

## RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CERTIFYING A THIRD ADDENDUM TO FEIR 13-01 FOR THE OTAY RANCH UNIVERSITY VILLAGES (IS22-0003) AND APPROVING AMENDMENTS TO THE CITY OF CHULA VISTA GENERAL PLAN (GPA22-0002), THE OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP22-0002), THE OTAY RANCH VILLAGE EIGHT EAST SECTIONAL PLANNING AREA PLAN AND OTHER ASSOCIATED REGULATORY DOCUMENTS (SPA22-0006), AND APPROVING A ZONING CHANGE (ZC22-0003), THE TENTATIVE MAP FOR OTAY RANCH VILLAGE EIGHT EAST (TM22-0005), AND THE COMMUNITY PURPOSE FACILITY AGREEMENT FOR THE PROJECT

WHEREAS the area of land that is the subject of this Resolution is, for the purpose of general description, located south of the eastern extension of Main Street, east of Otay Ranch Village Eight West, west of State Route 125 (“SR-125”), and north of the Otay River Valley known as Otay Ranch Village Eight East (“Project Site”); and

WHEREAS, on June 17, 2022, a duly verified application was filed with the City of Chula Vista Development Services Department by HomeFed Otay Land II, LLC (“Applicant” or “Developer”) requesting approval of amendments to the City of Chula Vista General Plan (GPA22-0002), the Otay Ranch General Development Plan (GDP22-0002), and the Otay Ranch Village Eight East Sectional Planning Area (“SPA”) Plan (SPA22-0006), including the Planned Community District Regulations, to reflect a change in zoning from single-family residential to multifamily residential, and approving a Zoning Change (ZC22-0003) and a Tentative Map (TM22-0005), all to allow for a redistribution of density throughout the Project Site and realignment of internal streets, and accommodate the SR-125 interchange design (“Project”); and

WHEREAS the property has been the subject of amendments to the City’s General Plan and the Otay Ranch General Development Plan (“GDP”) (approved December 2, 2014, by City Council Resolution No. 2014-233), the Otay Ranch Village Eight East SPA Plan and associated regulatory documents (approved December 2, 2014, by City Council Resolution No. 2014-235 and amended February 18, 2020, by City Council Resolution No. 2020-036), Tentative Map CVT 13-03 (approved December 2, 2014, by City Council Resolution No. 2014-238 and amended February 18, 2020, by City Council Resolution No. 2020-037), and the Otay Ranch Village Eight East Planned Community District Regulations (approved December 16, 2014, by Ordinance No. 2014-3331); and

WHEREAS the Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act (“CEQA”) and determined that the Project is adequately covered in the previously adopted Final Environmental Impact Report (“FEIR”) and associated Mitigation Monitoring and Reporting Program (“MMRP”) for the Otay Ranch University Villages (FEIR 13-01; SCH #2013071077; and adopted by City Council Resolution No. 2014-232 on December 2, 2014, with an Addendum adopted by City Council Resolution No. 2016-254 on December 6, 2016 and a Second Addendum adopted by City Council Resolution No. 2021-

120 on June 15, 2021), that only minor technical changes or additions to the document are necessary to account for the expected Project impacts, and that none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent document exist; therefore, a Third Addendum to FEIR 13-01 was prepared for the proposed Project; and

WHEREAS City Staff recommended that the City Planning Commission recommend that the City Council approve and certify the Third Addendum to FEIR 13-01, and approve and adopt actions to amend the City of Chula Vista General Plan (GPA22-0002), the Otay Ranch General Development Plan (GDP22-0002), and the Otay Ranch Village Eight East Sectional Planning Area (“SPA”) Plan (SPA22-0006), including the Planned Community District Regulations, to reflect a change in zoning from single-family residential to multifamily residential, and to approve a Zoning Change, a Tentative Map (TM22-0005), and a Community Purpose Facility Agreement for the Project; and

WHEREAS the Director of Development Services set the time and place for a hearing before the Planning Commission, 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 ten (10) days prior to the hearing; and

WHEREAS, after review and consideration of the Staff Report and related materials for the Project, the hearing on the Project was held at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, and the Planning Commission voted \_\_\_\_\_ to recommend to the City Council \_\_\_\_\_ of the subject amendments; and

WHEREAS the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on April 10, 2024, and the Minutes and Resolution resulting therefrom are incorporated into the record of this proceeding; and

WHEREAS City Staff and the City Planning Commission recommend that the City Council approve and certify the Third Addendum to FEIR 13-01, approve and adopt actions to amend the City of Chula Vista General Plan (GPA22-0002), the Otay Ranch General Development Plan (GDP22-0002), and the Otay Ranch Village Eight East Sectional Planning Area (“SPA”) Plan (SPA22-0006), including related regulatory documents, and approve a Tentative Map (TM22-0005) and a Community Purpose Facility Agreement for the Project; and

WHEREAS the City Clerk set the time and place for a hearing before the City Council 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 ten (10) days prior to the hearing; and

WHEREAS, after review and consideration of the Staff Report and related materials for the Project, the duly called and noticed public hearing on the Project was held before the City Council in the City Council Chambers, 276 Fourth Avenue, to hear public testimony with regard to the same, and the proceedings and any documents submitted to the City Council as the decision-makers shall comprise the entire record of the proceedings,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Chula Vista, after hearing public testimony and staff's presentation and after reviewing all of the subject documents, does hereby find, determine, and resolve as follows:

I. CERTIFICATION OF COMPLIANCE WITH CEQA

Pursuant to Section 15164 of the CEQA Guidelines the City Council finds the proposed modifications to the Otay Ranch University Villages FEIR (13-01) will result in only minor technical changes and additions which are necessary to make the document adequate under CEQA. The City Council, in the exercise of its independent review and judgment, therefore certifies the Third Addendum to FEIR-13-01 as represented in Exhibit 2 to the Staff Report, which is incorporated herein by this reference and on file in the office of the City Clerk.

II. GENERAL PLAN INTERNAL CONSISTENCY

The City Council hereby finds and determines that the General Plan, as amended, is internally consistent and shall remain internally consistent following amendments thereof by this Resolution as discussed and determined in the Otay Ranch Village Eight East Chula Vista General Plan Amendment Justification Report for the Project.

