#53k 02/25/2025 (O-2025-73) (COR. COPY)

ORDINANCE NUMBER O- 21919 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 25 2025

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 IE-SD, INC. RELATING TO THE NAKANO PROJECT- PROJECT NO. PRJ-1076302.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. 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.

B. 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 (Annexation Agreement.

- C. 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.
- D. 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).
- E. 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."
- F. 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.

- G. The City of Chula Vista has approved the attached entitlements for the development of the Nakano Project site (Attachment A).
- H. The Council has reviewed and accepts the Chula Vista Entitlements, except as specifically indicated or supplemented herein.
- I. Resolution No. 316019 which was considered along with this Ordinance, proposes a General Plan Amendment and Otay Mesa Community Plan Amendment.
- J. The Council finds that the Annexation Agreement is consistent with the City of San Diego General Plan and 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 Requesting LAFCO to Initiate Proceedings, and elsewhere in the Administrative Record.
- K. The Council 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.
- L. The Council adopts the CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation, Monitoring, and Reporting Program (MMRP) and Project Design Features consistent with the Environmental Impact Report.
- M. The Council 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.
- N. 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 Council 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 Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented.

O. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. That the Council 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 21919

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 Council 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 Council 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 B), 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 hydro-seeding 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 B), 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 B), 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 B), 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 B).

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 B).

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 B). 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 B).
- 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 B) 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.

- 1. 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 B). 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 B).
- 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 B) 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 B) 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 B) 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 B), 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 B), 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 B) 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.
- At the intersection of Palm Avenue/Dennery Road, prior to the issuance of any ij٠ 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.
- ll. 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 B), 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 B) 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 B), 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 B) 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 B).
- 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 10th 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.
- Prior to final inspection of the 10th 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).
- jij. 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 6. That the Council hereby incorporates by reference the recitals above finding them to be true and accurate.

Section 7. 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 Council and the public prior to the day of its passage.

Section 8. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage or the date that R-___316019___ adopting the amendments to the General Plan and Otay Mesa Community Plan becomes effective, whichever date occurs later.

APPROVED: HEATHER FERBERT, City Attorney

By

Corrine L. Neuffer

Senior Chief Deputy City Attorney

CLN:jn2

January 7, 2025

January 22, 2025 (COR.COPY)

Or.Dept: DSD

Doc. No. 3921989.2

Attachments:

Exhibit A: City of Chula Vista Entitlements

Exhibit B: Tentative Map Exhibit

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on **FEB 25** 2025

DIANA J.S. FUENTES City Clerk

y conne



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:

Abstain:

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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

Kunkban

City Clerk



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:

Abstain:

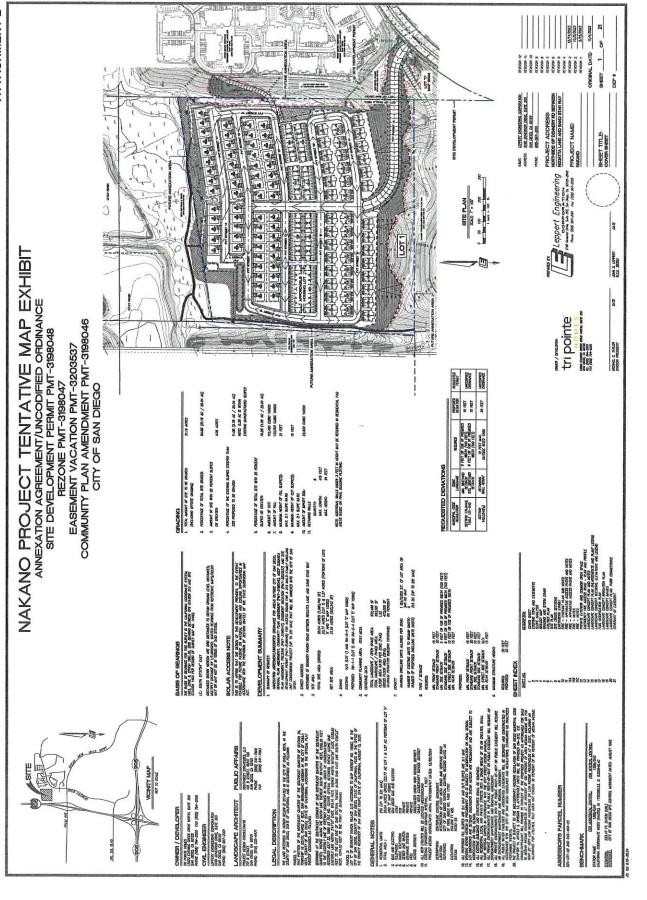
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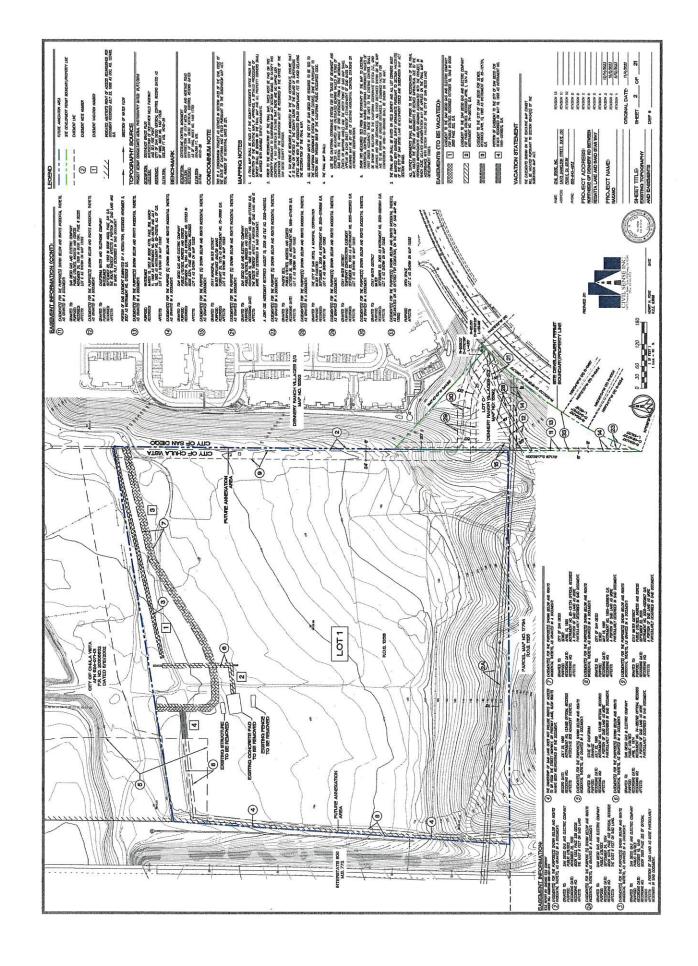
Item 7.1B heading:

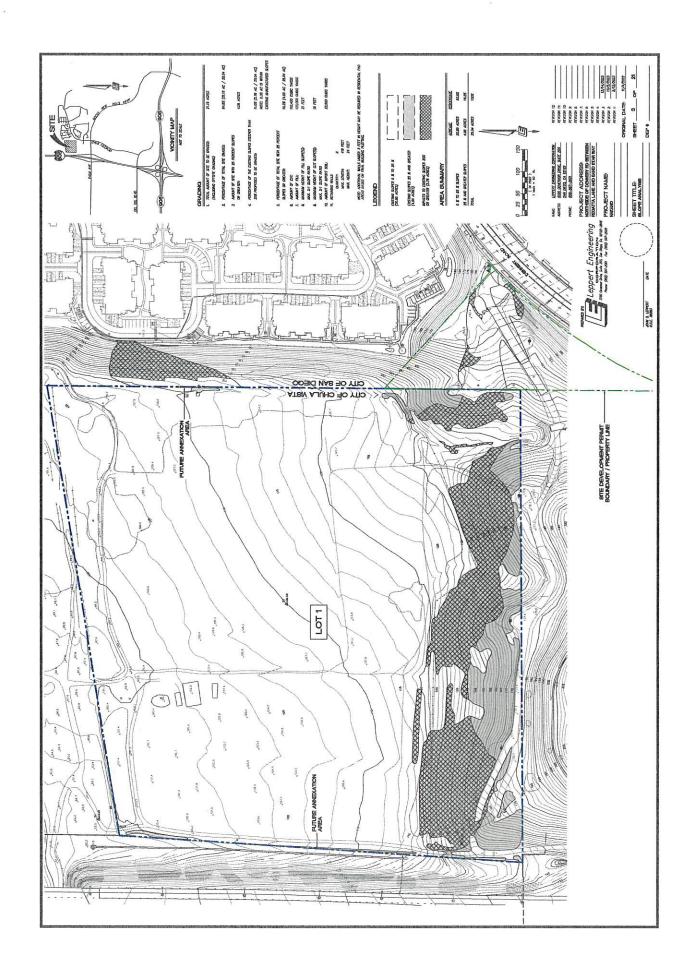
ORDINANCE OF THE CITY OF CHULA VISTA CHANGING THE ZONING FOR THE NAKANO PROPERTY (FIRST READING)

