ORDINANCE NUMBER O	(NEW SERIES)
DATE OF FINAL PASSAGE	

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF SAN DIEGO, CITY OF CHULA VISTA, AND TRI POINTE HOMES IESD, INC. RELATING TO THE NAKANO PROJECT- PROJECT NO. PRJ-1076302

WHEREAS, Tri Pointe Homes IE-SD, Inc. filed an application to obtain approvals from the City of San Diego for a residential development known as the Nakano project, located in the City of Chula Vista with San Diego's Ocean View Hills residential development to the east, Interstate 805 to the west, Kaiser Medical Center to the south and the Otay Valley River Park to the north, and legally described as:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ALONG THE SOUTH LINE THEREOF SOUTH 89°42'04" WEST, 1069.30 FEET TO THE EASTERLY LINE OF FREEWAY DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED JULY 22, 1968 AS FILE NO. 123488 OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE NORTH 3°47'10" EAST, 918.10 FEET; THENCE NORTH 80°52'26" EAST, 1030.62 FEET TO THE EAST LINE OF SAID SECTION; THENCE ALONG SAID EAST LINE SOUTH 0°28'33" WEST, 1074.02 FEET TO THE POINT OF BEGINNING.

WHEREAS, representatives of the City of San Diego, City of Chula Vista, and Tri Pointe Homes IE-SD, Inc. have negotiated an agreement for the detachment of the Nakano Project site from the City of Chula Vista and annexation into the City of San Diego, for the independent review and approval of public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Nakano project described herein (Annexation Agreement); and

WHEREAS, the City of San Diego, a charter city, is authorized pursuant to *Morrison Homes Corporation v. City of Pleasanton* (1974) 58 Cal. App. 3d 724, 733, to enter into binding annexation-related agreements for the development of property with persons having legal or "equitable interests in real property in order to establish certainty in the development process." The City of San Diego further enters into this Annexation Agreement pursuant to its Charter and self-rule powers; and

WHEREAS, Tri Pointe Homes IE-SD, Inc. proposes the subdivision of a 23.8-acre site into the development of a multifamily residential project, with up to 221 units, including 22 affordable units, private open space amenity areas, connecting pedestrian trails to the Otay Valley Regional Park (OVRP), and primary access from Dennery Road (Nakano Project); and

WHEREAS, the City of Chula Vista proposes to detach the Nakano Project site from the City of Chula Vista's territory and Otay Water District service district sphere of influence, and annex it into the City of San Diego's territory. The process by which these jurisdictional changes will occur are collectively referred to as the "Reorganization." The City of San Diego is responsible for leading the LAFCO application process after approval of the Nakano Project and agrees to file an application for reorganization. In the event the San Diego Local Area Formation Commission (LAFCO) does not approve the Reorganization or the Reorganization is terminated by either a failure of the City of San Diego to approve the Annexation Agreement within 60 calendar days (or such date as extended by mutual written consent of the City of San Diego, City of Chula Vista, and Tri Pointe Homes IE-SD, Inc.) of the City of San Diego's introduction of this Ordinance, the Reorganization shall terminate; and

WHEREAS, the City of Chula Vista has approved the attached entitlements for the development of the Nakano project site (Attachment 1); and

WHEREAS, the City Council of the City of San Diego has reviewed and accepts the Chula Vista Entitlements, except as specifically indicated or supplemented herein; and

WHEREAS, Resolution No. \_\_\_\_\_\_, which was considered along with this Ordinance, proposes a General Plan Amendment and Otay Mesa Community Plan Amendment; and

WHEREAS, the City Council of the City of San Diego finds that the Annexation Agreement is consistent with the City of San Diego General Plan, Otay Mesa Community Plan, as amended concurrently with this Ordinance, as well as other applicable City policies and regulations as described in the Environmental Impact Report, the Resolution of Support for Application to LAFCO to Take Proceedings, and elsewhere in the Administrative Record; and

WHEREAS, the City Council of the City of San Diego has reviewed and considered California Environmental Quality Act (CEQA) Guidelines Section 15162 consistency evaluation with the City of Chula Vista certified Environmental Impact Report (EIR22-001; SCH #2022060260) and determined no subsequent environmental document shall be prepared; and

WHEREAS, the City Council of the City of San Diego adopts the Mitigation, Monitoring, and Reporting Program (MMRP) and Project Design Features consistent with the Environmental Impact Report; and

WHEREAS, the City Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor of the City of San Diego because this matter requires the City Council of the City of San Diego to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That the City Council of the City of San Diego hereby approves the Annexation Agreement and authorizes and directs the Mayor, or their designee to (a) execute the Annexation Agreement binding the City of San Diego to its terms, and (b) serve as or designate a representative(s) to serve as the City of San Diego's authorized representative in implementing the Annexation Agreement, filed in the office of the City Clerk as Document No. OO-\_\_\_\_\_.

Section 2. The City of San Diego's Multiple Species Conservation Plan (MSCP) Subarea Plan also requires approval of a minor amendment pursuant to MSCP Implementing agreement Section 9.20 Annexation of Lands. Upon an annexation of lands, the City of San Diego shall amend its Subarea Plan to ensure that any development of the Nakano Project site proceeds in accordance with the conservation goals of the MSCP and Subarea Plan. The approval of a MSCP minor amendment for annexation land has been included in the Annexation Agreement, this uncodified ordinance, and resolution where appropriate.

Section 3. The City Council of the City of San Diego has reviewed and accepts the Chula Vista Entitlements, except as specifically indicated or supplemented herein.