III. ADOPTION OF GENERAL PLAN AMENDMENTS

In light of the findings above, the General Plan amendments, specifically eliminating the Medium Residential land use designation within Otay Ranch Village Eight East and implementing Mixed Use Residential within the Village Core of Otay Ranch Village Eight East and High and Medium High Residential surrounding the Village Core, as well as other modifications to land use and village circulation, are hereby approved and adopted in substantially the form presented in Exhibit 3 attached to the Staff Report and incorporated herein and on file in the office of the City Clerk.

IV. OTAY RANCH GENERAL DEVELOPMENT PLAN CONSISTENCY

The City Council hereby finds and determines that the Otay Ranch GDP, as amended, is internally consistent and shall remain internally consistent following amendment thereof by this Resolution as discussed and determined in the Otay Ranch Village Eight East General Development Plan Amendment Report for the Project.

V. ADOPTION OF OTAY RANCH GENERAL DEVELOPMENT PLAN AMENDMENTS

In light of the findings above, the Otay Ranch GDP amendments are hereby approved and adopted in the form as presented in Exhibit 4 attached to the Staff Report and incorporated herein by this reference and on file in the office of the City Clerk.

VI. SECTIONAL PLANNING AREA FINDINGS AND RELATED ADOPTION OF AMENDMENTS

- A. The proposed SPA Plan amendments are hereby approved and adopted in substantially the form presented in the amended Otay Ranch Village Eight East Sectional Planning Area Plan attached as Exhibit 5 to the Staff Report and incorporated herein and on file in the office of the City Clerk. Such SPA Plan amendments are in conformity with the Otay Ranch GDP, as amended, any adopted specific plans, and the Chula Vista General Plan, as amended, and its several elements as discussed and determined in the amended Otay Ranch Village Eight East Sectional Planning Area Plan for the Project.

The proposed amendments to the Village Eight East SPA Plan reflect land use designations, circulation, and public facilities that are consistent with the Otay Ranch GDP and the City of Chula Vista General Plan. The proposed amendments are compatible with previously approved plans and regulations applicable to surrounding sites; thus, the proposed amendments can be planned and zoned in coordination and substantial compatibility with surrounding development.

- B. The proposed SPA Plan amendments would promote the orderly and sequential development of Otay Ranch Village Eight East.

The proposed Project will be developed in a manner that is consistent with its Planned Community District Regulations, Conceptual Phasing Plan, and Public Facilities Financing Plan. Development of the SPA will be completed in phases to ensure construction of necessary infrastructure and amenities for each phase as the Project progresses.

The Otay Ranch Village Eight East SPA Plan's Supplemental Public Facilities Finance Plan ("Supplemental PFFP") approved and adopted for this Project establishes a circulation phasing plan that identifies the timing of specific improvements necessary to serve the Project. The Conceptual Phasing Plan is non-sequential because the SPA Plan and Supplemental PFFP permit non-sequential phasing by imposing specific facilities requirements for each phase to ensure the SPA is adequately served and City requirements are met. Public parks and schools shall be phased as needed. The Conceptual Phasing Plan is consistent with the Supplemental PFFP, and the proposed phasing and actual construction timing of the SPA may be modified subject to compliance with provisions of the Supplemental PFFP.

- C. The proposed amendments would not adversely affect adjacent land use, residential enjoyment, circulation, or environmental quality.

The proposed modifications to land use and development standards 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 Village Eight East SPA Plan. The planned infrastructure (sewer, water, public services and facilities) has been deemed adequate to serve the proposed Project, as described in the Supplemental PFFP. Additionally, a Water Quality/Hydrology Report, Trip Generation Analysis / Comprehensive Project Information Form, Noise Assessment, Air Quality and Greenhouse Gas Evaluation, Sewer Service Technical Study, Health Risk

Screening Letter, Biological Review, Archeological and Paleontological Memorandum, Drainage Study, Geotechnical Analysis, and Water Service Technical Study have all been prepared, reviewed, and approved by City staff. A Third Addendum to FEIR 13-01 has been prepared to analyze the Project's impacts. No additional or more severe environmental impacts were identified in the Third Addendum to FEIR 13-01.

## VII. TENTATIVE SUBDIVISION MAP FINDINGS AND APPROVAL

A. Tentative Subdivision Map (TM22-0005) for the Project is approved and adopted, subject to the conditions stated herein. Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the City Council finds that the Tentative Subdivision Map (TM22-0005), as conditioned herein, is in conformance with the elements of the City's General Plan, based on the following:

### 1. Land Use and Circulation

The proposed Project is in a community that provides a variety of residential, commercial, parks, open space, and school uses, as well as public and private improvements to serve the community. The proposed Project is consistent with the policies and objectives of the Chula Vista General Plan, the Otay Ranch GDP, and the Otay Ranch Village Eight East SPA Plan related to land use and circulation.

### 2. Economic Development

Otay Ranch Village Eight East is designed to help achieve the General Plan's 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. The proposed Project is consistent with those objectives.

### 3. Public Facilities and Services

#### *Schools*

In accordance with the Project's Supplemental PFFP and the conditions of approval of the original Tentative Map, an elementary school site of approximately 10.8 acres is required to be offered for acquisition by the Chula Vista Elementary School District.

#### *Sewer*

Sewer capacity needs are conditioned under this Resolution.

#### *Parks*

Parks, recreation, and open space obligations are conditioned under this Resolution and other regulatory documents for this Project. Construction of park, recreation and open space identified in this Resolution are the responsibility of the Applicant.

### 4. Housing

Otay Ranch Village Eight East remains consistent with the Housing Element of the City's General Plan by providing for high-quality multifamily residential opportunities in the southeastern portion of the City.

5. Environmental

FEIR-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 those goals and policies. The proposed Project is a minor amendment to the Tentative Map and does not propose material changes to the approved Otay Ranch Village Eight East SPA Plan. Accordingly, The City Council, in the exercise of its independent review and judgment, certifies the Third Addendum to FEIR-13-01 as represented in Exhibit 2 to the Staff Report, which is incorporated herein by this reference and on file in the office of the City Clerk.