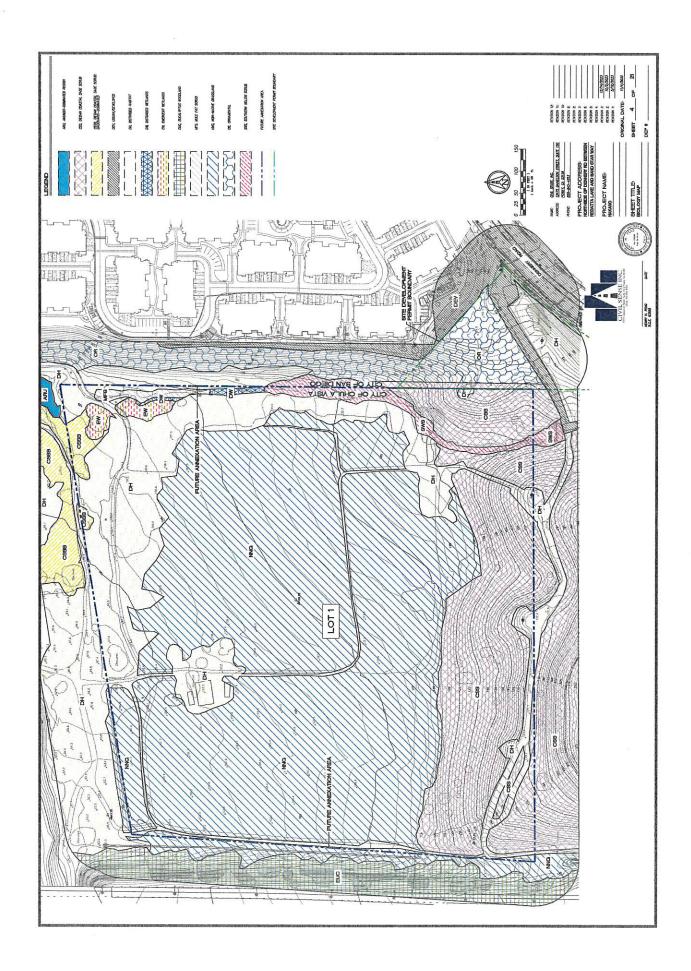
> Kerry K. Bigelow, MMC City Clerk

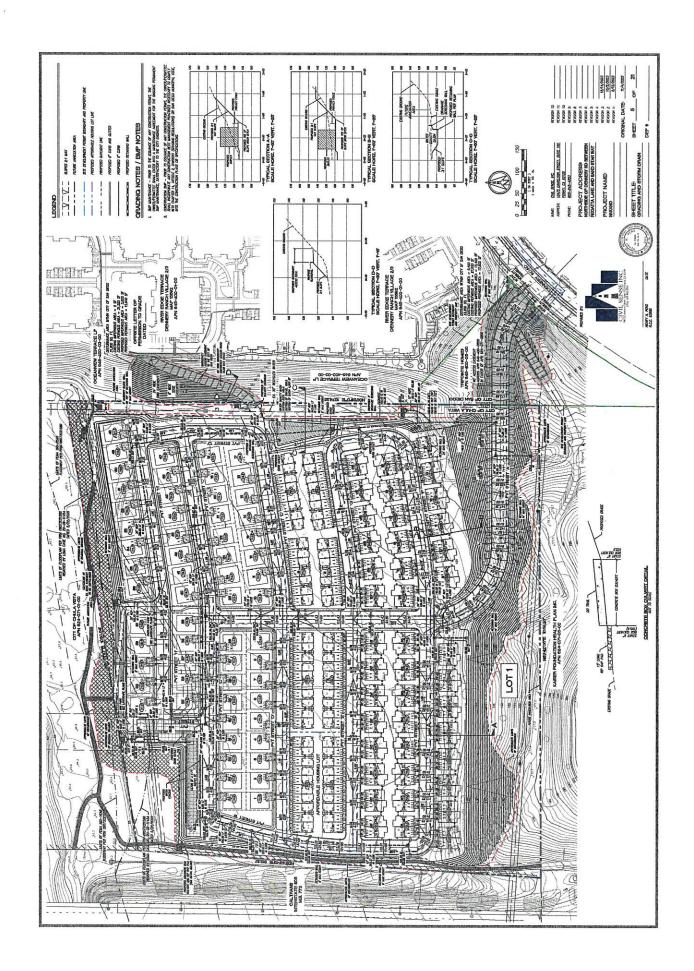
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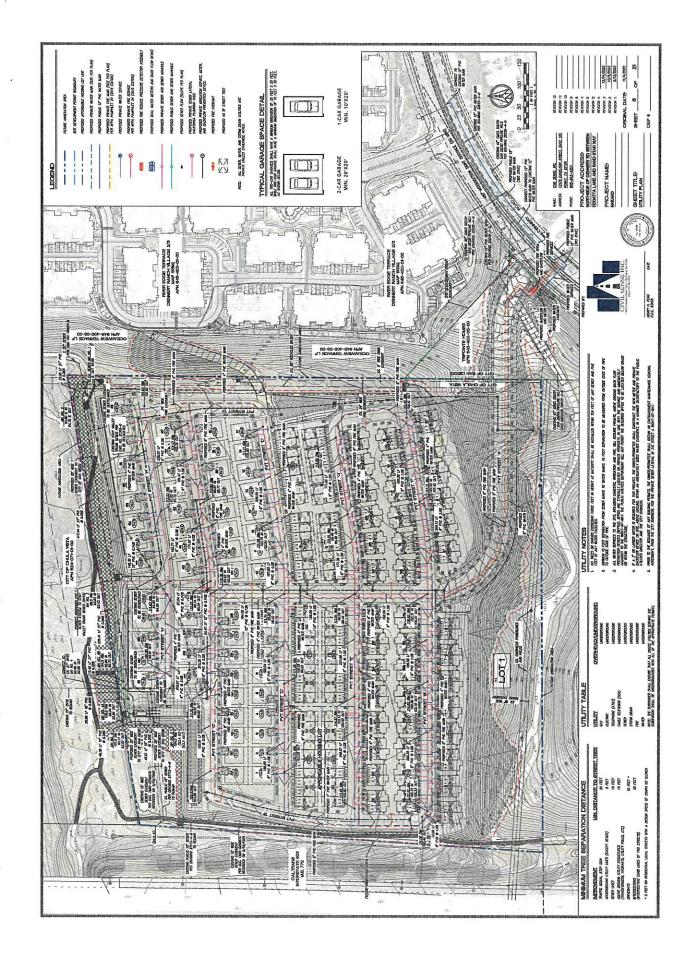