Section 4. That no more than 221 dwelling units shall be developed on the Nakano Project site.

Section 5. That the City Council of the City of San Diego hereby incorporates by reference the conditions below, which shall be covenants running with the subject property upon annexation to the City of San Diego and shall be binding upon Tri Pointe Homes IE-SD, Inc. and any successor(s) in interest:

### **DEVELOPMENT SERVICE DEPARTMENT (DSD): LDR-PLANNING**

- a. That, notwithstanding San Diego Municipal Code "SDMC" Section 131.0443(d)(2)(A) which requires that up to 50 percent of the length of the building envelope on one side of the premises may observe the minimum 5-foot side setback, provided the remaining percentage of the building envelope length observes at least the standard side setback of feet 8 feet or 10 percent of the lot width, whichever is greater, development of the Nakano Project may incorporate a 10-foot side setback.
- b. That, notwithstanding SDMC Section 142.0340(e) which limits the height of retaining walls outside required setbacks to 12 feet, the Nakano Project may construct two retaining walls as shown on the Tentative Map Exhibit (Attachment 2), with heights up to 24 feet outside the required setbacks.

### **DSD: LDR-LANDSCAPE**

c. Prior to issuance of any construction permit for grading, Tri Pointe Homes IE-SD, Inc. shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and the Tentative Map Exhibit (Attachment 2), on file in the Development Services Department.

- d. Prior to issuance of any construction permit for public improvements, Tri Pointe Homes IE-SD, Inc. shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
- e. Prior to issuance of any construction permit for building (including shell), Tri Pointe Homes IE-SD, Inc. shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Tentative Map Exhibit (Attachment 2), Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(6).
- f. In the event that a foundation only permit is requested by Tri Pointe Homes IE-SD, Inc., a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with the Tentative Map Exhibit (Attachment 2), Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'
- g. Tri Pointe Homes IE-SD, Inc. shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
- h. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, Tri Pointe Homes IE-SD, Inc. shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.
- i. Tri Pointe Homes IE-SD, Inc. shall implement the following requirements in accordance with the Brush Management Program shown on the Tentative Map Exhibit (Attachment 2).
  - The Brush Management Program shall be based on a standard Zone One of 35-feet in width and Zone Two of 65-feet in width, exercising the Zone Two reduction option and Alternative Compliance measures set forth under SDMC Sections 142.0412(f), 142.0412(i), and 142.0412(j). The brush management zones apply on Nakano Project site as demonstrated on the Tentative Map Exhibit (Attachment 2).

Alternative compliance measures apply to duplex structures No. 1,14,15, 28, 29, and 42; multifamily structures No. 1,4,5, and 8; single family structures No. 17,18, and 47-61, as indicated on the Tentative Map Exhibit (Attachment 2). A "Radiant Heat Wall" shall be six feet high, one-hour fire-rated, located along the outer edge of Zone One. Upgraded openings shall be dual-glazed, dual-tempered panes, brush side of the structure, plus a 10-foot perpendicular return along adjacent wall faces.

- j. Prior to issuance of any construction permit for grading, landscape construction documents required for the engineering permit shall be submitted by Tri Pointe Homes IE-SD, Inc. showing the brush management zones on the property in substantial conformance with the Tentative Map Exhibit (Attachment 2).
- k. Prior to issuance of any construction permit for building, a complete Brush Management Program shall be submitted by Tri Pointe Homes IE-SD, Inc. for approval to the Development Services Department and shall be in substantial conformance with the Tentative Map Exhibit (Attachment 2) on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.
  - Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.
- I. The Brush Management Program shall be maintained by Tri Pointe Homes IE-SD, Inc. at all times in accordance with the City of San Diego's Landscape Standards.
- m. Prior to recordation of the Final Map, Tri Pointe Homes IE-SD, Inc. shall identify on a separate sheet titled "Non-Title Sheet" the brush management areas in substantial conformance with the Tentative Map Exhibit (Attachment 2). These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the Non-Title Sheet to identify the hatched areas: "Indicates fire hazard zone(s) per SDMC Section 142.0412."

### **DSD: ENVIRONMENTAL**

- n. Tri Pointe Homes IE-SD, Inc. shall adhere to the Nakano Project Mitigation Monitoring and Reporting Program identified in the Environmental Impact Report (EIR22-001; SCH#2022060260) Chapter 10, Mitigation Monitoring and Reporting Program.
- o. Tri Pointe Homes IE-SD, Inc. shall adhere to the Nakano Project Design Features identified in the Environmental Impact Report (EIR22-001; SCH #2022060260) Section 3.6, Project Design Features.

**DSD: MAP CHECK** 

- p. Prior to the expiration of the Tentative Map (approved by the City of Chula Vista), a Final Map shall be processed with the City of San Diego to consolidate and subdivide the 23.8-acre property into 215 (up to 221 maximum) residential condominium units and shall be recorded in the San Diego County Recorder's Office.
- q. Prior to the recordation of the Final Map, taxes must be paid or bonded for the Nakano Project site pursuant to Section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the Office of the San Diego County Recorder, must be provided to the City of San Diego to satisfy this condition. Please note if tax bond is required as indicated on the tax certificate, please make sure that it is paid or posted, and submit evidence (e.g., filed bond letter or receipt from Clerk of the Board of Supervisors) indicating the required tax bond amount has been paid or bonded.
- r. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to SDMC Section 144.0311(d) and Subdivision Map Act Section 66495. All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the Nakano Project, in which case, delayed monumentation may be applied on the Final Map in accordance with SDMC Section 144.0130.
- s. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to Sections 8801 through 8819 of the California Public Resources Code. The Final Map shall:
  - i. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing "Horizontal Control" stations or astronomic observations.
  - ii. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of "First Order" accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground shall be shown on the map.
- t. Sewer easements granted to the City of San Diego proposed for vacation shall be vacated upon recordation of the Final Map pursuant to Section 66434(g) of the Subdivision Map Act as shown on approved the Tentative Map Exhibit (Attachment 2).
- u. All proposed easements and right-of-way dedications within the boundary of the Tentative Map shall be granted on the proposed Final Map with the exception of any required "Covenant of Easement" which shall be granted by deed.

