

RESOLUTION NO. 2025-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CERTIFYING A FIRST ADDENDUM (IS23-0001) TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE OTAY RANCH VILLAGE SEVEN SECTIONAL PLANNING AREA PLAN (FEIR 04-06) AND APPROVING AMENDMENTS TO THE CITY OF CHULA VISTA GENERAL PLAN (GPA23-0005); THE OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP23-0001); THE OTAY RANCH VILLAGE SEVEN SECTIONAL PLANNING AREA PLAN AND ASSOCIATED REGULATORY DOCUMENTS (SPA23-0002); AND A TENTATIVE MAP FOR OTAY RANCH VILLAGE SEVEN (TM23-0001)

WHEREAS, the area of land that is the subject of this Resolution, for the purpose of general description, is located south of Birch Road, east of La Media Road, west of California State Route 125, and north of Otay Ranch Village Eight West (“Project Site”); and

WHEREAS, on April 10, 2023, a duly verified application was filed with the City of Chula Vista Development Services Department by Baldwin & Sons (“Applicant”) requesting approval of amendments to the City of Chula Vista General Plan (GPA23-0005), the Otay Ranch General Development Plan (“GDP”) (GDP23-0001), the Otay Ranch Village Seven Sectional Planning Area (“SPA”) Plan (SPA23-0002), including the Planned Community District Regulations, and a Tentative Map for Otay Ranch Village Seven to reclassify 287 previously approved single-family residential units to multifamily residential units on the Project Site (“Project”); 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 substantially covered in the previously certified Final Environmental Impact Report (“FEIR”) for the Otay Ranch Village Seven SPA Plan (FEIR 04-06; SCH #2003111050; certified by City Council Resolution No. 2004-330 on October 12, 2004) but that minor technical changes or additions are necessary to account for the expected Project impacts; and

WHEREAS, the Director of Development Services also determined that none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental environmental impact report exist; therefore, a First Addendum to FEIR 04-06 was prepared for the Project (IS23-0001); 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, City staff recommended that the Planning Commission recommend approval of the Project to the City Council; 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 6-1-0 to recommend to the City Council approval 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 December 11, 2024, and the Minutes and Resolution resulting therefrom are incorporated into the record of this proceeding; 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 the staff 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 FEIR for the Otay Ranch Village Seven SPA Plan (FEIR 04-06) will result in only minor technical changes and additions necessary to make the document adequate under CEQA. The City Council, in the exercise of its independent review and judgment, therefore certifies the First Addendum to FEIR 04-06 as represented in Attachment 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 Seven 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 as they pertain to the changes in land use designation(s) for the Project Site, are hereby approved and adopted

in substantially the form presented in Attachment 3 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 Seven 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 Attachment 5 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 ADOPTION OF RELATED AMENDMENTS

A. *The proposed Sectional Planning Area plan, as amended, is in conformity with the Otay Ranch General Development Plan, as amended, any adopted specific plans, and the Chula Vista General Plan, as amended, and its several elements.*

The proposed SPA Plan amendment continues to implement the Chula Vista General Plan and the Otay Ranch GDP. The current General Plan land use designations for the Otay Ranch Village Seven SPA are primarily Low-Medium Residential (RLM), with a portion being Mixed Use Residential (MUR). The Project consists of changing these land use designations to Medium-High Residential (RMH) and Town Center (TC) respectively, which remains consistent with the zoning designations under the existing SPA Plan. Additionally, the increase in density will represent the highest and best land use for the Project Site and enable the creation of an integrated, mixed-use community.

B. *The proposed Sectional Planning Area plan, as amended, would promote the orderly, sequentialized development of the involved Sectional Planning Area.*

The subdivision design consists of two multifamily residential lots and two open space lots in Neighborhood R-8, one multifamily residential lot in Neighborhood R-3, and one multifamily residential lot in Neighborhood R-4. The proposed subdivision allows up to 287 residential units, which does not exceed the previously approved and analyzed unit count under the existing SPA Plan.

The Project will also support Smart Growth principles, as it promotes compact pedestrian-oriented development with shopping and recreational uses conveniently and centrally located and will minimize segregated and auto-dependent development patterns.