- 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. Development of the Project Site will be subject to site plan and architectural review to ensure the maximum utilization of natural and passive heating and cooling opportunities.
- C. Pursuant to Government Code Section 66412.3 of the Subdivision Map Act, the City Council has considered the effect of this approval on the housing needs of the region and has balanced those needs against the public service needs of the residents of the City and the available fiscal and environmental resources.
- D. Pursuant to Government Code Section 66474 (a-g) of the Subdivision Map Act, the proposed Project meets the following requirements:
1. The proposed Project is consistent with applicable general and specific plans as specified in Section 65451 because the Otay Ranch Village Eight East SPA Plan is consistent with the General Plan's land use designations for Otay Ranch.
  2. Project design or improvement is consistent with applicable general and specific plans because the proposed Project's design is consistent with the General Plan, the Otay Ranch General Development Plan, and the Otay Ranch Village Eight East SPA Plan land use designations and intended circulation for Otay Ranch.
  3. The Project Site is suitable for the proposed density of development. The proposed Project does not contain an increase or reduction in the overall 3,276 residential dwelling units previously approved in the Otay Ranch Village Eight East SPA Plan.
  4. The Project Site is physically suitable for the type of development. The proposed Project is surrounded by existing and entitled (future) planned community developments with available access and infrastructure to serve the proposed Project.
  5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitats. The proposed Project has been designed to minimize

landform disturbance with cut and fill slopes balance on a disturbed site that avoids permanent disturbance or injury to wildlife or their habitats.

6. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the proposed Project has been designed to have suitable separation between structures and parcels and is able to be served by fire and emergency services.
  7. The subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property, within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The proposed Project's roadways and utilities are within and are not in conflict with existing easements.
- E. The Project Site is physically suited for development and will be developed in conformance with the Otay Ranch Village Eight East SPA Plan and FEIR-13-01 and its Mitigation Monitoring and Reporting Program ("MMRP") and Addendums, which ensure that the Project Site is developed in a manner consistent with the standards established by the City for a master-planned community.
- F. The conditions herein imposed on the proposed Project are approximately proportional both in nature and extent to the impacts created by the Project, based upon the City's police powers and evidence provided by the record of the proceedings of the Third Addendum to FEIR-13-01.

## VIII. CONDITIONS OF APPROVAL

### Tentative Map

1. Unless otherwise specified herein or required by law, the conditions and Code requirements set forth below shall be completed prior to recordation of any related Final Map or other trigger as determined by the Director of Development Services and the City Engineer, or their designees. Unless otherwise specified, "dedicate" means granting 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 to ensure that the City has a first-priority interest and rights in such land except CALTRANS or City of San Diego waterlines, or as otherwise waived by the City Manager or his/her designee 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, or questions about interpretation or implementation, occur between these conditions of approval for this Project, or with respect to TM No. CVT-13-03, any conflict shall be resolved by the City Manager, or their 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, TM22-0005, generally located south of Main Street, east of Otay Ranch Village Eight West, west of State Route-125 (“SR-125”), and north of the Otay River Valley.
4. The Project shall comply with General Plan Amendment No. GPA22-0002 and GDP Amendment No. GDP22-0002, approved \_\_\_\_\_, SPA Plan Amendment No. SPA22-0006, approved \_\_\_\_\_, and all supporting documents including but not limited to the Public Facilities Finance Plan; Parks, Recreation, Open Space, and Trails Plan; Affordable Housing Program; Non-renewable Energy Conservation Plan; and the Chula Vista Subdivision Manual, Section 5: Standard Conditions of Approval (“STMC”) and Otay Ranch STMCs 53 and 55, incorporated herein, or as excepted or modified below.
5. The following clarifications to City STMCs and Otay Ranch STMCs shall apply:
  - a. City STMC 2 shall be amended to exclude the reference to the City’s Growth Management Ordinance.
  - b. Otay Ranch STMCs 54 and 58 are not applicable.
  - c. Otay Ranch STMC 59 shall be replaced with Conditions of Approval 21, 22, 23, and 24.
6. The Applicant shall timely and fully implement, to the satisfaction of the Director of Development Services and the City Engineer, or their designees, the associated Mitigation Measures and associated MMRP identified in FEIR-13-01 and EIR Addendum IS22-0003 for Amendments to the Chula Vista General Plan (GPA22-0002), the Otay Ranch General Development Plan (GDP22-0002), the Otay Ranch Village Eight East Sectional Planning Area Plan (SPA22-0006), and Tentative Map (TM22-0005) for the Otay Ranch Village Eight East Project, consistent with the MMRP.
7. The Covenants, Conditions, and Restrictions (“CC&R”) for each Homeowners Association (“HOA”) within the Project shall contain a provision that provides all new residents with an overflight notification disclosure document (“Airport Overflight Agreement”) that discloses the following information during any real



estate transaction or prior to lease signing as required by the Brown Field Airport Land Use Compatibility Plan (“ALUCP”):

- a. NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.
  - b. A copy of the Airport Overflight Agreement shall be recorded with the County of San Diego County Recorder’s Office prior to approval of the first Final Map. Each prospective homeowner shall sign the disclosure document confirming they have been informed of the vicinity of the airport prior to the purchase of a home.
8. The Applicant shall submit CC&Rs for review and written approval by the City prior to the first Final Map of the Project. In addition to the requirements of STMC 34, said CC&Rs shall include, but not be limited to, the following:
- a. Indemnification of City for private sewer spillage.
  - b. Indemnification of City-General.
  - c. List of facilities to be maintained privately.
  - d. The City’s right, but not obligation, to enforce the CC&Rs.
  - e. Provision that no private facilities shall be requested to become public unless all homeowners and 100 percent of the first mortgage obliges have signed a written petition.
  - f. The CC&Rs shall include provisions assuring the timely and proper maintenance of all open space lots, slopes, walls, fences, private streets, private driveways, paths, recreational amenities and structures, private sewerage facilities, private drainage facilities, landscaping, and onsite improvements of neighborhoods parks.
  - g. Implement education and enforcement program to prevent the discharge of pollutants from all on-site sources to the storm water conveyance system.
  - h. Said CC&Rs, which must be approved in writing by the City, shall be consistent with Chula Vista Municipal Code (“CVMC”) 18.44 and shall be recorded concurrently with the first Final Map.