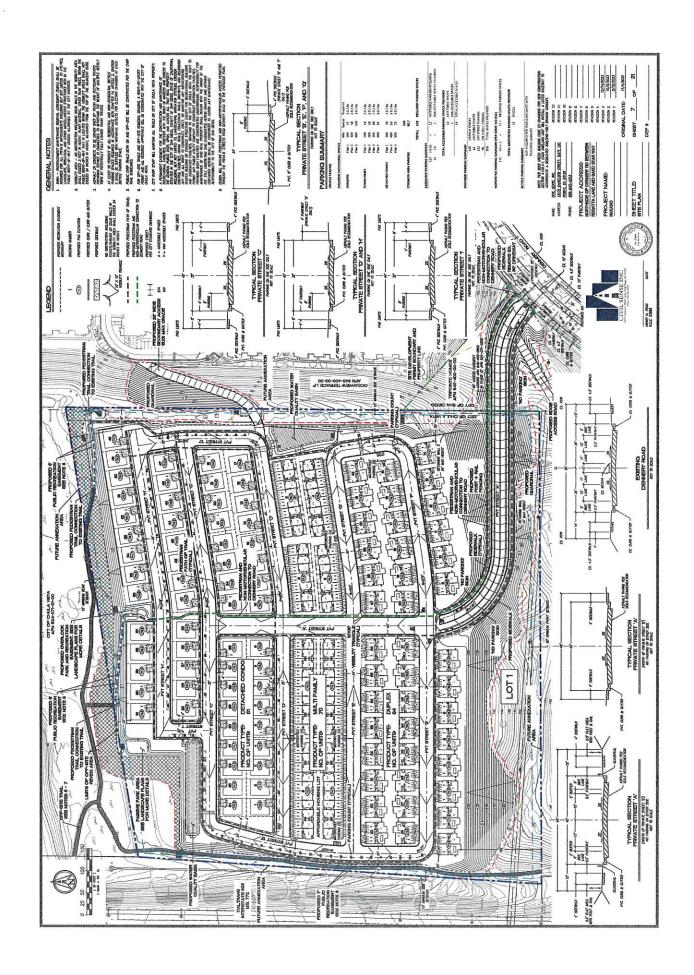


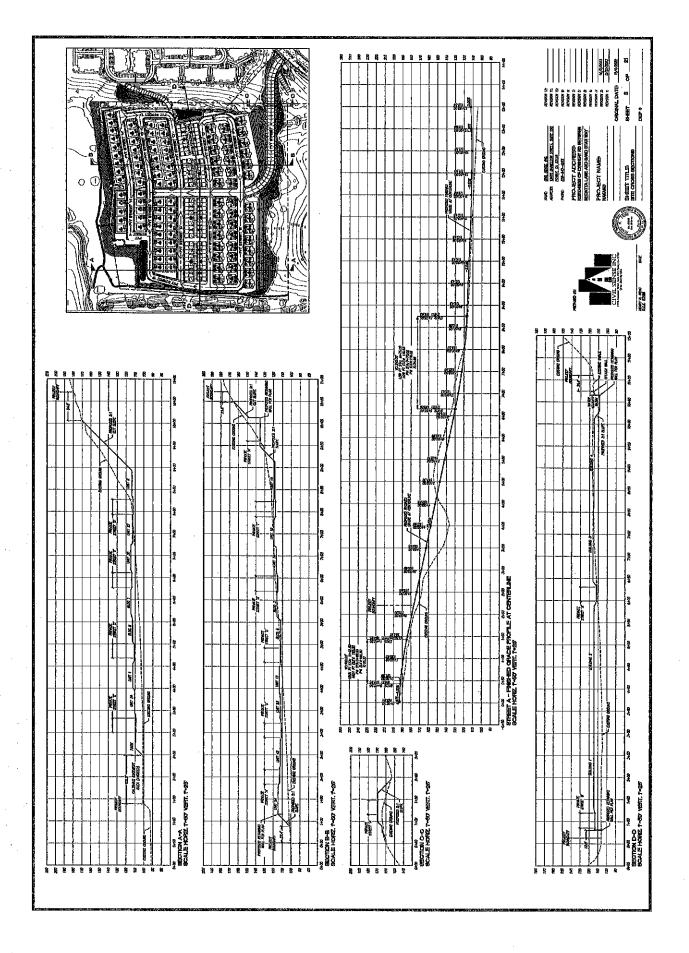


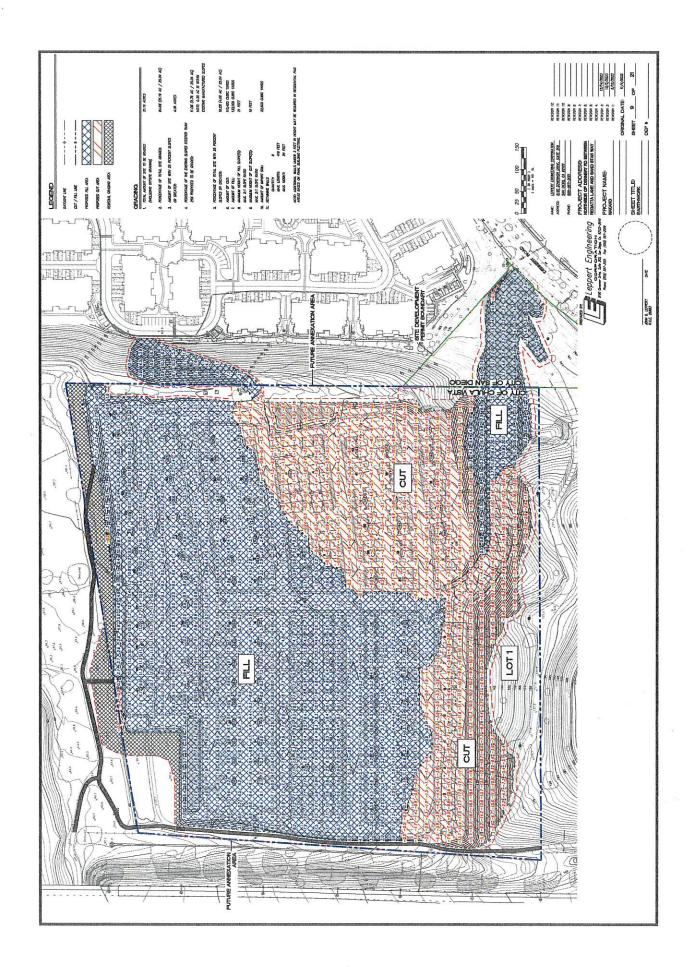


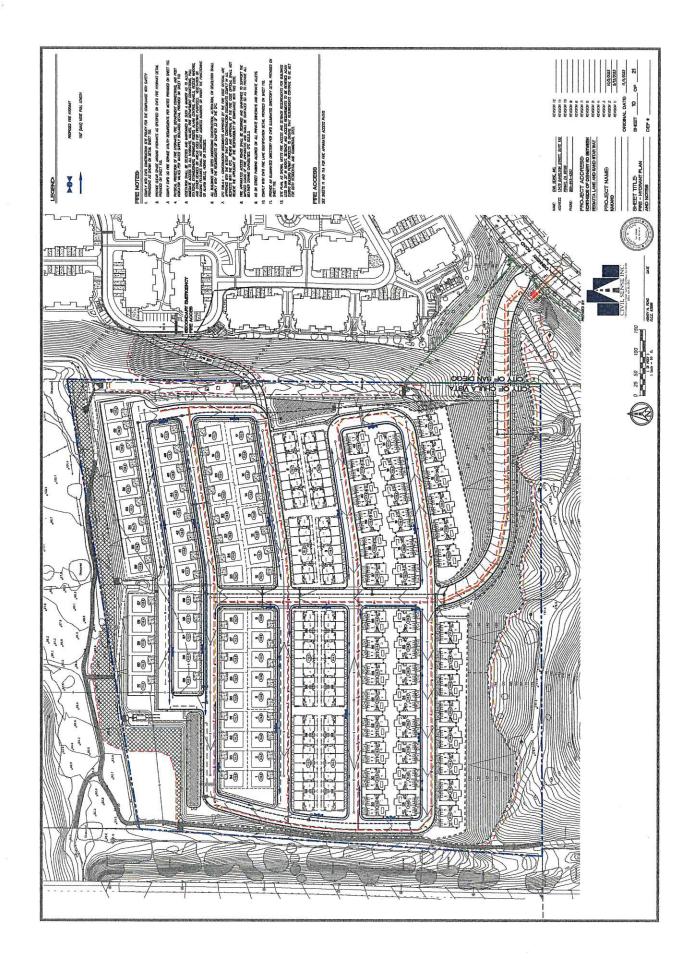


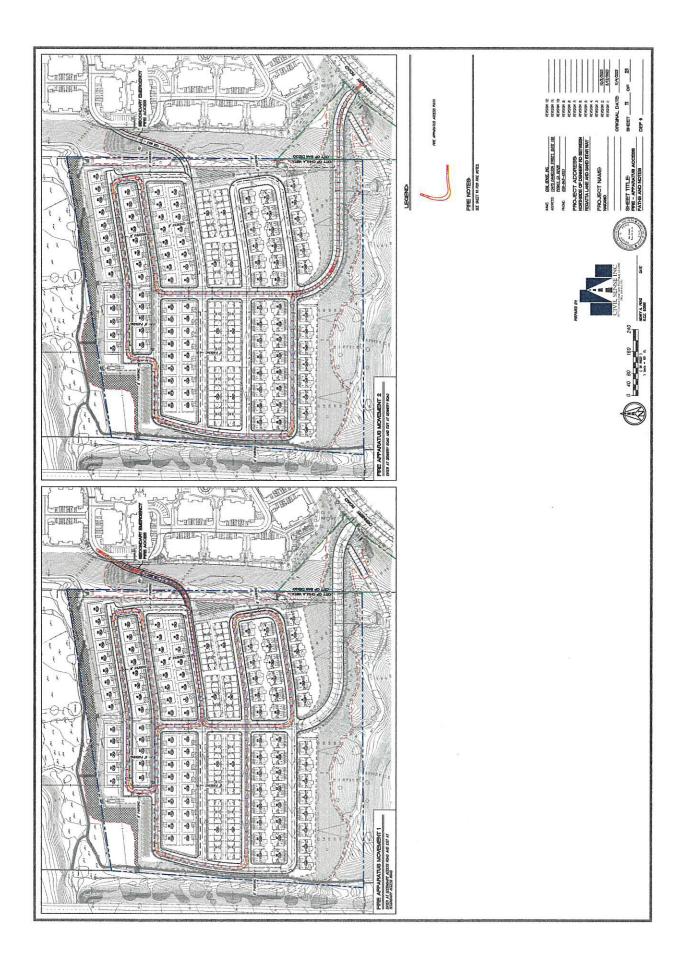


