

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A STORMWATER
MANAGEMENT FACILITIES MAINTENANCE AGREEMENT
WITH GRANT OF ACCESS AND COVENANTS FOR OTAY
RANCH VILLAGE EIGHT WEST BETWEEN THE CITY,
HOMEFED VILLAGE 8, LLC, AND OTAY LAND COMPANY,
LLC

WHEREAS, a Stormwater Management Facilities Maintenance Agreement with Grant of Access and Covenants (the “Agreement”) has been negotiated between HomeFed Village 8, LLC, a Delaware limited liability company and Otay Land Company, LLC, a Delaware limited liability company, (collectively, “Owner”), and the City of Chula Vista (the “City”); and

WHEREAS, Owner has applied for a grading permit for the development of Otay Ranch Village 8 West (the “Project”), located on portions of Lots 27 and 28 of Otay Rancho, per Map No. 862 filed February 7, 1900 (“Project Site”) as depicted in a vicinity map in Exhibit “A” and more particularly described in the property legal description, Exhibit “B”, both attached hereto and incorporated herein by this reference; and

WHEREAS, as a condition of the grading permit, Owner(s) is(are) required to implement and maintain structural or non-structural pollution prevention measures, such as site design, source control, treatment control, and hydromodification control (where applicable) methods required to minimize polluted runoff and any other environmental impacts from Project during the post-development phase (collectively, the “BMPs”); and

WHEREAS, condition of approval number 26 of the City of Chula Vista Standard Tentative Map Conditions of Approval per Section 5-300 of City’s Subdivision Manual, approved by City Council by Resolution 2010-278, requires the Owner to enter into a maintenance agreement to secure the maintenance of drainage related facilities including but not limited to the removal of silt from any temporary or permanent basins, the repair of downstream erosion, and provide any resource agency permit necessary for said improvements for the Project (collectively, “Erosion/Sedimentation Control Facilities”); and

WHEREAS, Owner(s) has(have) represented that certain drainage improvements, biofiltration BMP basins, detention basins, desilting basins, drainage outfall, storm water quality management facilities and erosion/sedimentation control facilities as shown on the rough grading plans for the Project, Chula Vista Drawing Number 14011, will meet City and Regional Water Quality Control Board requirements for water quality for the entirety of Village 8 West; and

WHEREAS, a portion of the BMPs are located onsite, and a portion of the BMPs are located offsite on the real property more particularly described on Exhibit “C”, attached hereto and incorporated herein by this reference; and

WHEREAS, Owner(s) will initially maintain such improvements as provided in this Agreement; and

WHEREAS, pursuant to City's urban runoff regulations, including Chula Vista Municipal Code, Chapter 14.20 (the "Storm Water Management and Discharge Control Ordinance") and the Chula Vista BMP Design Manual, Owner(s) is(are) required to prepare and submit a Stormwater Quality Management Plan (SWQMP), which includes an Inspection, Operation, and Maintenance Plan (IOMP); and

WHEREAS, the Owner(s) has(have) submitted SWQMP, which is on file in the office of the City Engineer; and

WHEREAS, the SWQMP proposes that storm water runoff from Project be detained and treated by the use of permanent Storm Water Management Facilities ("SWMFs"); and

WHEREAS, the SWMFs are classified in the SWQMP as site design, treatment control, and hydromodification control BMPs; and

WHEREAS, the SWQMP specifies the manner and standards by which the SWMFs must be inspected, maintained, and repaired in order to retain their effectiveness; and

WHEREAS, prior to the issuance of any construction permits for Project, City requires Owner(s) to enter into Agreement to ensure the installation, inspection, maintenance, and repair of permanent SWMFs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it approves the Stormwater Management Facilities Maintenance Agreement with Grant of Access and Covenants, between the City of Chula Vista and HomeFed Village 8 West, LLC and Otay Land Company, LLC, in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the City Manager to execute same.

Presented by

Approved as to form by

Tiffany Allen
Director of Development Services

Glen R. Googins
City Attorney