9. During any real estate transaction, or prior to lease-signing of any property within the Otay Ranch Village Eight East Project, the prospective owners or residents shall be notified of the following information in a disclosure document and in the CC&Rs for each HOA within the Village:
  - a. NOTICE OF FUTURE EXPANSION OF STATE ROUTE 125: Be advised that Caltrans has a long-term plan (per SANDAG Regional Transportation Plan) 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.
  - b. Prior to approval of the first Final Map of the Project, the CC&Rs, including this disclosure, shall be recorded against the property. Each prospective homeowner shall sign the disclosure document confirming they have been informed of the vicinity of Brownfield Municipal Airport prior to the purchase of a home.
10. The Applicant shall obtain approval of a subsequent Final Map showing condominium ownership prior to development of condominiums within any Planning Area proposing mixed for-sale residential/commercial or for-sale multifamily residential uses.
11. The Applicant shall timely, fully, and properly construct public facilities in compliance with the Otay Ranch Village Eight East Supplemental PFFP for this Project (as may be amended from time to time). At the Applicant's request, the City Engineer and the Director of Development Services, or their designees, may, at their sole discretion, modify the sequence, schedule, alignment, and design of improvement construction should conditions change to warrant such a revision.
12. City STMC 17 shall be replaced with Condition 12.b. below. With each Final Map of the Project, the Applicant shall dedicate as fee interest for public use all public streets shown within the boundary of the Final Map as shown on the Tentative Map. 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 Project. The Applicant shall construct the public improvements and provide security satisfactory to the Director of Development Services, City Engineer, and City Attorney, or their designees.
  - a. The Applicant shall secure and agree to construct all backbone roadway improvements shown on the approved Tentative Map prior to approval of each applicable Final Map of the Project, satisfactory to the City Engineer and City Attorney. The amount of the security for required improvements shall be 100 percent times a construction cost estimate approved by the City Engineer if improvement plans have been approved by the City, 150 percent times the approved cost estimate if improvement plans are being processed by the City, or 200 percent times the construction cost estimate approved by the City Engineer if improvement plans have not been submitted for City review. A lesser percentage may be required if it is demonstrated to the satisfaction of the City

Engineer that sufficient data or other information is available to warrant such reduction.

- b. The Applicant shall secure and agree to construct all local bus stop shelters within the Project Site per the current Otay Ranch Metropolitan Transit System (“MTS”) local transit map effective at the time of construction adjacent to bus stop shelters. The bus shelters shall be constructed in conjunction with the vertical construction adjacent to the public street improvements. Bus stop shelters shall include the concrete bus pad/boarding area, a shelter, bench, and other improvements consistent with MTS requirements as determined by the City Engineer, or their designee.
- c. The Applicant shall fully design traffic signals in conjunction with the improvement plans for the public streets listed below. The Applicant shall install underground improvements, standards, and luminaries in conjunction with the construction of the applicable street improvements. In addition, the Applicant shall install mast arm, signal heads, and associated equipment when traffic signals are warranted, as determined by the City Engineer, or their designee.

PRIOR TO THE APPROVAL OF EACH MAP FOR PHASE	INTERSECTIONS
1	<ul style="list-style-type: none"> <li>• Main Street and La Palmita Drive</li> <li>• Main Street and Magdalena Avenue</li> <li>• La Media Parkway and Delgado Drive</li> </ul>
2	<ul style="list-style-type: none"> <li>• Savoria Parkway and Via Palmero</li> <li>• Main Street and Via Palmero</li> <li>• La Media Parkway and Via Palmero</li> </ul>

- d. Prior to issuance of a construction permit and concurrent with the submittal of associated improvement plans, the Applicant shall submit striping plans for all collector or higher classification streets for approval from the City Engineer.
  - e. The Applicant shall agree to install temporary street name signs prior to the issuance of the first building permit for the applicable lot or parcel. The Applicant shall agree to install permanent street name signs prior to final inspections for the applicable lot(s).
13. In accordance with STMC 40, the Applicant shall notify the City at least 60 days prior to consideration of the first Final Map of the Project 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 these conditions of approval. After said notification, the Applicant shall comply with the requirements set forth in Subdivision Manual Condition 40.

14. Prior to approval of the first Final Map authorizing dwelling units within any Village Core parcel, the Applicant shall submit and obtain approval by the City of a Village Core Master Precise Plan.
15. Prior to approval of the first Final Map, the Applicant shall submit a Planned Sign Program, which shall include all signs proposed within the public right-of-way. The Applicant shall obtain approval of the Planned Sign Program and a Master Encroachment Permit prior to construction of signage within the public right-of-way or a public easement in the Project area to the satisfaction of the City Engineer and Director of Development Services, or their designees.
16. Prior to issuance of a building permit for a multifamily lot that does not require the filing of a "B" Map, the Applicant shall comply with all applicable conditions of approval of the Tentative Map, as determined by the City Engineer.

Public Facilities:

17. The Final Map containing parcels adjacent to SR-125 shall include Parcels CT-1, CT-2, and CT-3, which are necessary for the SR-125 interchange at Main Street and at La Media Parkway, as shown on the Tentative Map. Said legal lots shall be deeded to CALTRANS pursuant to CALTRANS requirements and specifications consistent with the final adopted SR-125 interchange design.
18. Prior to approval of the first Final Map containing parcels CT-1, CT-2, and CT-3 as shown on the Tentative Map, which are adjacent to SR-125 and/or the storm water quality basin and maintenance access road, the Applicant shall obtain approval of an encroachment permit from CALTRANS to the satisfaction of the Director of Development Services and City Engineer.
19. Prior to approval of the first Final Map containing the storm water quality basin and its appurtenances and maintenance/emergency vehicle access road adjacent to and within the SR-125 right-of-way, the Applicant shall obtain from CALTRANS a maintenance/emergency vehicle and community park trail easement, an encroachment permit, or other form acceptable to the City of Chula Vista for the benefit of the City of Chula Vista and to the satisfaction of the Director of Development Services and the City Engineer.
20. Prior to approval of the first Final Map, the Applicant shall fund the processing of a Pedestrian Bridge Development Impact Fee Ordinance (which will include Otay Ranch Village Eight East and designate Otay Ranch Village Nine as a future annexable area). The fee calculation shall include the cost of designing and constructing the multi-modal bridge, which may include but is not limited to an encroachment permit (if required), conceptual plans, environmental review, construction documents (which include grading, paving, walls (if any), landscape and lighting, approach ramps, and abutments), and all other items necessary for the complete construction of the multi-modal bridge. Village Eight East shall be

responsible for funding 50 percent of the total multi-modal bridge cost, as required in the Otay Ranch Village Eight East SPA Plan and the Otay Ranch GDP. Alternatively, if the multi-modal bridge is included in an alternative City of Chula Vista Transportation Fee Program, this condition shall not be applicable.