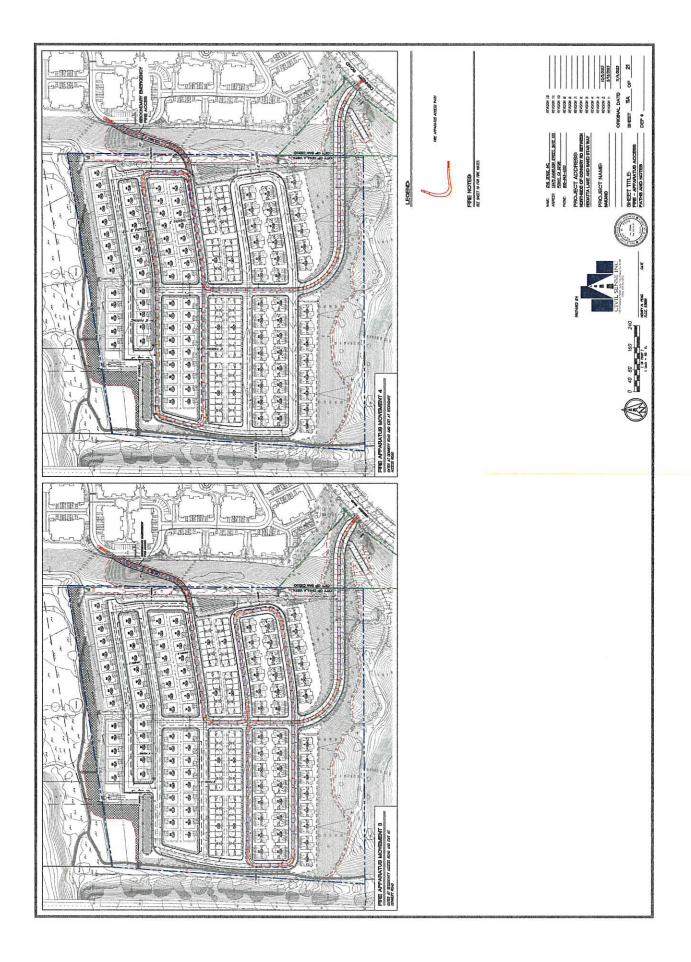


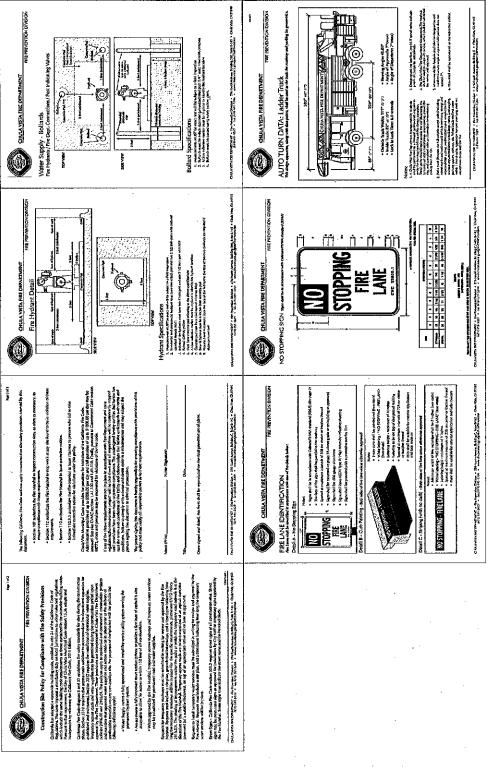










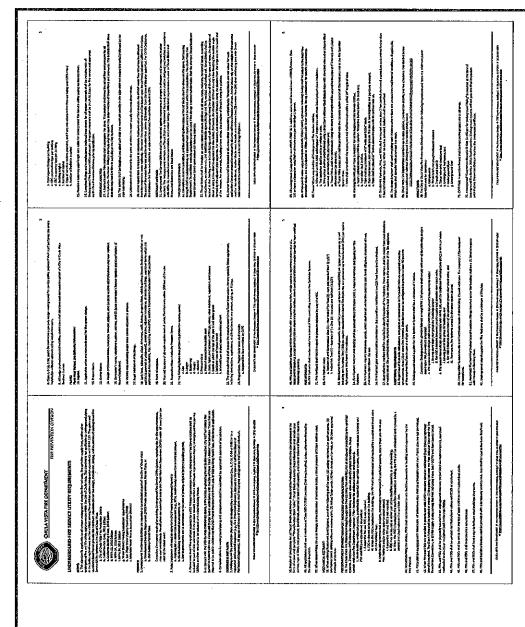








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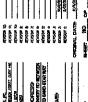