- C. *The proposed Sectional Planning Area plan, as amended, would not adversely affect adjacent land use, residential enjoyment, circulation, or environmental quality.*

The proposed modifications to land use and development standard provisions within the SPA Plan for 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 Seven SPA Plan. The existing infrastructure (sewer, water, public services and facilities) is adequate to serve the Project. A First Addendum to FEIR 04-06 was prepared to analyze the Project's impacts, and no additional environmental impacts were identified.

VII. TENTATIVE SUBDIVISION MAP FINDINGS

- A. Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the City Council finds that the Tentative Subdivision Map, as conditioned herein, is in conformance with the elements of the City's General Plan, based on the following:

1. Land Use and Circulation

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

2. Economic Development

Otay Ranch Village Seven 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 and provide a diverse economic base. The Project is consistent with those objectives.

3. Public Facilities and Services

Sewer

Sewer infrastructure obligations 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 areas identified in this Resolution are the responsibility of the Applicant.

4. Housing

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

5. Environmental

FEIR 04-06 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 Project includes an amendment that does not propose material changes to the approved Otay Ranch Village Seven SPA Plan. Accordingly, the City Council, in the exercise of its independent review and judgment, certifies the First Addendum to FEIR 04-06 as represented in Attachment 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 Project meets the following requirements:
1. The Project is consistent with applicable general and specific plans as specified in Section 65451 because the proposed amendments are consistent with the Otay Ranch GDP and the Otay Ranch Village Seven SPA Plan.
 2. The Project's design or proposed improvements are consistent with applicable general and specific plans because the Project's design is consistent with the General Plan, the Otay Ranch GDP, and the Otay Ranch Village Seven SPA Plan land use designations and intended circulation for Otay Ranch.
 3. The Project Site is suitable for the proposed density of development.
 4. The Project Site is physically suitable for the type of development. The Project is surrounded by existing 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 Project is designed to minimize landform disturbance and 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 Project is designed to have suitable separation between structures and parcels and can 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. The 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 Seven SPA Plan and FEIR 04-06 and its Mitigation Monitoring and Reporting Program ("MMRP") and Addenda, 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 Project are approximately proportional 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 First Addendum to FEIR 04-06.

VIII. TENTATIVE MAP CONDITIONS OF APPROVAL

Unless otherwise specified or required by law, the conditions and Chula Vista Municipal Code ("CVMC" or "Municipal Code") requirements set forth below shall be completed prior to approval of the related Final Map as determined by the Director of Development Services and the City Engineer or their designees. Unless otherwise specified, "dedicate" means grant the appropriate easement, rather than fee title. Where an easement is required, the Applicant shall provide subordination of any prior lien and easement holders to ensure that the City has a first-priority interest and rights in such land unless otherwise excused by the City. 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.

Any conflicts between the language or standards set forth in these conditions of approval and any other City entitlement or approval document relating to the Project shall be resolved by the City Manager or their designee.

General:

1. All development on the Project Site by the Applicant or any successors in interest shall be consistent with the Tentative Subdivision Map, Chula Vista Tract No. 23-0001.
2. Development of the Project Site shall comply with the approved Project as described in this Resolution and any supporting documents, including but not limited to the Parks, Recreation, Open Space, and Trails Plan; the Affordable Housing Plan; the Nonrenewable Energy Conservation Plan; the Air Quality Improvement Plan; the Water Conservation Plan; the Fire Protection Plan; and the City of Chula Vista Standard Tentative Map Conditions, all on file in the Development Services Department and incorporated herein by this reference.

3. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan, the CVMC, the Chula Vista Subdivision Manual (including the Standard Tentative Map Conditions (STMC) in Section 5-300), the City of Chula Vista Design and Construction Standards, the Development Storm Water Manual for Development and Redevelopment Projects, the Chula Vista Best Management Practices (“BMP”) Design Manual, the City of Chula Vista Grading Ordinance (Ordinance No. 1797), and the Subdivision Map Act.
4. The Applicant shall implement the mitigation measures identified in FEIR 04-06, including any subsequent Addenda and the associated MMRP, within the timeframe specified in the MMRP and to the satisfaction of the Director of Development Services and the City Engineer.
5. Prior to approval of any Final Map showing public or private streets, the Applicant shall obtain approval of street names for affected parcels to the satisfaction of the Director of Development Services and the City Engineer.
6. The Applicant shall notify the City at least 60 days prior to its consideration of the first Final Map whether any offsite right-of-way or any interest in real property is necessary to construct or install offsite improvements for affected parcels, which cannot be obtained as required by these conditions of approval.
7. Prior to approval of any Final Map or grading plan, the Engineer-of-Work shall submit and obtain approval of a waiver request for all subdivision design items for affected parcels not specifically waived on the Tentative Map and not conforming to adopted City standards within the applicable subdivision boundary. The Engineer-of-Work shall outline the requested subdivision design deviations and state that, in his/her professional opinion, no safety issues will arise resulting from the requested deviations. The waiver request is subject to approval by the City Engineer at the City Engineer’s sole discretion.
8. Prior to approval of any Final Map for a parcel, the Applicant shall present a letter from Otay Water District verifying that the subdivision will be provided adequate water service and long-term water storage facilities within the applicable subdivision boundary.
9. Prior to development of condominiums within any Planning Area proposing mixed residential/commercial or multifamily residential uses, the Applicant shall obtain approval of a subsequent Final Map showing condominium ownership.
10. The Applicant shall agree to hold the City harmless from any liability for erosion, siltation, habitat impact, or increased flow volume or discharge rate resulting from this project.
11. Prior to any activity that may potentially impact biological resources, such as grading, clearing and grubbing, or maintenance activities, the Applicant shall comply with all

applicable requirements of the California Department of Fish and Game, the California State Water Resources Quality Control Board, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers.

12. Prior to the approval of a Design Review application that includes any portion of lot R-3, the Applicant shall prepare a conceptual residential, multi-family site plan that shall be subject to review and approval by the Director of Development Services and City Engineer.
13. The subsequent development of a multifamily lot that does not require the filing of a “B” map shall meet, prior to issuance of a building permit for that lot, all the applicable conditions of approval of the tentative map, as determined by the City Engineer.
14. In the event of a filing of a final “B” Map which requires oversizing of the improvements necessary to serve other properties within the Project, said final map shall require the Applicant to install all necessary improvements to serve the project plus the necessary oversizing of facilities required to serve such other properties (in accordance with the restrictions of state law and City ordinances).
15. Prior to issuance of the first Building Permit, a “Will Serve” letter from Otay Water District shall be required.
16. Prior to Building Permit issuance, all private utility and federal easements on Lot R-8 shall be quitclaimed, including, but not limited to:
 - i. The existing United States of America easement for roadway, utility lines, and incidental purposes, recorded on April 23, 1980, as instrument no. 80-137651 of official records.
 - ii. The existing Pacific Telephone and Telegraph Company easement for roadway, utility lines, and incidental purposes, recorded on June 14, 1982, as instrument no. 82-181896 of official records.
 - iii. The existing document entitled “Agreement for the Provision of Community Purpose Facility Acreage for Otay Ranch Village Two JPB SPA Amendment” (instrument nos. 2012-0722468 and 2012-0722469).

Public Facilities:

17. The Final Map for each applicable phase shall include easements for any public utility and access easements shown on the Tentative Map, with such easements to be accepted by the City upon completion of the phase of development for which such easements are required.
18. The Applicant shall install public facilities in accordance with the Public Facilities Finance Plan (PFFP) or phased development as applicable and as may be amended from time to time or as required by the City Engineer to meet threshold standards

adopted by the City of Chula Vista. At the Applicant's request, the City Engineer and Director of Development Services may, at their discretion, modify the sequence, schedule, alignment, and design of improvement construction should conditions change to warrant such a revision.

19. The amount of the security for any required improvements not constructed at the time of the final map shall be 110% times a construction cost estimate approved by the City Engineer if improvement plans have been approved by the City, 150% times the approved cost estimate if improvement plans are being processed by the City or 200% 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 a reduction.
20. Prior to the approval of a grading permit which requires oversizing of the improvements necessary to serve other properties, Applicant shall install all necessary improvements to serve the project plus the necessary oversizing of facilities required to serve such other properties to the satisfaction of the City Engineer (in accordance with the restrictions of state law and City ordinances).
21. Prior to approval of a grading permit, Applicant shall acquire and then grant to the City all applicable off-site rights-of-way and easements necessary for the installation of required street improvements and/or utilities, subject to the City's Subdivision Ordinance and the State Subdivision Map Act.
22. At the time and in the manner determined by City Engineer the Applicant shall install all underground conduits, improvements, standards and luminaries for streetlights and traffic signals 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 warrant and as determined by the City Engineer.
23. Applicant shall obtain the approval of the City Engineer for striping plans for all collector or higher classification streets simultaneously with the associated improvement plans.