- v. Prior to recordation of the Final Map, any proposed easements required for the subdivision outside of the Tentative Map boundary over Lots A and C of Map 15592 as shown on approved the Tentative Map Exhibit (Attachment 2) shall be recorded at the San Diego County Recorder's Office.
- w. Prior to recordation of the Final Map, Private Street A traversing Lot C of Map 15592 to the subject subdivision as shown on approved Tentative Map Exhibit (Attachment 2) shall obtain street name approval from City of San Diego Development Services Department through submittal of a stand-alone Street Name (Tentative Map Exhibit (Attachment 2) with the Development Services Department.
- x. Prior to the recordation of the Final Map, all private streets and drives within the Tentative Map boundary shall be shown with bearings and distances along the centerline and width of the streets shown on the Final Map. The street names shall be approved by City of San Diego Development Services Department and published on the Final Map.

#### **DSD: ENGINEERING**

- y. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City of San Diego City Engineer.
- z. Prior to the issuance of any construction permit, Tri Pointe Homes IE-SD, Inc. shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
- aa. Prior to the issuance of any construction permit, Tri Pointe Homes IE-SD, Inc. shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City of San Diego City Engineer.
- bb. Prior to the issuance of any construction permit, Tri Pointe Homes IE-SD, Inc. shall submit a technical report that will be subject to final review and approval by the City of San Diego City Engineer, based on the City of San Diego Storm Water Standards in effect at the time of the construction permit issuance.

### **DSD: WATER & SEWER**

- cc. Tri Pointe Homes IE-SD, Inc. shall grant water easement for the proposed above ground water meters as shown on the approved the Tentative Map Exhibit (Attachment 2), in a manner satisfactory to the City of San Diego Public Utilities Director and the City Engineer.
- dd. Tri Pointe Homes IE-SD, Inc. shall grant sewer access easements as shown on the approved the Tentative Map Exhibit (Attachment 2), satisfactory to the City of San Diego Public Utilities Department and the City Engineer.

ee. Prior to the recordation of the easement vacation, Tri Pointe Homes IE-SD, Inc. shall assure, by permit, bond and completion the abandonment of the existing sewer main, in a manner satisfactory to the City of San Diego Public Utilities Director and the City Engineer.

### **DSD: GEOLOGY**

ff. Tri Pointe Homes IE-SD, Inc. shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. Given the proximity of landslides to the subject site, cut slopes must be mapped during grading. The as-graded report should verify that cut slopes were observed and mapped during grading by an engineering geologist to verify that the soil and geologic conditions do not differ significantly from those anticipated. The as-graded geotechnical report shall be reviewed for adequacy by the City of San Diego Development Services Department, Geology Section prior to the recordation of the Final Map, exoneration of the bond, and grading permit close-out.

### **DSD: TRANSPORTATION**

- gg. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the SDMC and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City of San Diego decision maker in accordance with the SDMC.
- hh. Prior to the issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall assure by permit and bond the removal and replacement of the existing driveway on Dennery Road with full height curb, gutter, and non-contiguous sidewalk and construct a new 25-foot-wide driveway as shown on the Tentative Map Exhibit (Attachment 2) per current City of San Diego standards, satisfactory to the City of San Diego City Engineer. All improvements shall be completed and operational prior to first occupancy.
- ii. Prior to the issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall pay a fair share contribution of 2.5 percent to the City of San Diego towards the bridge widening as part of the Palm Ave-Interstate 805 Interchange / S00869 Project within the City of San Diego, satisfactory to the City Engineer.
- jj. At the intersection of Palm Avenue/Dennery Road, prior to the issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall assure by permit and bond the following: (i) Installation of pedestrian countdown signal heads and the installation of traffic signal heads with retroreflective backplates on all approaches via a traffic signal modification plan; (ii) extension of the exclusive eastbound dual left turn lanes with 280 feet of storage per lane by an additional 85 feet of storage per lane with appropriate taper to provide a total storage length of 365 feet per lane via improvement plans and signing and striping plans; (iii) extension of the exclusive southbound right turn lane with 95 feet of storage by an additional 50 feet of storage with appropriate taper to provide a total

storage length of 145 feet via improvement plans and signing and striping plans; and (iv)installation of audible countdown pedestrian heads for each pedestrian phase and upgrading the traffic controller to a 2070 controller including software update and communications equipment per current City of San Diego standards, satisfactory to the City of San Diego City Engineer. All improvements shall be completed and operational prior to first occupancy satisfactory to the City of San Diego City Engineer.