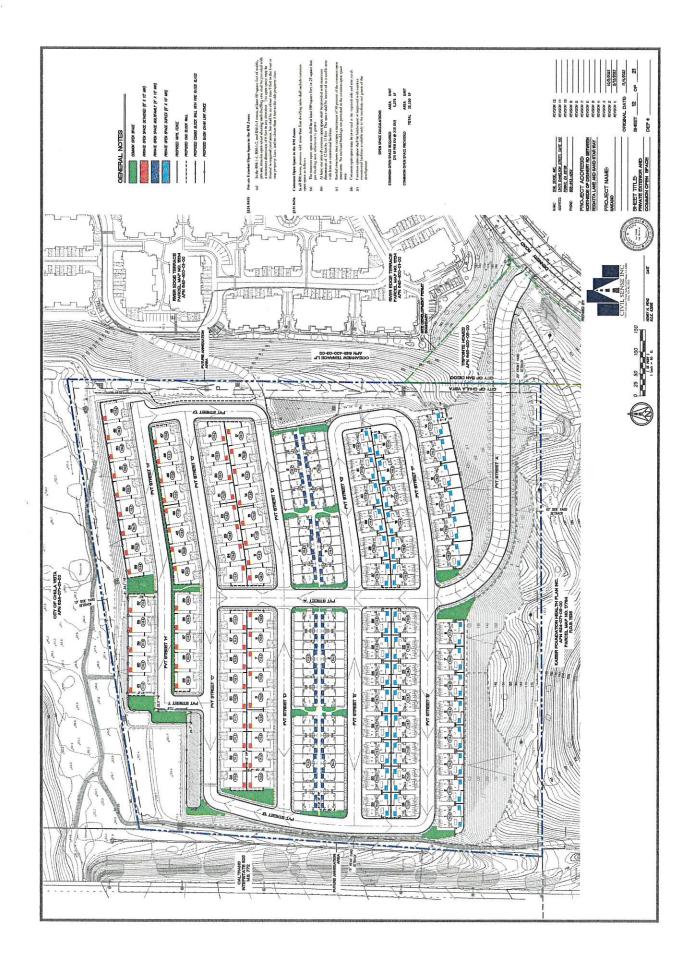


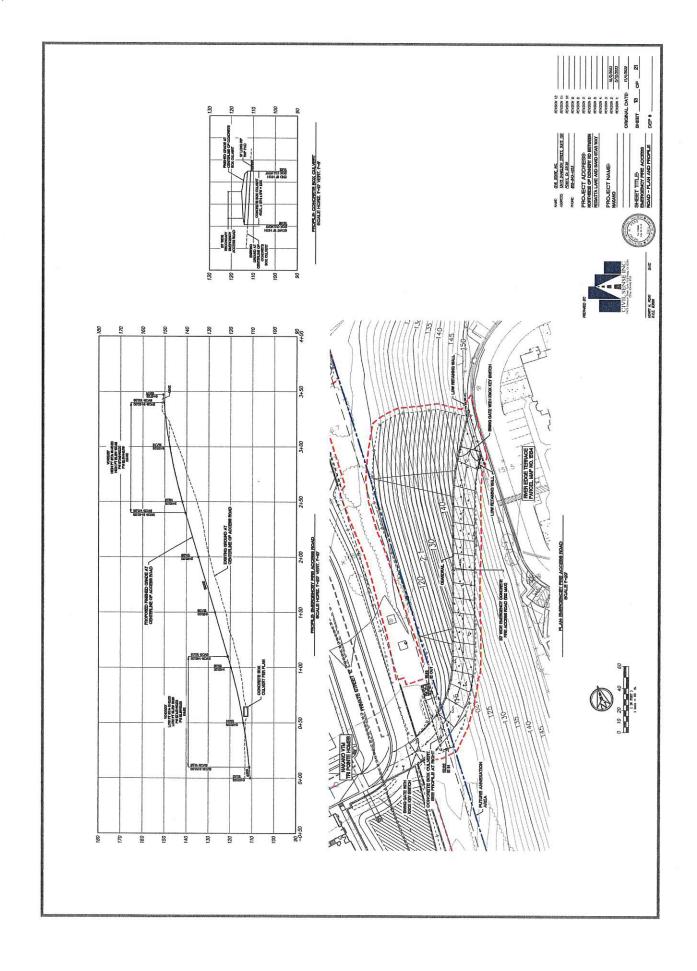