Grading/Improvements:

24. The Applicant shall apply for a grading permit for each development consistent with the applicable provisions of CVMC Chapter 15.04 and the Subdivision Manual, reviewed and approved by the Land Development Division. This permit shall reflect all grading required to create building pads and all storm drainage systems necessary to address drainage leaving the site and shall include, but not be limited to, the following:

- i. Grading plans prepared by a registered Civil Engineer in conformance with the City's Subdivision Manual and the City's most current BMP Design Manual and approved by the City Engineer.
 - ii. Drainage studies and geotechnical/soils investigations with the first submittal of grading plans for each phase of development. Drainage studies shall calculate pre- and post-development flows for the applicable parcel(s) comprising each phase and show impacts to downstream properties and storm drain facilities. Designs shall incorporate stormwater runoff detention facilities if post-development flows exceed pre-development flows; analysis shall include flows from two-, 10-, and 50-year return frequency storms. Drainage studies shall also demonstrate that no property damage will occur during a 100-year storm event.
 - iii. Analysis of any offsite drainage flows.
 - iv. Private onsite drainage facilities.
25. Grading plans that include freestanding walls or sound walls adjacent to slopes that are 2:1 or greater and that are more than six feet in height shall include a minimum two-foot-wide level bench for landscaping and maintenance access adjacent to the wall.
26. Prior to issuance of any grading permit, the Applicant shall ensure that all related earthwork for the applicable phase of development within its subdivision boundaries shall balance to the satisfaction of the Director of Development Services and the City Engineer. In the event earthwork cannot be balanced onsite, an export material haul route shall be submitted to the Director of Development Services and the City Engineer for their approval.
27. Prior to the issuance of any grading or construction permit impacting offsite property, the Applicant shall submit a notarized letter of permission from affected property owners to commence the relevant construction activity.
28. Prior to issuance of any grading or construction permit based on plans proposing the creation of downslopes adjacent to public or private streets, the Applicant shall obtain the City Engineer's approval of a study to determine the necessity of providing guardrail improvements at those locations. The Applicant shall construct and secure any required guardrail improvements in conjunction with the associated construction permit as determined by and to the satisfaction of the City Engineer. The guardrail shall be installed in accordance with 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.
29. All private lot drainage and slopes shall comply with the current edition of the California Building Code as adopted by the City of Chula Vista, the geological recommendations of the geotechnical engineer, or as otherwise approved by the City's Building Official.

30. Prior to the issuance of the first grading or construction permit, the Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement for such phase of development for the perpetual maintenance and funding of all post-construction permanent BMP facilities located within the boundaries of the affected parcel(s). The agreement must be prepared to the satisfaction of the City Engineer and the City Attorney.
31. Prior to the approval of any grading permit, permanent structural BMP designs must be approved to the satisfaction of the Director of Development Services and the City Engineer. The structural BMPs represented in the Tentative Map may require additional refinement, including revisions to the size, type, and location of the BMPs.
32. Prior to issuance of the first building permit for any phase of development that includes private facilities within public rights-of-way, City property, or a City easement, the Applicant shall enter into an Encroachment Agreement with the City.
33. All private sewer laterals and storm drains connecting each building unit to the City-maintained public facilities shall be privately maintained.
34. Prior to the issuance of any grading permit, any existing San Diego Association of Governments and Otay Water District easements over affected parcels shall be vacated, or a letter of permission to grade and install improvements shall be provided to the City from the appropriate agency.
35. Prior to the issuance of any building permit in each phase of development, the Applicant shall obtain a construction permit to install private driveways and associated signage and striping in the City's right-of-way within the applicable subdivision boundary of the affected parcel(s).
36. The drainage report approved by this Resolution is considered conceptually complete and provides adequate information regarding the Project's drainage objectives to move forward with construction drawings. Additional requirements may be imposed at the time of development and/or at the time a land development permit application is submitted, depending upon the final plans submitted for review and approval.
37. The Priority Development Project Storm Water Quality Management Plan approved by this Resolution is considered conceptually complete and provides adequate information regarding the Project's BMP objectives to move forward with construction drawings. Additional requirements may be imposed at the time of development and/or at the time a land development permit application is submitted, depending upon the final plans submitted for review and approval.
38. Prior to issuance of any grading permit, a complete and accurate Notice-of-Intent ("NOI") must be filed with the State Water Resources Control Board ("SWRCB") to ensure the applicable phase of the Project is covered under the Construction General Permit. A copy of the acknowledgement from the SWRCB that an NOI has been

received for the Project shall be filed with the City of Chula Vista when received. Additionally, a copy of the completed NOI from the SWRCB showing the Permit Number for the Project shall be filed with the City of Chula Vista when received.