- kk. At the intersection of Dennery Road/Red Fin Lane, prior to the issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall assure by permit and bond the following: (i) extension of the exclusive eastbound left turn lane with 190 feet of storage by an additional 50 feet to provide a total storage length of 240 feet via improvement plans and signing and striping plans; and (ii) upgrade the existing bicycle loop detectors along Dennery Road and install Type E Modified front loops on all approaches per current City of San Diego standards, satisfactory to the City of San Diego City Engineer. All improvements shall be completed and operational prior to first occupancy.
- II. Prior to the issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall record an access easement in favor of all affected parcels within the Nakano Project site, satisfactory to the City of San Diego City Engineer.
- mm. Prior to first occupancy, Tri Pointe Homes IE-SD, Inc. shall implement a transit subsidy program. The subsidy value will be limited to the equivalent value of 25 percent of the cost of a San Diego Metropolitan Transit System "Regional Adult Monthly/30-Day Pass" (currently \$72, which equates to a subsidy value of \$18 per month). Subsidies shall be available on a per unit basis to residential tenants for a period of five years during the first five years after issuance of the first occupancy permit. Tri Pointe Homes IE-SD, Inc. shall provide an annual report to the City Engineer in each of the first five years demonstrating how the offer was publicized to residents and documenting the results of the program each year, including number of participants and driveway traffic counts.
- nn. Prior to first occupancy, Tri Pointe Homes IE-SD, Inc. shall provide one bicycle (up to a \$400 value) per unit to the first buyer of each unit.
- oo. Prior to first occupancy, Tri Pointe Homes IE-SD, Inc. shall develop and implement a commute trip reduction program that requires each homeowner and tenant to be provided with a one-page flyer every year that provides information regarding available transit, designated bicycle routes, local bicycle groups and programs, local walking routes and programs, and rideshare programs.
- pp. Prior to the issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall pay the "Active Transportation In Lieu" fee to the City of San Diego.
- qq. Prior to issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall provide and maintain publicly accessible pedestrian amenities for every 250 linear feet of street

frontage for the Nakano Project including a backless bench and trash and recycle receptacle, to the satisfaction of the City of San Diego Development Services Department. All improvements shall be completed and operational prior to first occupancy.

rr. Prior to issuance of any building permit, Tri Pointe Homes IE-SD, Inc. shall construct a secondary emergency only access, as shown on the Tentative Map Exhibit (Attachment 2), to the satisfaction of the City of San Diego City Engineer and City of San Diego Fire Marshal. All improvements shall be completed and operational prior to first occupancy.

### HOUSING COMMISSION

- ss. Prior to issuance of any building permit associated with this Nakano Project, Tri Pointe Homes IE-SD, Inc. shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual.
- tt. Tri Pointe Homes IE-SD, Inc. shall enter into a written agreement with the San Diego Housing Commission, which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust, which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. This agreement will specify that in exchange for the City of San Diego's approval of the Nakano Project, Tri Pointe Homes IE-SD, Inc. shall provide 22 affordable units with prices of no more than 30% of 100 percent average median income ("AMI"). The 22 affordable dwelling units must be provided in a comparable mix to the total development.

### **PARK & RECREATION DEPARTMENT**

- uu. Prior to recordation of the Final Map, Tri Pointe Homes IE-SD, Inc. shall place a "Recreation Easement" over all public trails on private property. All Recreation Easements shall be maintained by Tri Pointe Homes IE-SD, Inc.
- vv. Tri Pointe Homes IE-SD, Inc. shall ensure the City of San Diego Parks and Recreation Department review and approval of the Final Map prior to recordation.
- ww. Tri Pointe Homes IE-SD, Inc. shall ensure that no project brush management responsibilities are located on the adjacent OVRP parkland.
- xx. Tri Pointe Homes IE-SD, Inc. shall ensure that there are no temporary or permanent construction impacts to the adjacent OVRP parkland other than the off-site improvements identified on the approved the Tentative Map Exhibit (Attachment 2) plans.
- yy. Tri Pointe Homes IE-SD, Inc. shall ensure that all privately owned and maintained infrastructure is located on private property.

- zz. Tri Pointe Homes IE-SD, Inc. shall ensure that native plants are planted adjacent to OVRP parkland.
- aaa. Tri Pointe Homes IE-SD, Inc. shall ensure that there is no overspray or irrigation runoff on adjacent OVRP parkland.
- bbb. Tri Pointe Homes IE-SD, Inc. shall ensure that the public trails identified on Tentative Map Exhibit (Attachment 2), both on- and off-site, are constructed as part of this Nakano Project and follow the approved "OVRP Trail Guidelines".
- ccc. Tri Pointe Homes IE-SD, Inc. shall ensure that underdrain structures are installed at all proposed public trail locations as shown on Tentative Map Exhibit (Attachment 2) to protect the trails from erosional impacts from concentrated drainage flows to the satisfaction of the City of San Diego Parks and Recreation Department.
- ddd. Tri Pointe Homes IE-SD, Inc. shall ensure that all off-site impacts to adjacent OVRP parkland as a result of this Nakano Project receive revegetation and include a minimum 25-month maintenance and monitoring period that provides success criteria metrics stipulating minimum percent vegetation cover, maximum invasive plant cover, inspection reporting, remedial measures if success criteria is not met, and final sign off requirements. Revegetation shall be completed to the satisfaction of the City of San Diego Parks and Recreation Department, Open Space Division Deputy Director.
- eee. Tri Pointe Homes IE-SD, Inc. shall ensure that a temporary off-site irrigation system is provided during the required off-site revegetation maintenance and monitoring period and that the above grade temporary irrigation system is removed in its entirety prior to final sign off by the City of San Diego.
- fff. Prior to issuance of any construction permits for grading, Tri Pointe Homes IE-SD, Inc. shall submit complete landscape construction documents for review and approval by the City of San Diego Parks and Recreation Department. All plans shall be substantial conformance to this permit and Tentative Map Exhibit (Attachment 2).
- ggg. Tri Pointe Homes IE-SD, Inc. shall ensure City of San Diego Parks and Recreation Department review and approval of grading plans and public improvement plans prior to permit issuance.
- hhh. Prior to final inspection of the 10<sup>th</sup> residential building unit, Tri Pointe Homes IE-SD, Inc. shall ensure that evidence is provided to Parks and Recreation that shows pedestrians shall be permitted access to the private sidewalks within the private development from Dennery Road to the Proposed Overlook Park and Trailhead identified on the plans as the "Pedestrian connection to Dennery Road". Such evidence will be in the form of the approved covenants, conditions and restrictions ("CC&Rs") for the development, satisfactory to Parks and Recreation Director or designee.