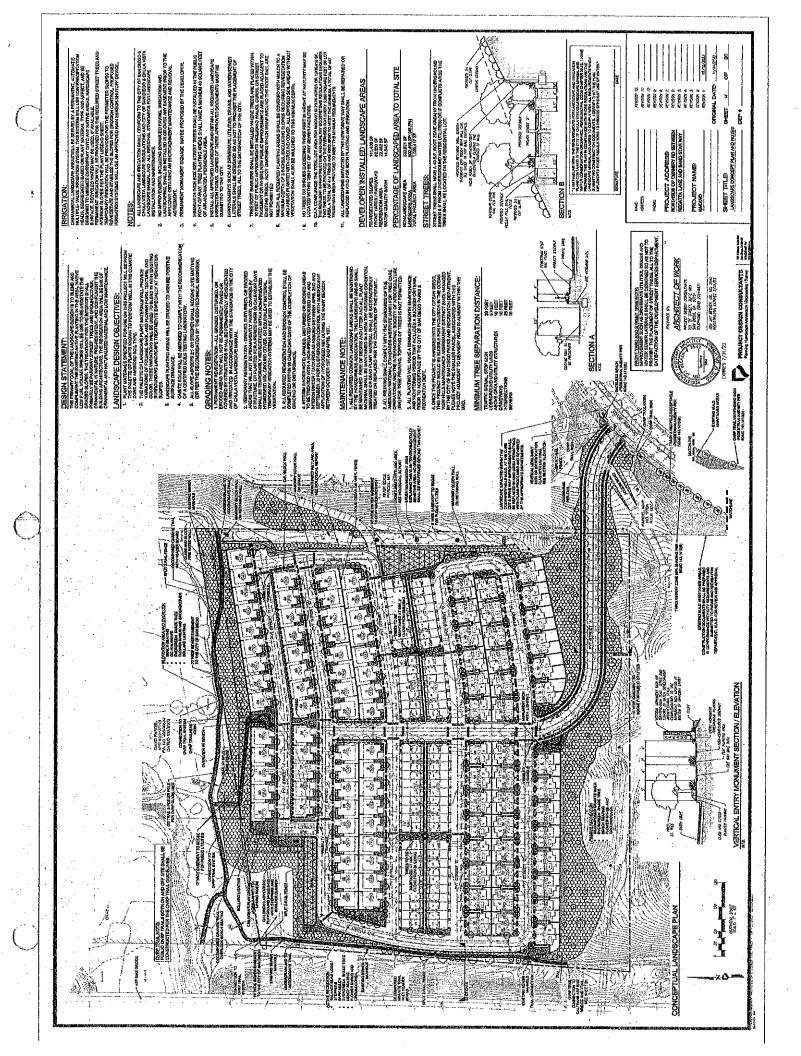


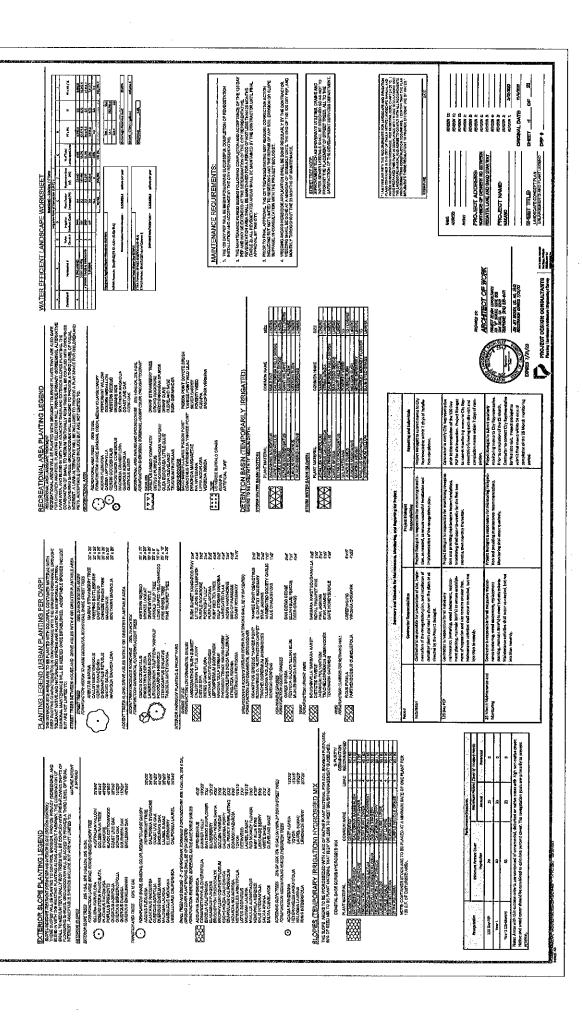


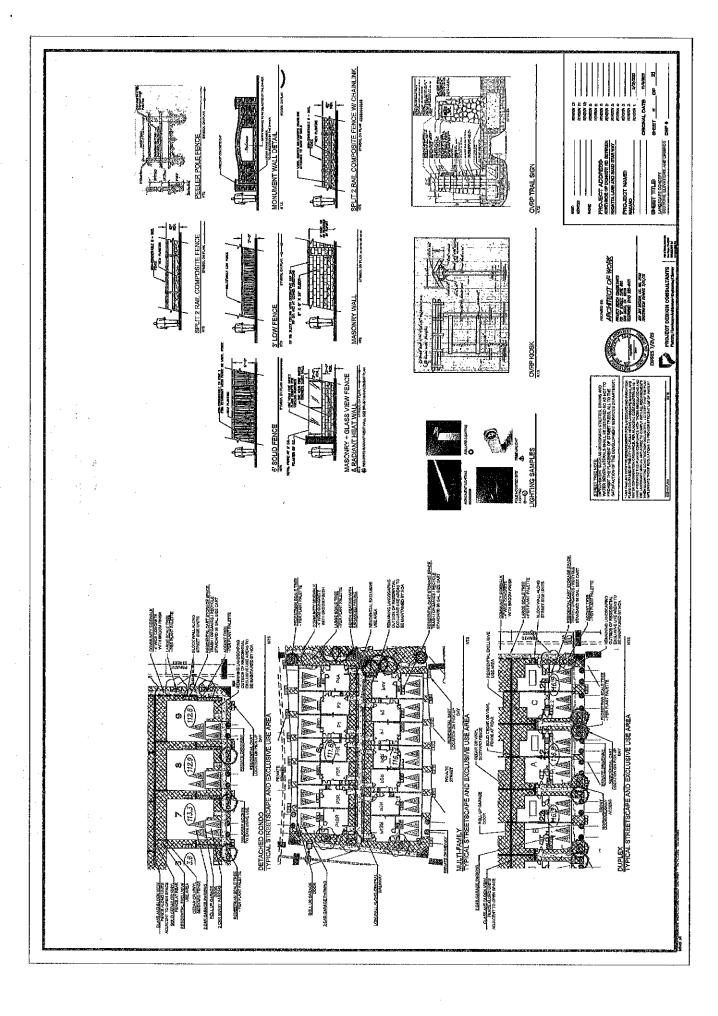