39. Street signs shall be installed to the satisfaction of the Department of Public Works. Temporary street signs shall be subject to the approval of the Department of Public Works and Fire Department. Locations and identification of temporary street signs shall be subject to review and approval by the Department of Public Works and Fire Department.
40. Prior to the approval of the first grading permit proposing construction of private utilities in the right of way the Applicant shall enter into an agreement with the City where the Applicant agrees to the following:
 - i. Apply for an encroachment permit for installation of the private facilities within the public right-of-way; and,
 - ii. Maintain membership in an advance notice such as the USA Dig Alert Service; and,
 - iii. Mark out any private facilities owned by the Applicant whenever work is performed in the area; and,
 - iv. The terms of the agreement shall be binding upon the successors and assigns of the Applicant.
41. Shutoff devices as determined by the City Engineer are provided at those locations where private facilities traverse public streets.
42. Prior to issuance of any grading permit based on plans proposing the creation of down slopes adjacent to public or private streets, Applicant shall obtain the City Engineer's approval of a study to determine the necessity of providing guardrail improvements at those locations. Applicant shall construct and secure any required guardrail improvements in conjunction with the associated grading and/or construction permit as determined by and to the satisfaction of the City Engineer. The guardrail shall be installed in accordance with CalTrans Traffic Manual and Roadside Design Guide requirements to the satisfaction of the City Engineer.
43. The Applicant shall provide drainage improvements in accordance with the Preliminary Drainage Study for Tentative Map CVT 23-0001 for Otay Ranch Village Seven, R-3, R-4, & R-8, dated July 26, 2024, or a subsequent Hydrology Study submitted to, and approved by, the City Engineer. The Applicant shall maintain all such drainage improvements until said improvements are formally accepted by the City or an applicable maintenance district, or other mechanism as approved by the City. Said maintenance shall ensure that drainage facilities will continue to operate as designed.
44. Prior to approval of any grading permit or any other grant of approval, the Applicant shall demonstrate that the design of the existing regional retention/detention basin(s)

to be used reduce the 10-, 50-, and 100-year post-development peak flows, to any natural drainage course, to an amount not exceeding pre-development conditions, to the satisfaction of the City Engineer.

45. Storm drain systems that collect water from private property shall be designated private on grading and drainage and/or improvement plans to the point of connection with a public system or to the point at which storm water that is collected from public street right-of-way, public park or open space areas is first introduced into the system. Downstream from that point, the storm drain system shall be public. An encroachment permit shall be processed and approved by the City for private storm drains within the public right-of-way or within C.F.D. maintained Open Space lots.
46. The Applicant shall submit with grading and drainage and/or improvement plans, as applicable, hydrologic and hydraulic studies and calculations, including dry lane calculations for all public streets. Calculations shall also be provided to demonstrate the adequacy of downstream drainage structures, pipes and inlets.
47. Storm drain design shall conform to the requirements of the Subdivision Manual and the Grading Ordinance as may be amended from time to time.
48. Proposed Fire Access Road(s) and Driveway(s) shall follow the Traffic Index and Pavement Structural Section Calculations Directive No. 2024-03 from the Department of Engineering & Capital Projects, as published on September 6, 2024.
49. All grading and pad elevations shall be within 2-feet of the grades and elevations shown on the approved tentative map or as otherwise approved by the City Engineer and Director of Development Services Department.
50. Development of the subdivision shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and storm water discharge and any regulations adopted by the City of Chula Vista pursuant to the N.P.D.E.S. regulations or requirements. Further, the Applicant shall file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction Activity and shall implement a Storm Water Pollution Prevention Plan ("SWPPP") concurrent with the commencement of grading activities. The SWPPP shall include both construction and post construction pollution prevention and pollution control measures and shall identify funding mechanisms for post construction control measures. The Applicant, and successors in interest, shall comply with all the provisions of the N.P.D.E.S. and the Clean Water Program during and after all phases of the development process, including but not limited to: mass grading, rough grading, construction of street and landscaping improvements, and construction of dwelling units. The Applicant shall comply with the City of Chula Vista Development and Redevelopment Projects Storm Water Management Standards Requirements Manual (Storm Water Management Standards

Manual) and shall design the Project's storm drains and other drainage facilities to include Best Management Practices (BMPs) to minimize non-point source pollution, satisfactory to the City Engineer.

