that the project provide (3) acres of local parks and related improvements per 1,000 residents. Local parks are comprised of community parks and neighborhood parks. Overall park obligation shall be met per the executed Development Agreement, recorded as document # 2015-0312805.
8. Phasing approved with the SPA Plan may be amended subject to approval by the Director of Development Services and the City Engineer.
9. Prior to the issuance of the first building permit, the Applicant shall complete the Rezone of a 6.5 acre site in Village 7 for Community Purpose Facility (CPF), which includes the required 2.2 acres for Freeway Commercial North, to the satisfaction of the Development Services Director.
10. The Applicant may, at the discretion of the Development Services Director, enter into supplemental agreement(s) with the City, prior to approval of each Final Map for any phase or unit, whereby:
  - a. The City withholds building permits for any units within the project site in order to have the project comply with the Growth Management Program; or, if any one of the following occur:
    - i. Regional development threshold limits set by a Chula Vista transportation-phasing plan, as amended from time to time, have been reached.
    - ii. Traffic volumes, level of service, public utilities and/or services either exceed the adopted City threshold standards or fail to comply with the then effective Growth Management Ordinance and Growth Management Program and any amendments thereto.
    - iii. The Project's required public facilities, as identified in the PFFP, or as amended or otherwise conditioned, have not been completed or constructed in accordance with the project entitlements including the Development Agreement to the satisfaction of the Development Services Director and the City Engineer. The Developer may propose changes in the timing and sequencing of development and the construction of improvements affected. In such case, the PFFP may be amended after review and approval by the City's Director of Development Services and the City Engineer. The Developer agree(s) that the City may withhold building permits for any of the phases of development identified in the PFFP for the project if the

project's required public facilities, as identified in the PFFP or in accordance with the Development Agreement are not meeting the City's standard operating thresholds. Public facilities shall include, but not be limited to, air quality, drainage, sewer and water.

11. After final SPA approval, the Applicant shall submit electronic versions of all SPA documents, including text and graphics, to the Development Services Department in a format specified and acceptable to the Development Services Director.
12. The Applicant shall comply with the Fire Department's codes and policies for Fire Prevention. As part of any submittal for design review, a fire access and water supply plan prepared by a licensed engineering firm, which has been determined to be qualified in the sole discretion of the Fire Marshall, shall be submitted for approval by the City of Chula Vista Fire Marshall. The plan shall detail how and when the Applicant shall provide the following items either prior to the issuance of building permit(s) for the project, or prior to delivery of combustible materials on any construction site on the project, whichever occurs earlier:
  - a. Water supply consisting of fire hydrants as approved and indicated by the Fire Department during plan check to the satisfaction of the Fire Marshall. Any temporary water supply source is subject to prior approval by the Fire Marshal.
  - b. Emergency vehicle access consisting of a minimum first layer of hard asphalt surface or concrete surface, with a minimum standard width of 15 feet.
  - c. Street signs installed to the satisfaction of the City Engineer. Temporary street signs shall be subject to the approval of the City Engineer and Fire Marshall. Locations and identification of temporary street signs shall be subject to review and approval by the City Engineer and Fire Marshall.

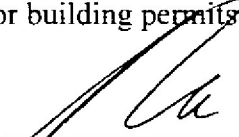
#### VI. GOVERNMENT CODE SECTION 66020 NOTICE

Pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, set aside, void or 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.

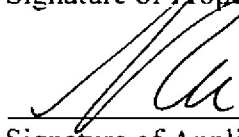
#### VII. EXECUTION AND RECORDATION OF RESOLUTION OF APPROVAL

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

understood and agreed to the conditions contained herein, and will implement same. 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

10/7/16  
\_\_\_\_\_  
Date

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

10/7/16  
\_\_\_\_\_  
Date

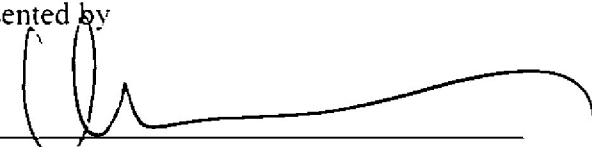
VIII. CONSEQUENCE OF FAILURE OF CONDITIONS

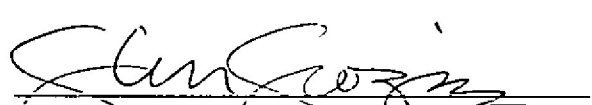
If any of the forgoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of future building permits, deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted, instituted and prosecute litigate or compel their compliance or seek damages for their violations. No vested rights are gained by Applicant or successor in interest by the City approval of this Resolution.

IX. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon 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 the Court of competent jurisdiction to be invalid, illegal or unenforceable, if the city so determines in its sole discretion, the resolution shall be deemed to be revoked and no further in force or in effect ab initio.


BE IT FURTHER RESOLVED, that based on the above-referenced Findings and Conditions of Approval, the City Council does hereby approve the Otay Ranch Freeway Commercial SPA Plan Amendment and Master Precise Plan.

Presented by  
  
\_\_\_\_\_  
Kelly G. Broughton, FSALA  
Director of Development Services


Approved as to form by  
  
\_\_\_\_\_  
Glen R. Googins  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of September 2016 by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, McCann, and Salas  
NAYS: Councilmembers: None  
ABSENT: Councilmembers: None  
ABSTAIN: Councilmembers: Miesen

  
\_\_\_\_\_  
Mary Salas, Mayor

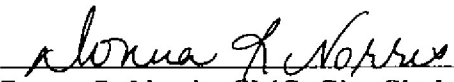
ATTEST:

  
\_\_\_\_\_  
Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2016-187 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 13th day of September 2016.

Executed this 13th day of September 2016.

  
\_\_\_\_\_  
Donna R. Norris, CMC, City Clerk



# EXHIBIT A

Exhibit A