- iii. Prior to final inspection of the 10<sup>th</sup> residential building unit, Tri Pointe Homes IE-SD, Inc. shall ensure that the project has been annexed into the Ocean View Hills Maintenance Assessment District (MAD) managed by the City of San Diego Parks and Recreation Department (note the annexation process is estimated to take one year to complete).
- jjj. All modifications to the existing landscaping and irrigation within the MAD along Dennery Road shall be in accordance with the City of San Diego's "Consultant's Guide to Park Design and Construction" and shall include a 2-year maintenance period prior to acceptance by Parks and Recreation.
- kkk. Any Nakano Project off-site mitigation that occurs on land that will be conveyed to the City of San Diego in fee title shall meet all of the following requirements:
  - 1) Long Term Management Plan and Estimate, and Property Analysis Record ("PAR") are executed to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee.
  - 2) Lot(s) are free and clear of all private easements, private encroachments, private agreements and/or liens.
  - 3) All trash, illegal use and associated structures on the lot(s) are removed to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee prior to the City acceptance.
  - 4) For the duration of the maintenance and monitoring period, submit quarterly inspection reports to the City of San Diego Parks and Recreation Open Space Division.
  - 5) Continue to provide plant establishment and maintenance periods until all success criteria requirements are met to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee.
  - 6) Lot(s) to be deeded to the City are inspected by the City of San Diego Parks & Recreation Department, Open Space Division.

Section 5. That the City Council of the City of San Diego hereby incorporates by reference the recitals above finding them to be true and accurate.

Section 6. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council of the City of San Diego and the public prior to the day of its passage.

Section 7. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage or the date that R-\_\_\_\_\_ adopting the amendments to the General Plan and Otay Mesa Community Plan becomes effective, whichever date occurs later.

### Attachments

- A. City of Chula Vista Entitlements
- B. Tentative Map Exhibit

### APPROVED:



## Office of the City Clerk

# RECORD OF ACTION TAKEN AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ON DECEMBER 3, 2024

The following action was taken by the City Council of the City of Chula Vista on Item 7.1A:

A motion was made by Mayor McCann, seconded by Councilmember Preciado, to adopt Resolution No. 2024-228. The motion was carried by the following vote:

Yes: 5 – Chavez, Gonzalez, Morineau, Preciado, and McCann

No: 0 Abstain: 0

Item 7.1A heading:

RESOLUTION NO. 2024-228 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING CERTAIN FINDINGS OF FACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND CERTIFYING ENVIRONMENTAL IMPACT REPORT EIR22-0001 FOR THE NAKANO PROJECT; APPROVING AMENDMENTS TO THE CHULA VISTA GENERAL PLAN FOR THE NAKANO PROJECT (MPA21-0016); ADOPTING THE NAKANO SPECIFIC PLAN (MPA21-0017); APPROVING A TENTATIVE MAP FOR THE NAKANO PROJECT (PCS21-0001); APPROVING A PROPERTY TAX EXCHANGE AGREEMENT AND ANNEXATION AGREEMENT FOR THE NAKANO PROJECT; AND SUPPORTING THE PROPOSED REORGANIZATION OF THE NAKANO PROJECT SITE FROM THE CITY OF CHULA VISTA'S JURISDICTION INTO THE JURISDICTION OF THE CITY OF SAN DIEGO AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

Kerry K. Bigelow, MMC City Clerk

keenskoon



## Office of the City Clerk

# RECORD OF ACTION TAKEN AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ON DECEMBER 3, 2024

The following action was taken by the City Council of the City of Chula Vista on Item 7.1B:

A motion was made by Mayor McCann, seconded by Councilmember Preciado, to place the below ordinance on first reading. The motion was carried by the following vote:

Yes: 5 – Chavez, Gonzalez, Morineau, Preciado, and McCann

No: 0 Abstain: 0

Item 7.1B heading:

ORDINANCE OF THE CITY OF CHULA VISTA CHANGING THE ZONING FOR THE NAKANO PROPERTY (FIRST READING)