51. The Applicant shall submit to, and obtain approval from, the City Engineer and Director of Development Services for an erosion and sedimentation control plan as part of grading plans.
52. Brow ditch locations shall be consistent and substantially conform with the Tentative Map. The Applicant shall ensure that brow channels and ditches emanating from and/or running through City Open Space are not routed through private property. Brow ditches and channels from private property shall not be routed through City open space unless approved by the City Engineer.
53. Indicate on all affected grading plans that all walls, which are to be maintained by open space districts, shall be constructed entirely within open space lots dedicated to the City.
54. Locate lot lines at the top of slopes except as shown on the Tentative Map or as approved by the City Engineer and Director of Development Services. Lots shall be so graded as to drain to the street or an approved drainage system. Drainage shall not be permitted to flow over slopes or onto adjacent property.
55. The Applicant shall provide a setback, as determined by the City Engineer and is based on Applicant's Soils Engineer recommendations, between the property lines of the proposed lots and the top or toe of any slope to be constructed where the proposed grading adjoins undeveloped property or property owned by others. The City Engineer will not approve the creation of any lot that does not meet the required setback.
56. The Applicant shall construct temporary de-silting basins to the satisfaction of the City Engineer. The exact design and location of such facilities shall be based on hydrological modeling and determined pursuant to direction by the City Engineer.
57. Prior to issuance of grading permits, Applicant shall demonstrate that the grading plans are in substantial compliance with the grading concepts outlined in the Village Seven SPA Plan consistent with the landform grading policies described in the City's General Plan. Said grading concepts will ensure that manufactured slopes are contoured to blend with and reflect adjacent slopes.
58. Prior to the issuance of the first grading permit for the Project, Applicant shall enter into an agreement with the City of Chula Vista, wherein the Applicant agrees to the following:

- i. Comply with the requirements of the Storm Water Management Standards Manual including revision of approved grading and improvement plans as necessary; and
 - ii. Indemnify, and hold harmless the City, its elected and appointed officers and employees, from and against all fines, costs, and expenses and damages arising out of non-compliance with the requirements of the N.P.D.E.S. regulations, in connection with the execution of any construction and/or grading work for the Project, whether the non-compliance results from any action by the Applicant, any agent or employee, subcontractors, or others. The Applicant's indemnification shall include any and all costs, expenses, attorney's fees and liability incurred by the City.
59. The Applicant agrees to not protest the formation of a facilities-benefit district or any other funding mechanism approved by the City to finance the operation, maintenance, inspection, and monitoring of N.P.D.E.S. facilities. This agreement to not protest shall not be deemed a waiver of the right to challenge the amount of any assessment that may be imposed due to the addition of these improvements and shall not interfere with the right of any person to vote in a secret ballot election.
60. Such Applicant obligation may be reassigned to a Master Homeowner's Association or other appropriate Maintenance District subject to the approval of the City Engineer.
61. Grading Plans that include freestanding walls or sound walls adjacent to 2:1 or greater slopes more than 6-feet high shall include a minimum 2-foot-wide level bench for landscaping and maintenance access adjacent to the wall.
62. The Applicant shall ensure that all private lot drainage and slopes comply with the current Building Code used by the City of Chula Vista.
63. Prior to the issuance of any grading permit which impacts off-site property, the applicant shall deliver to the City a notarized letter of permission to grade and drain for all off-site grading.
64. Applicant shall provide improved all-weather access with H-20 loading to all public storm drain clean-outs or as otherwise approved by the City Engineer.
65. Storm drain clean outs shall not be located on slopes or in inaccessible areas for maintenance equipment. Public storm drains shall be installed as close to perpendicular to the slope contours as possible but in no case greater than 15 degrees from perpendicular to the contours.
66. Prior to installation of base paving and placement of curb and gutter form work related to approved construction plans the Applicant shall demonstrate, to the City Engineer's satisfaction that highly expansive fill soils (with an expansion index over 90) are not within the upper five feet of any public right of way or public easement. Applicant