21. The multi-modal bridge facility shall be designed in the location shown on the Tentative Map, with a deck width of 17 feet (15-foot total travel lane width) to accommodate safe two-way passage of Neighborhood Electric Vehicles (“NEV”), bicycles, and pedestrian users, consistent with the Tentative Map and City of Chula Vista and CALTRANS standards and to the satisfaction of the Directors of Development Services and Public Works, or their designees.
22. Prior to issuance of the building permit for the 2,948<sup>th</sup> dwelling unit, the City and the Applicant shall meet to discuss the timing of construction of the multi-modal bridge between Otay Ranch Village Eight East and Otay Ranch Village Nine. A number of factors, including the progress of the Main Street/La Media Parkway interchange approvals for SR-125, phasing and construction, development of Otay Ranch Village Nine (including a developed landing location east of SR-125), and changes to the assumed land uses may affect the timing and location of the facility.
23. The Applicant shall be eligible for fee credits or reimbursement in excess of 50 percent of the total cost of the facility, provided that the facility is incorporated into a future City Development Impact Fee (“DIF”) or other Transportation Fee Program, should the Applicant construct the facility.
24. Prior to approval of the first Final Map, the Applicant shall provide evidence to the satisfaction of the Director of Development Services, or their designee, that the Otay Ranch Village Eight East school site has been determined by the Chula Vista Elementary School District (“CVESD”) to be suitable for school use.
25. City STMC 17 shall be replaced with the following Condition. Prior to approval of the first applicable Final Map of the Project, the Applicant shall construct and secure, or agree to construct and secure, the transit stop facilities shown on the current Otay Ranch MTS local transit map and within the Project Site effective at the time of construction adjacent to bus stop shelters. . The schedule for constructing the transit stops shall be approved or determined by the City Engineer, or their designee, prior to the issuance of the construction permit for related vertical construction adjacent to the public street improvements. The Applicant shall design said transit stops consistent with MTS requirements, subject to the approval of the City Engineer in conjunction with the improvement plans for the related public street(s).
26. Prior to the approval of the first Final Map for the Project, the Applicant shall provide all of the following:
  - a. Evidence satisfactory to the Director of Development Services, or their designee, that the Applicant has entered into a binding and properly executed agreement

with the City of San Diego to construct the new City of San Diego waterlines at a location that has been approved by the City of Chula Vista (“Waterline Agreement”), as depicted on the Tentative Map (TM22-0005), to replace the existing City of San Diego waterlines located within the Project Site. The pipeline relocation work contemplated by said Waterline Agreement shall be secured with the City of Chula Vista listed as a third-party beneficiary of the bonds.

- b. Evidence that the City of San Diego has abandoned or has agreed to abandon any water main easements not needed as a consequence of the relocation of its waterlines within the Project Site and has entered into a Joint Use Agreement for the new location of its water lines within the City of Chula Vista right-of-way of future La Media Parkway.
- c. Grading and improvement plans for review, including security for completion of said work (or proof of security to which the City of Chula Vista has a right), for the construction of new City of San Diego waterlines in accordance with the provisions of the Waterline Agreement. The improvement plans shall depict the closure or abandonment of the existing water lines in accordance with standard engineering practices.
- d. An agreement with the City of Chula Vista to obtain City approval of a SPA amendment and/or any other documentation, to the satisfaction of the Director of Development Services, or their designee, if the relocation of the City of San Diego waterline is not completed in accordance with the Waterline Agreement.
- e. An agreement with the City of Chula Vista to fully and timely reimburse, defend (with counsel approved by the City in writing), indemnify, and hold harmless the City, its elected and appointed officers and employees from and against any and all claims, causes of action, demands, suits, actions, or proceedings, judicial or administrative, for writs, orders, injunction, or other relief, damages, liability, cost, and expense (including, without limitation, attorneys’ fees) arising from, connected with, or incidental to the construction of the new City of San Diego waterlines and the closure and abandonment of the old waterlines, or from any and all City action, conduct, or matter related thereto.

If the above requirements are not completed prior to issuance of a rough grading plan for the Project, Applicant shall provide the City with a letter of permission from the City of San Diego for any grading or improvements within the existing City of San Diego waterline easement.

27. Prior to approval of the first Final Map for the Project, the Applicant shall provide the City with a Village Eight East Subarea Master Plan (“SAMP”) for potable water, recycled water, and fire flow as approved by the Otay Water District (“OWD”). The Applicant shall agree to participate in the pro rata share of the cost of facilities to the satisfaction of the Director of Development Services, or their designee.

Affordable Housing:

28. 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 Program: (i) Prior to the City's issuance of the 1,966<sup>th</sup> building permit within Village Eight East, the Applicant shall commence construction of the Initial Phase of the low- and moderate-income housing units, and (ii) prior to the City's issuance of the 3,276<sup>th</sup> building permit, the Applicant shall commence construction of the Final Phase of the required low- and moderate-income housing units. "Initial Phase" shall mean 60 percent of the total number of qualified low- and moderate-income housing units, unless otherwise modified by the Balanced Communities Affordable Housing Agreement.

Grading/Improvements:

29. The Applicant shall obtain a grading permit prior to beginning any earthwork activities at the site and before issuance of building permits in accordance with CVMC 15.04. The Applicant shall submit grading plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements.
30. Prior to the issuance of any grading permit, the Applicant shall ensure that all earthwork shall balance to the satisfaction of the Director of Development Services and the City Engineer, or their designees.
31. City STMC 18 shall be replaced with the following Condition. Grading plans that include freestanding walls or sound walls more than six (6) feet in height adjacent to slopes 2:1 or greater shall include a minimum two-foot-wide level bench for landscaping and maintenance access adjacent to the wall unless otherwise shown on the approved Tentative Map.
32. Prior to issuance of any construction permit for a public street located adjacent to a downslope, the Applicant shall obtain the City Engineer's approval of a study to determine the necessity of providing guard rail improvements at these locations. The Applicant shall construct and secure any required guard rail improvements in conjunction with the associated construction permit as determined by and to the satisfaction of the City Engineer, or their designee. The guard rail shall be installed per the CALTRANS Traffic Manual and Roadside Design Guide requirements and American Association of State Highway and Transportation Officials ("AASHTO") standards to the satisfaction of the City Engineer, or their designee.
33. The Applicant shall ensure that all private lot drainage and slopes comply with the current Building Code or geotechnical recommendations as approved by the Building Official.