Kerry K. Bigelow, MMC City Clerk

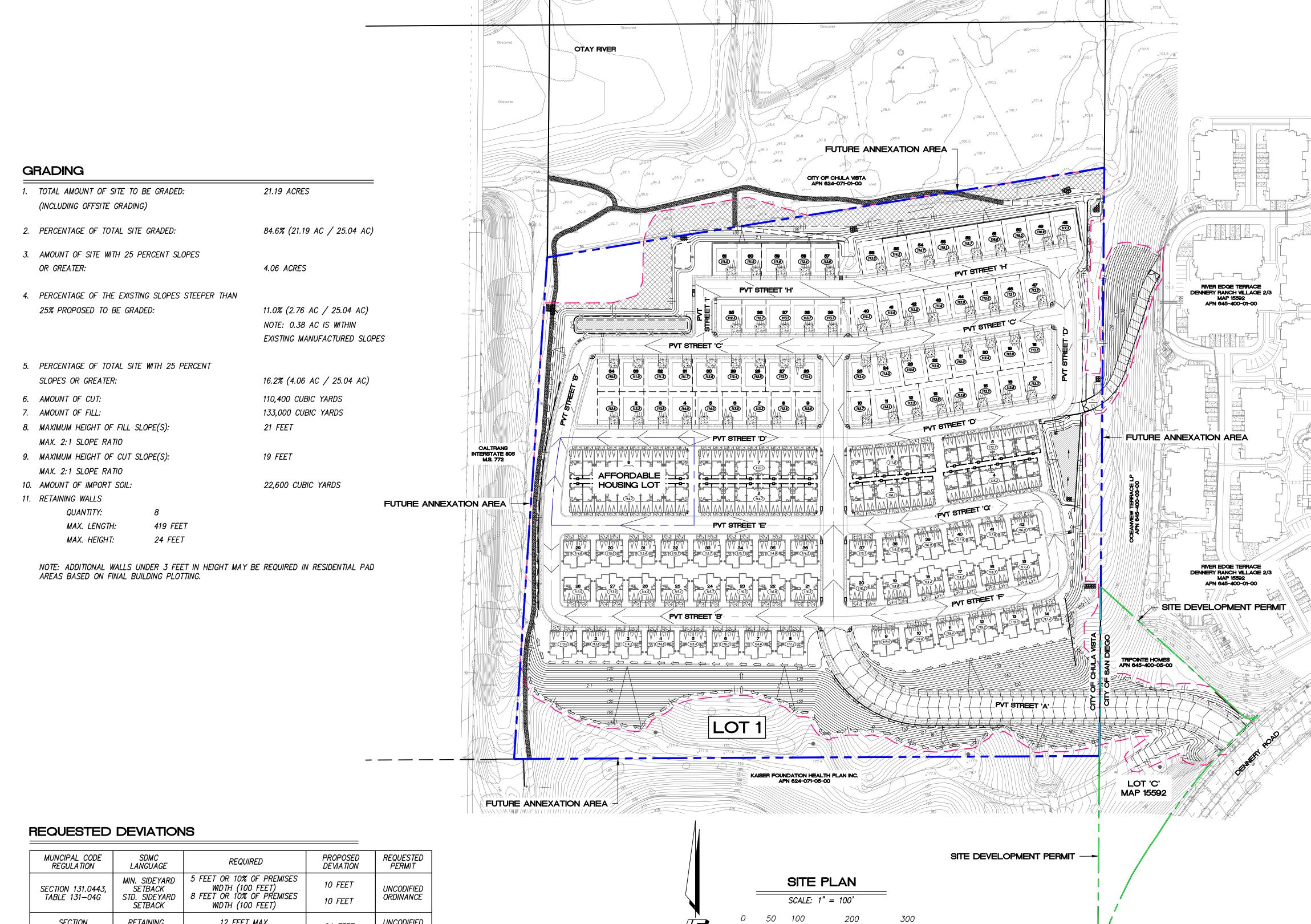
keenskoon

# DEL SOL BLVD. 905 VICINITY MAP NOT TO SCALE

# NAKANO PROJECT TENTATIVE MAP EXHIBIT

ANNEXATION AGREEMENT/UNCODIFIED ORDINANCE SITE DEVELOPMENT PERMIT PMT-3198048 REZONE PMT-3198047 EASEMENT VACATION PMT-3203537

COMMUNITY PLAN AMENDMENT PMT-3198046 CITY OF SAN DIEGO



# OWNER / DEVELOPER

TRI POINTE HOMES 13520 EVENING CREEK DRIVE NORTH, SUITE 300 SAN DIEGO, CA 92128 PHONE (858) 794-2500 FAX (858) 794-2599

## CIVIL ENGINEER

LEPPERT ENGINEERING CORPORATION 5190 GOVERNOR DRIVE, SUITE 205 SAN DIEGO, CA 92122 PHONE: (858) 597-2001

# LANDSCAPE ARCHITECT

PROJECT DESIGN CONSULTANTS SAN DIEGO, CA 92101 PHONE: (619) 235-6471

# **PUBLIC AFFAIRS**

SOUTHWEST STRATEGIES. LLC 401 B STREET, SUITE 150 SAN DIEGO, CA 92101 PHONE (858) 541-7800

## LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CHULA VISTA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST

QUARTER; THENCE ALONG THE SOUTH LINE THEREOF SOUTH 89°42'04" WEST, 1069.30 FEET TO THE EASTERLY LINE OF FREEWAY DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED JULY 22, 1968 AS FILE NO. 123488 OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE NORTH 3°47'10" EAST, 918.10 FEET; THENCE NORTH 80°52'26" EAST, 1030.62 FEET TO THE EAST LINE OF SAID SECTION; THENCE ALONG SAID EAST LINE SOUTH 0°28'33" WEST, 1074.02 FEET TO THE POINT OF BEGINNING.