shall selectively grade fill soils with an expansion index above 90 within the upper five feet of any public right of way or propose an alternate method to mitigate expansive soils. Said alternate method shall be subject to the approval of the City Engineer prior to placement of curb and gutter, sidewalk or aggregate base. Additionally, any formational materials within three feet of sub grade shall be tested for expansion and replaced with a soil satisfactory to the City Engineer.

67. Prior to approval of a grading permit, Applicant shall accomplish the following:

Prepare a maintenance program of all the proposed drainage and water quality treatment facilities. The maintenance program shall include, but not be limited to: a) a plan describing the inspection, operation and maintenance of the drainage and water quality treatment facilities; b) an estimate of the cost of such operation and maintenance activities; and c) a funding mechanism and schedule for financing the maintenance program. Said maintenance program shall be subject to approval by the City Engineer. The Applicant shall be responsible for obtaining the approval of the maintenance program from all applicable federal and state agencies.

Sewer:

68. Applicant shall grant a 20-foot minimum sewer and access easement for sewer and storm drain lines located between residential units unless otherwise directed by the City Engineer.

69. The Applicant shall construct the off-site sewer connections to route the flows identified in the PBS&J "Otay Ranch Village Seven Conceptual Sewer Study", dated April 14, 2004, to the corresponding Salt Creek Sewer Basin.

70. Prior to construction of permanent connections of the Village Seven sewer system, the Applicant shall be required to:

- i. Verify the condition of the existing pipes to be used to re-route the flows to the Village 8 West sewer system through CCTV;
- ii. Repair any deficiencies of the pipes to the satisfaction of the City Engineer; and
- iii. Flush with potable water the temporary sewer pipes prior to abandoning them.

Traffic:

71. Update the existing 8-foot bike lane on the east side of La Media Rd. by re-striping to a 6-foot bike lane with a 2-foot buffer, as noted in the approved Tentative Map.

Parks:

72. Prior to approval of the grading permit, Applicant shall enter into a maintenance agreement and grant easements as necessary for any landscaping or other enhancements proposed within the City right-of-way or such other public areas required by the City Engineer.
73. Applicant shall pay in-lieu fees equivalent to 1.43 acres to satisfy the parkland acquisition portion of the Park Acquisition and Development (“PAD”) in accordance with Chapter 17.10 of the CVMC. The construction of 287 attached multi-family units results in a parkland acquisition obligation of 2.25 acres; however, after accounting for a parkland acquisition credit of 0.89 acres (equivalent to 84 single-family units approved in the 2004 SPA but not built), and adding a 2004 SPA parkland outstanding obligation of 0.07 acres, the Project’s parkland acquisition obligation is 1.43 acres which shall be paid at the time of each building permit issuance of the first 183 attached multifamily units for the Project. The PAD fee amount shall be based on the rates and type of unit in effect at the time in which they are due.
74. Applicant shall pay in-lieu fees equivalent to 2.32 acres to satisfy the parkland development portion of the PAD in accordance with Chapter 17.10 of the CVMC. The construction of 287 attached multi-family units results in a parkland development obligation of 2.25 acres plus the 2004 SPA parkland outstanding obligation of 0.07 acres resulting in 2.32 acres. The PAD fee amount shall be based on the rates and type of unit in effect at the time in which they are due.

Trails:

75. Prior to occupancy of any buildings proposed on MU-R Lots 1 through 4, the Applicant shall complete construction of the applicable portion of the trail located along the western and northern boundaries of the Project Site as depicted in the Project’s SPA Plan and on the Tentative Map and Conceptual Landscape Plan.

Landscaping/Walls/Fences:

76. Prior to the approval of the first Final Map for the Project, the Applicant shall submit a Landscape Master Plan for the entire Project in accordance with the Landscape Manual and Subdivision Manual. The Landscape Master Plan shall include a high-level conceptual plan that will set forth the guiding principles and materials for community and village entry monumentation, a hardscape concept, trail plan, a wall and fence plan, a master irrigation plan, a master planting plan, a brush management plan, a utility coordination plan, a construction phasing plan and a maintenance responsibility plan. The Landscape Master Plan shall be implemented in the landscape improvement plans prepared for each phase of the Project, which shall provide for the detailed application of the master plan at the time of development of each phase.