34. Prior to issuance of any grading permit and/or construction permit that includes any off-site work, the Applicant shall provide the City with notarized letters of permission for all off-site work (including slopes, roads, utilities, etc.) to the satisfaction of the Director of Development Services, or their designee. If the letter of permission for off-site work is unavailable at the time of permit issuance, then the off-site area(s) can be excluded from the plans until the letter of permission for off-site work is provided to the City.
35. Prior to issuance of each grading or construction permit, the Applicant shall provide approval for all proposed work or installation of facilities within external entities' easements or rights-of-way.
36. Prior to approval of any Final Map or Grading Plan, the Engineer of Work shall submit a waiver request for all subdivision design items not specifically waived on the Tentative Map or specifically addressed in the Village Eight East SPA Plan and not conforming to adopted City standards. The request shall outline the requested subdivision design deviations from adopted City standards and state that in his/her professional opinion, no safety issues will arise as a result of such deviations. The waiver request is subject to approval by the City Engineer at the City Engineer's sole discretion, or their designee.
37. Prior to approval of any construction permit, the Applicant shall ensure that all emergency access roads are designed with a Traffic Index of 5 and constructed with concrete or other material approved by the City Engineer, or their designee.
38. The Applicant shall agree to remain in compliance with the City's Storm Water Manual, or as modified under Alternative Compliance, as determined by the Director of Development Services and the City Engineer, or their designees.
39. Prior to issuance of the first building permit, a Stormwater Maintenance Agreement shall be required to perpetually maintain all permanent Best Management Practices ("BMP") located within the Project Site. All proposed BMPs for the Project shall be privately funded, owned, and maintained by the Applicant or its successor/assigns and at no cost to the City. The timing of the Stormwater Maintenance Agreement approval shall be at the discretion of the Director of Development Services, or their designee.
40. Prior to approval of any grading permit, the permanent storm water BMP design(s) must be approved to the satisfaction of the Director of Development Services and the City Engineer, or their designees. The permanent storm water BMPs presented in Tentative Map TM22-0005 may have additional requirements including but not limited to quantity, size, type, and location of said BMPs.
41. The Applicant shall submit a construction change to address any modifications to signage and striping plans on the public streets surrounding the S-1 School Site



necessary to address the final school site design, if as built plans have not been approved by the City.

42. Prior to the first Final B Map for VC-2, VC-3A, and VC-3B, the Applicant shall provide for reciprocal private access between VC-3A and VC-2 or VC-3B to Savoria Parkway to the satisfaction of the Director of Development Services, or their designee.

Parks:

43. Applicant shall timely and fully pay any parks-related fees, or construct and/or dedicate any parkland or park facilities as discussed and required under the Supplemental PFFP for the Project, Mitigation Measures PUB-8 through PUB-13 contained in the MMRP for FEIR-13-01 (adopted in 2014), the General Plan Amendment Justification Report and Sectional Planning Area Plan for the Project, as well as under any future Parks Agreement for the Project. If Applicant fails to timely and fully meet its parks-related obligations for the Project, then the City may, in addition to other applicable remedies, take the actions and pursue the remedies stated in Section IX.5 of this Resolution below.
44. On the Final Map containing the Neighborhood Park (P-1) site, the Applicant shall grant to the City a public access easement over the park site, in satisfaction of a portion of the Village Eight East parkland obligation (approximately 6.5 net useable acres, or 4.6 net useable acres if the Tentative Alternative is optioned by the CVESD).
45. The Applicant shall grant an Irrevocable Offer of Dedication (“IOD”) to the City on the Final Map containing the Community Park (P-2) site, in satisfaction of the remaining Village Eight East parkland obligation, subject to review and approval by the Director of Development Services or their designee.
46. Prior to approval of the first Final Map, the Applicant shall enter into a Parks Agreement with the City for the purpose of addressing Parkland Acquisition and Development (“PAD”) obligations, including but not limited to parkland acreage, its distribution, park construction budgets, and construction timing.
47. The Park Master Plans for P-1 shall comply with the provisions of the City of Chula Vista’s Parks and Recreation Master Plan, as amended by the Village Eight East SPA Plan, and Landscape Manual as adopted and as may be amended from time to time, and as it affects facility and other related requirements for the Neighborhood Park (P-1) parks. PAD improvement fee credit for parks facilities designed within the Neighborhood Park (P-1) shall be as stated in the Project’s Parks Agreement.
48. The Applicant shall rough grade, provide all-weather access to, and install all underground utilities to the property line of the Neighborhood Park (P-1) to the satisfaction of the Directors of Development Services, Engineering, Community Services, Public Works, and the Fire Marshall, or their respective designees,

concurrent with the installation of Project backbone streets for any portion of the Project adjacent to the Neighborhood Park (P-1) site or upon request of the Director of Development Services or their designee, whichever occurs earlier.

49. At the time that the City of Chula Vista initiates construction of the Community park (P-2), the Applicant shall rough grade, provide all-weather access to, and install underground utilities to the property line of the Community Park (P-2). The Applicant shall construct an underground recycled water line as depicted on the Village Eight East Tentative Map within the Community Park Trail to the eastern property line of the Community Park (P-2). The Applicant shall construct an underground potable water line within the existing Avenida Caprise right-of-way from the point of connection in Village Eight West to the western property line of the Community Park (P-2). All required improvements shall be to the satisfaction of the Directors of Development Services, Community Services, Engineering, Public Works, and the Fire Marshall, or their respective designees, or upon request of the Director of Development Services.

Trails:

50. Prior to approval of the first Final Map, the Applicant shall obtain approval of and record an easement for public trail purposes for the segment of the Chula Vista Greenbelt Trail within the boundaries of Village Eight East on any portion of the Salt Creek Sewer Easement owned by the Applicant, to the satisfaction of the Director of Development Services or their designee.
51. Prior to approval of the building permit for the 2,500<sup>th</sup> dwelling unit, the Applicant shall submit a Chula Vista Greenbelt Trail Improvement Plan for the segment of the Greenbelt Trail within the Village Eight East Tentative Map boundary to the City of Chula Vista for review and approval. The Trail Improvement Plan shall include fencing and signage consistent with the Chula Vista Greenbelt Master Plan. The Applicant shall construct the Greenbelt Trail as directed by the Director of Development Services or their designee.
52. The Applicant shall construct the Regional Trail improvements along the east side of existing Avenida Caprise from the Project Site boundary to the Community Park (P-2) as depicted in the Village Eight East SPA Plan and Tentative Map. The Applicant shall construct trail improvements concurrent with City of Chula Vista construction of the Community Park (P-2), as determined by the Director of Development Services or their designee.