LOT 'C' OF DENNERY RANCH VILLAGE 2/3 ACCORDING TO MAP THEREOF NO. 15592, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNT, STATE OF CALIFORNIA, AUGUST 15, 2007.

# **GENERAL NOTES**

- RESIDENTIAL UNITS: 215 (UP TO 221 MAX) 2. TOTAL AREA: 25.04 ACRES GROSS (23.77 AC LOT 1 & 1.27 AC PORTIONS OF LOT 'A'
  - AND 'C' MAP 15592) SAN DIEGO GAS AND ELECTRIC
- 3. GAS AND ELECTRIC: 4. TELEPHONE: CABLE TELEVISION:
- SEWER AND WATER: PRIVATE DRAINAGE SYSTEM: **PRIVATE**
- FIRE: 9. SCHOOL DISTRICT:
- SWEETWATER UNION HIGH SCHOOL DISTRICT CHULA VISTA ELEMENTARY SCHOOL DISTRICT
- 10. ALL NEW UTILITIES WILL BE LOCATED UNDERGROUND 11. EXISTING TOPOGRAPHY CONTOUR INTERVAL: 1 FEET
- PROJECT DESIGN CONSULTANTS AERIAL PHOTOGRAPHY DATED: 12/02/2019

CENTERLINE CONTROL MONUMENT LOCATION: INTERSECTION OF OTAY MESA ROAD AND HERITAGE ROAD REFERENCE:

CITY OF SAN DIEGO VERTICAL CONTROL RECORD DATED AS OF 1990, INDEX NO. 1469 17701 504.568 FT MSL

DATUM: NGVD-29

- 12. ALL PROPOSED FILL SLOPES ARE 2:1 MAX AND CUT SLOPES ARE 2:1 MAX 13. GRADING SHOWN HEREON IS PRELIMINARY AND IS SUBJECT TO MODIFICATION ON FINAL DESIGN. 14. LOT DIMENSIONS AND SETBACK DIMENSIONS SHOWN HEREON ARE PRELIMINARY AND ARE SUBJECT TO
- MODIFICATION ON FINAL DESIGN. 15. ALL EXISTING BUILDINGS AND STRUCTURES SHALL BE REMOVED. 16. ALL RESIDENTIAL LOCAL AND PRIVATE STREETS WITH A GRADE BREAK OF 1% OR GREATER, SHALL

HAVE VERTICAL CURVES IN ACCORDANCE WITH THE CITY STREET DESIGN MANUAL.

- 17. ALL PRIVATE ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENT WILL REQUIRE AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT. 18. ALL PRIVATE ENCROACHMENTS INTO THE PUBLIC RIGHT—OF—WAY OR PUBLIC EASEMENT WILL REQUIRE
- AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT. 19. ALL PUBLIC WATER FACILITIES AND ASSOCIATED EASEMENTS WILL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CITY OF SAN DIEGO GUIDELINES AND REGULATIONS. STANDARDS ND PRACTICES
- 20. THE PROJECT IS SUBJECT TO THE INCLUSIONARY HOUSING REGULATION OF SAN DIEGO MUNICIPAL CODE CHAPTER 14, ARTICLE 2, DIVISION 13. AFFORDABLE UNITS WILL BE PROVIDED ON—SITE. THE OWNER/APPLICANT WILL PROVIDE 10 PERCENT OF THE PROPOSED PROJECT AS AFFORDABLE FOR SALE TO MEDIAN INCOME HOUSEHOLDS AT 30 PERCENT OF 100 PERCENT OF AREA MEDIAN INCOME OR FOR RENT BY VERY LOW INCOME HOUSEHOLDS OR LOW INCOME HOUSEHOLDS AT A COST, INCLUDING AN ALLOWANCE FOR UTILITIES, THAT DOES NOT EXCEED 30 PERCENT OF 60 PERCENT OF MEDIAN INCOME.

# ASSESSOR'S PARCEL NUMBER

624-071-02 AND 645-400-05

# **BENCHMARK**

FOR HORIZONTAL CONTROL: FOR VERTICAL CONTROL: CALIFORNIA COORDINATE INDEX (NAD83), N: 1790280.53, E: 6325646.40

533.47 FT. DATUM (MSL) CITY OF SAN DIEGO GPS CONTROL MONUMENT DATED: AUGUST 1992

# BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM. 1983, ZONE 6, EPOCH 1991.35, GRID BEARING BETWEEN GPS STATION 210 AND GPS STATION 1465 PER RECORD OF SURVEY MAP NO. 14492.

I.E.: SOUTH 57°37'24" EAST

DISTANCES SHOWN HEREON ARE GRID DISTANCES TO OBTAIN GROUND LEVEL DISTANCES, MULTIPLY DISTANCE BY 1/1.0000252. QUOTED BEARINGS FROM REFERENCE MAPS/DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

## SOLAR ACCESS NOTE

THIS IS TO AFFIRM THAT THE DESIGN OF THIS DEVELOPMENT PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES IN ACCORDANCE WITH THE PROVISION OF SECTION 66473.1 OF THE STATE SUBDIVISION MAP

# **DEVELOPMENT SUMMARY**

- 1. SUMMARY OF REQUEST:
- ANNEXATION AGREEMENT/UNCODIFIED ORDINANCE FOR AREAS OUTSIDE CITY OF SAN DIEGO, GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT (PMT-3198046), MSCP SUBAREA PLAN AMENDMENT, PREZONE (PMT-3198047), EASEMENT VACATION (PMT-3203537) AND SITE DEVELOPMENT PERMIT (PMT-3198048) FOR ACCESS ROADS FOR A 215 MULTI-FAMILY DWELLING UNIT CONDOMINIUM PROJECT (UP TO 221 MAX) THAT WILL BE ANNEXED INTO THE CITY OF SAN