77. Prior to issuance of a grading permit for each phase of development, the Applicant shall provide bonds for the landscape and irrigation improvement plans for planting, irrigation, construction, erosion control, parks, and trails related to and located within the boundaries of the affected parcel(s). The amount of the security for any required improvements not constructed at the time of grading permit issuance shall be based on a construction cost estimate approved by the Director of Development Services or their designee as follows: 1) 110 percent of the approved estimate if the improvement plans have been approved by the City; 2) 150 percent of the approved estimate if the improvement plans are being processed by the City; and 3) 200 percent of the approved estimate if improvement plans have not yet been submitted for review.
78. Prior to the City 's final inspection of landscaped areas within a parcel, the Applicant shall install permanent irrigation water meters within the affected parcel's subdivision boundaries in accordance with the approved landscape improvement plans and to the satisfaction of the Director of Development Services or their designee.
79. With each subsequent Design Review submittal, the Applicant shall submit a detailed wall and fencing plan for each affected parcel showing that all Project walls and fences within the affected parcel's subdivision boundaries comply with the approved Project SPA Plan, Landscape Master Plan, and other applicable City of Chula Vista requirements. The plan shall indicate color, materials, height, and location of freestanding walls, retaining walls, and fences that are to be located within each parcel. The plan shall also include details such as accurate dimensions and complete cross-sections showing required walls, adjacent grading, landscaping, and sidewalk improvements within each parcel.
80. Footings and geosynthetic reinforcement grids for retaining walls shall be completely within a parcel's property boundary and not encroach onto adjacent properties, publicly owned areas, and/or park sites without prior approval of the Director of Development Services or their designee.
81. Prior to the issuance of each grading permit for each phase of 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 within the applicable subdivision boundary of each phase. 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.
82. Prior to approval and issuance of the first building permit for each phase of the Project, the Applicant shall submit landscape improvement plans for approval, demonstrating that the installed landscape for each phase will comply with the City of Chula Vista Parks and Recreation Master Plan (as amended by the Otay Ranch Village Seven SPA Plan), Landscape Design Manual, Shade Tree Policy, Street Tree Policy, and the Subdivision Manual, as well as CVMC Chapter 17.10, CVMC Chapter 20.12, the Park Facilities Guidelines, and the Landscape Manual, all as may be amended from time to time.

83. Prior to the final building inspection for a parcel, the Applicant shall have installed landscape improvements within the subdivision boundaries of each affected parcel in accordance with the approved landscape improvement plans for the parcel to the satisfaction of the Director of Development Services or their designee.

Open Space/Assessment:

84. Prior to issuance of the first building permit or other discretionary permits within a parcel on the Project Site, the Applicant shall comply with applicable provisions of CVMC Chapter 8.24 (Solid Waste and Litter) and CVMC Chapter 8.25 (Recycling) to the satisfaction of the Department of Public Works, Environmental Services Division. These requirements include but are not limited to the following design requirements:
- i. The Applicant shall design the portion of the Project located within each parcel's subdivision boundaries to comply with the Recycling and Solid Waste Standards for central collection bin services.

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

85. Approval of the Project shall not waive compliance with any sections of the CVMC nor any other applicable City Ordinances in effect at the time of building permit issuance.
86. 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.

87. 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 Applicant as to any or all of the property.
88. The Applicant shall comply with all applicable 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 GDP, the Otay Ranch Village Seven SPA Plan and supporting documents, 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.
89. 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.

IX. 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 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 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.

X. 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 Office of 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 corresponding applications for building permits and/or business licenses be held in abeyance without approval.

Signature of Property Owner
(Baldwin & Sons)

Date

Signature of Applicant
(Baldwin & Sons)

Date

XI. CONFORMANCE WITH CITY SUBDIVISION MANUAL

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

XII. 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 and the permit shall be deemed to be automatically revoked and of no further force and effect ab initio.

Presented by:

Approved as to Form by:

Robert A. Vacchi
Interim Director of Development Services

for Marco A. Verdugo
City Attorney

ATTEST:

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 11th day of February 2025.

Executed this _____ day of _____ 2025.