Landscaping/Walls/Fences:

53. Footings and geosynthetic reinforcement grid for retaining walls shall not encroach into adjacent public rights-of-way, subject to approval of the Director of Development Services or their designee.

54. Prior to approval of the first Final Map, the Applicant shall provide bonds for Landscape and Irrigation (“L&I”) Improvement Plans related to erosion control, backbone and neighborhood streets, trail improvements, and trail signage. The amount of the security for any required improvements not constructed at the time of the Final Map shall be based on a construction cost estimate approved by the Director of Development Services or their designee as follows: 1) 100 percent times the approved estimate if improvement plans have been approved by the City; 2) 150 percent times the approved estimate if the improvement plans are being processed by the City; and 3) 200 percent times the approved estimate if improvement plans have not yet been submitted for City review.
55. Prior to approval of the first Final Map, the Applicant shall submit a Landscape Master Plan for the entire Project Site in accordance with the Landscape and Subdivision Manual. The Landscape Master Plan shall include, but is not limited to, a comprehensive community and village entry monumentation signage plan, a hardscape concept and trail plan, a conceptual wall and fence plan, a master irrigation plan, a master planting plan, a brush management plan, a utility coordination plan, and a maintenance responsibility plan.
56. Prior to the issuance of each grading permit for the Project, the Applicant shall prepare, submit, and secure, to the satisfaction of the Director of Development Services or their designee, all landscape and irrigation slope erosion control plans. All plans shall be prepared in accordance with the current Chula Vista Landscape Manual and Grading Ordinance, as may be amended from time to time.
57. The Applicant shall submit a detailed wall/fencing plan with the Administrative Design Review 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 of Chula Vista requirements. 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.

Open Space/Assessment:

58. City STMC 33 shall be replaced with the following Condition. Prior to approval of the first Final Map, the Applicant shall submit evidence acceptable to the City Engineer and Director of Development Services of the formation of a Master Homeowners Association (“MHOA”) or another financial mechanism acceptable to the City Manager. The MHOA shall be structured to allow annexation of future Tentative Map areas in the event the City Engineer and Director of Development Services require such annexation. The MHOA formation documents shall be subject to the approval of the City Attorney.
  - a. The Applicant shall submit the CC&Rs and grant of easements and maintenance standards and responsibility of the MHOA for the Open Space Areas within the

Project Site. 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.

- b. The Applicant shall submit and obtain approval of a list of all facilities and other items to be maintained by the proposed district or MHOA, to be reviewed by the City Engineer and the Director of Development Services, or their designee. 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. The lists shall 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, 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 turf, irrigated, and 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 Supplemental PFFP adjoining the development as determined by the City Engineer.
  - iii. All water quality basins serving the Project.

59. City STMC 36 shall be replaced with the following Condition. If the Applicant fails to comply with Condition No. 58, the Applicant shall agree not to protest formation of or inclusion in a maintenance district or zone for the maintenance of landscape medians, pedestrian bridges, and scenic corridors along streets within or adjacent to the subject subdivision.
60. Prior to issuance of the first building permit within a parcel containing perimeter open space slopes to be maintained by the MHOA or a Sub-Association, the Applicant shall record an open space easement over the applicable slope(s).
61. Otay Ranch STMC 56 shall be replaced with the following Condition. Prior to the approval of the first Final Map, the Applicant shall annex the Project area into Otay Ranch Preserve Community Facilities District No. 97-2, Improvement Area "C".
62. Otay Ranch STMC 57 shall be replaced with the following Condition. Prior to recordation of each Final Map, the Applicant shall convey fee title to land within the Otay Ranch Preserve to the Otay Ranch Preserve Owner Manager or its designee at a ratio of 1.188 acres for each acre of development area, as defined in the Otay Ranch Resource Management Plan. Access to the property for maintenance purposes shall

also be provided to the satisfaction of the Director of Development Services, or their designee.

63. Prior to issuance of the first building permit or other discretionary permits for mixed-use, multifamily, or non-residential developments within the Project Site, the Applicant shall comply with applicable provisions of CVMC 8.24, concerning solid waste and litter, and CVMC 8.25, concerning 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, multifamily, and commercial development projects to comply with the Recycling and Solid Waste Standards for central collection bin services or as otherwise determined during the Administrative Design Review process defined in the Village Eight East SPA Plan.
64. The Applicant is advised that there may be additional requirements set at the time the Project's development takes place, depending upon final plans submitted for grading, improvements, and/or building permits. These conditions of approval are based solely on the materials that were submitted for City review.

Fire:

65. The Project design shall be in accordance with California Title 24 (Building Standards) and City of Chula Vista Fire Ordinances.

Environmental/University Site Mitigation:

66. Applicant shall be responsible for securing mitigation sufficient to satisfy all applicable permitting requirements for impacts to aquatic resources (which include related habitat types and resources within the Otay River Valley) in connection with the future development of the University Sectional Planning Area ("University Project") from US Army Corps of Engineers, Regional Water Quality Control Board and California Department of Fish & Wildlife (hereafter collectively, "Resource Agency" or "Resource Agencies"). Applicant shall diligently pursue Resource Agency approvals and permits for the Otay River Restoration Project Habitat Mitigation and Monitoring Plan ("HMMP"), and mitigation bank associated therewith ("Otay River Valley Mitigation Bank"), as the primary means of securing aquatic habitat(s) mitigation for the University Project.