21.19 ACRES (923,242 SF)

60 PERCENT

- 2. STREET ADDRESS:
- NORTHSIDE OF DENNERY RANCH ROAD BETWEEN REGATTA LANE AND SAND STAR WAY

TOTAL SITE AREA (GROSS):

25.04 ACRES (1,090,742 SF) 23.77 ACRES (LOT 1) & 1.27 ACRES (PORTIONS OF LOTS 'A' AND 'C' MAP 15592)

NET SITE AREA:

- 4. ZONING
- EXISTING: N/A (LOT 1) AND RM-2-4 (LOT 'C' MAP 15592) PROPOSED: RM-1-1 (LOT 1) AND RM-2-4 (LOT 'C' MAP 15592)
- 5. COMMUNITY PLANNING AREA: OTAY MESA
- 6. COVERAGE DATA
- TOTAL LANDSCAPE / OPEN SPACE AREA: 502,496 SF 283,501 SF TOTAL HARDSCAPE / PAVED AREA: FLOOR AREA RATIO PER ZONE (FAR): 1.25 473,000 SF GROSS FLOOR AREA (GFA):

MAXIMUM PERMITTED BUILDING COVERAGE:

- MAXIMUM DWELLING UNITS ALLOWED PER ZONE: 1 DU/3,000 S.F. OF LOT AREA OR NUMBER OF EXISTING UNITS TO REMAIN ONSITE:

NUMBER OF PROPOSED DWELLING UNITS ONSITE: 215 DU (UP TO 221 MAX)

8. YARD / SETBACK

MIN. FRONT SETBACK STANDARD FRONT SETBACK 20 FEET

5 FEET OR 10% OF PREMISES WIDTH (100 FEET) STANDARD SIDE SETBACK 8 FEET OR 10% OF PREMISES WIDTH (100 FEET) MIN. STREET SIDE SETBACK 10 FEET OR 10% OF PREMISES WIDTH MIN. REAR SETBACK

- MIN. FRONT SETBACK STANDARD FRONT SETBACK 20 FEET MIN. SIDE SETBACK STANDARD SIDE SETBACK MIN. STREET SIDE SETBACK N/A MIN. REAR SETBACK
- 9. MAXIMUM STRUCTURE HEIGHT:

PROPOSED:

# SHEET INDEX

SHEET NO. COVER SHEET SLOPE ANALYSIS BIOLOGY MAP GRADING AND STORM DRAIN UTILITIES PLAN SITE PLAN SITE CROSS SECTIONS EARTHWORK EXHIBIT FIRE - HYDRANT PLAN AND NOTES FIRE - APPARATUS ACCESS PATHS AND NOTES FIRE - APPARATUS ACCESS PATHS AND NOTES FIRE - NOTES FIRE — NOTES PRIVATE EXTERIOR AND COMMON OPEN SPACE EMERGENCY FIRE ACCESS ROAD — PLAN AND PROFILE LANDSCAPE CONCEPT PLAN AND NOTES LANDSCAPE CONCEPT PLAN ENLARGEMENTS AND PLANT LEGEND LANDSCAPE CONCEPT SECTIONS, ELEVATIONS AND LEGEND FUFI MODIFICATION PLAN LANDSCAPE CONCEPT IRRIGATION PLAN LANDSCAPE CONCEPT IMAGES LANDSCAPE CONCEPT PLAN: PARK CONNECTIONS COVENANT OF EASEMENT

-	MUNCIPAL CODE REGULATION	SDMC LANGUAGE	REQUIRED	PROPOSED DEVIATION	REQUESTED PERMIT
	SECTION 131.0443, TABLE 131–04G	MIN. SIDEYARD SETBACK STD. SIDEYARD SETBACK	5 FEET OR 10% OF PREMISES WIDTH (100 FEET) 8 FEET OR 10% OF PREMISES WIDTH (100 FEET)	10 FEET 10 FEET	UNCODIFIED ORDINANCE
	SECTION 142.0340(e)	RETAINING WALL HEIGHT	12 FEET MAX. OUTSIDE REQ'D YARD	24 FEET	UNCODIFIED ORDINANCE
,		_			



MICHAEL C. TAYLOR

DIVISION PRESIDENT



DATE

JOHN D. LEPPERT

R.C.E. 26283

5190 Governor Drive, Suite 205, San Diego, Ca. 92122-2848 Phone: (858) 597-2001 Fax: (858) 597-2009

1 inch = 100 ft.

PROJECT NAME: NAKANO

PHONE: <u>858-597-2001</u> PROJECT ADDRESS: NORTHSIDE OF DENNERY RD BETWEEN REGATTA LANE AND SAND STAR WAY

LEPPERT ENGINEERING CORPORATION

ADDRESS: 5190 GOVERNOR DRIVE, SUITE 205

SAN DIEGO, CA 92122

SHEET TITLE: **COVER SHEET** 

REVISION 12:

REVISION 10:

REVISION 8:

REVISION 7:

REVISION 6:

REVISION 5:

REVISION 4:

REVISION 2:

REVISION 1:

REVISION 3: 12/14/2023

10/2/2023

5/12/2023

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