In the event, for whatever reason, the Otay River Valley Mitigation Bank is not approved by Resource Agencies either at all or with sufficient credits or acreage, in the City's reasonable determination, available to mitigate the reasonably anticipated aquatic habitat resource impacts of the University Project by December 31, 2024, with an option of up to two, six-month extensions at the discretion of the City Manager

(which discretion will consider and factor in the Applicant's good faith efforts and actions to diligently obtain the Resource Agencies' approval of the Otay River Valley Mitigation Bank), consistent with the requirements stated in Section 7 of the May 17, 2016, Agreement Regarding Otay River Valley Restoration entered into between the City and Applicant, the Applicant shall promptly implement the following actions to the City's reasonable satisfaction:

- a. Engage with applicable Resource Agencies and propose mitigation for the University Project which the Applicant and City believe, after good faith consultation, will be acceptable to the Resource Agencies. First priority for such University Project mitigation credits or acreage shall be land located within the Otay River Valley; or
- b. If such proposed mitigation credits or land is not available or acceptable to the Resource Agencies in the Otay River Valley, then Applicant shall propose to secure University Project mitigation credits or acreage from an approved mitigation bank acceptable to the Resource Agencies; and
- c. In the event the Resource Agencies indicate that such University Project mitigation credits or land would be acceptable under either scenario (1) or (2) above, Applicant shall post a cash bond or letter of credit of appropriate type and amount with the City sufficient, in the City's reasonable discretion, to secure such mitigation credits or land not later than thirty (30) days following written notice from the City. Such bond or letter of credit shall be in an amount sufficient to ensure acquisition of land and implementation of all restoration work or activities required by the Resource Agencies to mitigate for applicable anticipated aquatic resource impacts from the University Project (if a mitigation site is proposed within the Otay River Valley), or be in an amount sufficient to ensure acquisition of existing required mitigation land or credits (if a mitigation site is proposed outside of the Otay River Valley). City shall promptly release the cash bond or letter of credit upon either Applicant's delivery to the City of fully restored land or acreage required by the Resource Agencies to mitigate for applicable anticipated aquatic resource impacts from the University Project (if a mitigation site is proposed within the Otay River Valley), or acquisition of existing mitigation credits or land sufficient to mitigate applicable aquatic resource impacts from for the University Project (if a mitigation site is proposed outside of the Otay River Valley). Applicant and City acknowledge that such early consultation with Resource Agencies is not binding upon the Resource Agencies, and only after applications have been submitted and accepted by the Resource Agencies will they make a formal determination on the acceptability of mitigation credits or land for the University Project.

Federal Aviation Administration:

67. All future Design Review applications for Otay Ranch Village Eight East must include evidence of submission to the Federal Aviation Administration (“FAA”) for verification that the Design Review project’s planned structure location(s) and height(s) do not interfere with the FAA’s Very High Frequency Omnidirectional Range Station and Tactical Air Navigation System (VORTAC) signal and equipment.

IX. CITY IMPLEMENTATION, ENFORCEMENT OF PROJECT CONDITIONS OF APPROVAL AND CVMC, AND DEFENSE OF PROJECT APPROVALS.

The following ongoing conditions shall apply to the Project Site for as long as it relies upon this approval:

1. Approval of the Project shall not waive compliance with any provisions of the CVMC nor any other applicable City Ordinances in effect at the time of permit issuance.
2. The Property Owner and Applicant shall and do agree to fully and completely reimburse, indemnify, protect, defend (with counsel approved by the City in writing) and hold harmless the City, its City Council members, Planning Commission members, officers, employees, and representatives, at its sole cost and with separate and independent counsel identified by the City, from and against any and all liabilities, judgment, losses, damages, demands, claims, and costs, including court costs and attorney’s fees (collectively, liabilities), (including any costs and expenses to prepare the administrative record for any challenge to the Project Entitlements and/or compiling a response to a California Public Records Act request(s) to provide the record of proceedings materials for the Project Entitlements), incurred by the City arising, directly or indirectly, from (a) the City’s approval of the Project, (b) the City’s actions on any environmental document concerning this Project, and (c) the City’s approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use(s) contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Resolution where indicated below. The Property Owner’s and Applicant’s compliance with this provision shall be binding on any and all of the Property Owner’s and Applicant’s successors and assigns.
3. All terms, covenants, and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns, and representatives of the Applicant as to any or all of the property.
4. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan, the CVMC, the Chula Vista Landscape Manual, the Chula Vista Subdivision Manual, the Chula Vista Design and Construction Standards, the Chula Vista Greenbelt Master Plan, the Otay Ranch General Development Plan, the Otay Ranch Village Eight East SPA Plan and relevant Precise Plan(s), the relevant Supplemental PFFP and Air Quality Improvement Plan, the Chula Vista Development Storm Water Manual, the Chula Vista Parks and Recreation Master Plan, the Water Conservation Ordinance, and applicable Chula Vista City Council policies, all as amended from time to time, unless specifically modified by the Director of

Development Services, except as otherwise provided by the Amended and Restated Pre-Annexation Development Agreement, as subsequently amended, applicable to the Project site.

5. If any of the terms, covenants, or conditions contained herein shall fail to occur timely, 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, in its sole discretion and notwithstanding any other provisions or holding of the law, to immediately stop or cease the inspection or issuance of any form or type of permits or certificates of occupancy relating to the Project; to revoke or modify all approvals herein granted, including issuance of building permits; to deny or further condition the subsequent approvals that are derived from the approvals herein granted; to institute and prosecute litigation to compel their compliance with said conditions; and/or to seek damages for their violation. The Applicant shall be notified 10 days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.
6. The Applicant shall comply with all applicable provisions of the Otay Ranch Village Eight East SPA Plan and Planned Community District Regulations, as may be amended from time to time, except as otherwise provided by the Amended and Restated Pre-Annexation Development Agreement, as subsequently amended, applicable to the Project site.

#### X. GOVERNMENT CODE SECTION 66020 NOTICE

Pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the 90-day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this Resolution begins on the effective date of this Resolution and any such protest must be in a manner that complies with Government Code Section 66020(a). Failure to timely follow 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 that have been given notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

#### XI. 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 Clerk. 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 subsequent permit applications be held in abeyance without approval.

\_\_\_\_\_  
Erin Ruhe, Chief Operating Officer  
HomeFed Otay Land II, LLC

\_\_\_\_\_  
Date

XII. CONFORMANCE WITH CITY SUBDIVISION MANUAL

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

XIII. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision, and condition herein stated; and that in the event that any one or more terms, provisions, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, this Resolution shall be deemed to be automatically revoked and of no further force and effect ab initio.

Presented by:

Approved as to form by:

\_\_\_\_\_  
Laura C. Black, AICP  
Director of Development Services

\_\_\_\_\_  
Jill D. S. Maland  
Lounsbury Ferguson Altona & Peak  
Acting City Attorney

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, this \_\_\_\_ day of May, 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John McCann, Mayor

ATTEST:

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Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF CHULA VISTA

I, Kerry Bigelow, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly passed, approved, and adopted by the City Council of the City of Chula Vista at a regular meeting of the City held on the \_\_\_\_ day of May 2024.

Executed this \_\_\_\_ day of May 2024.