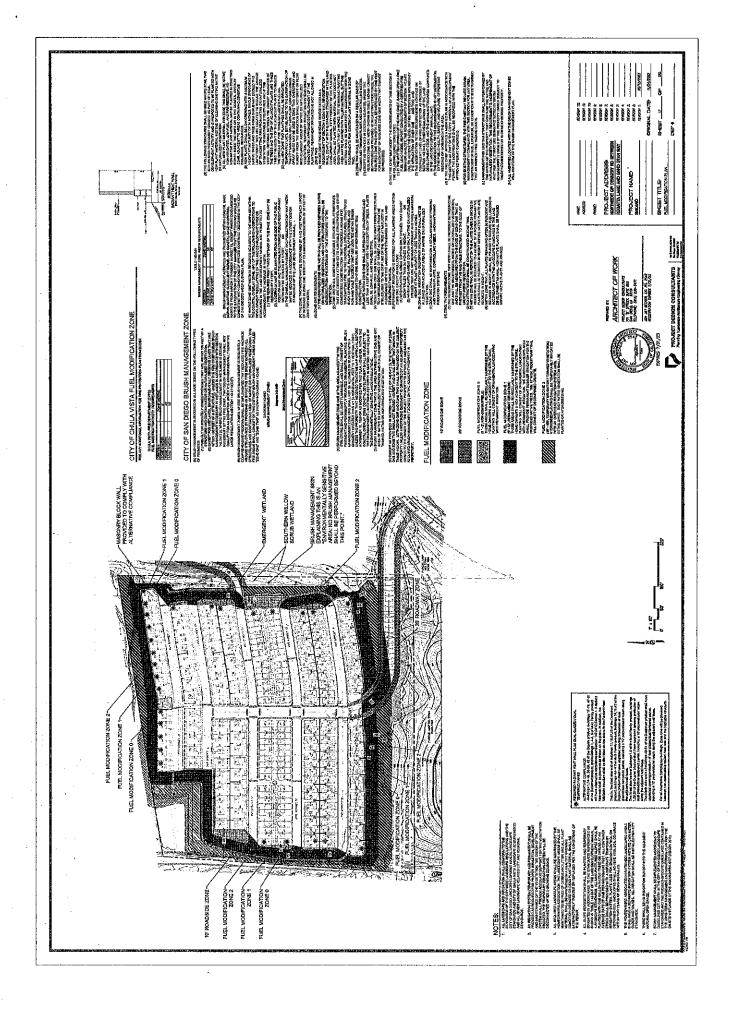


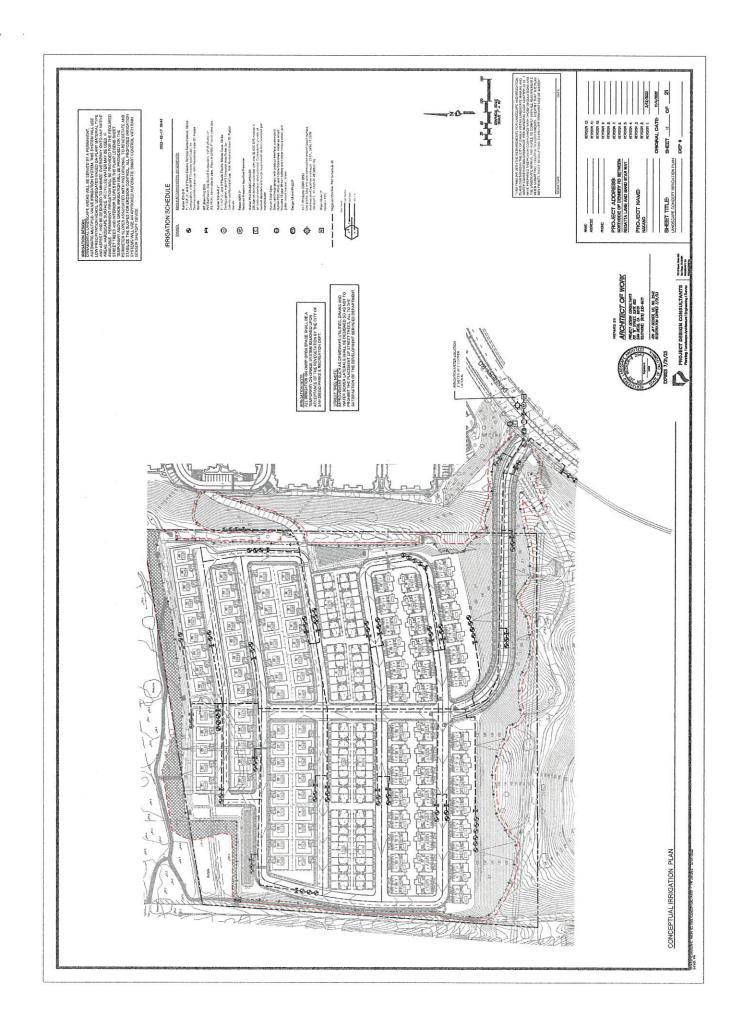


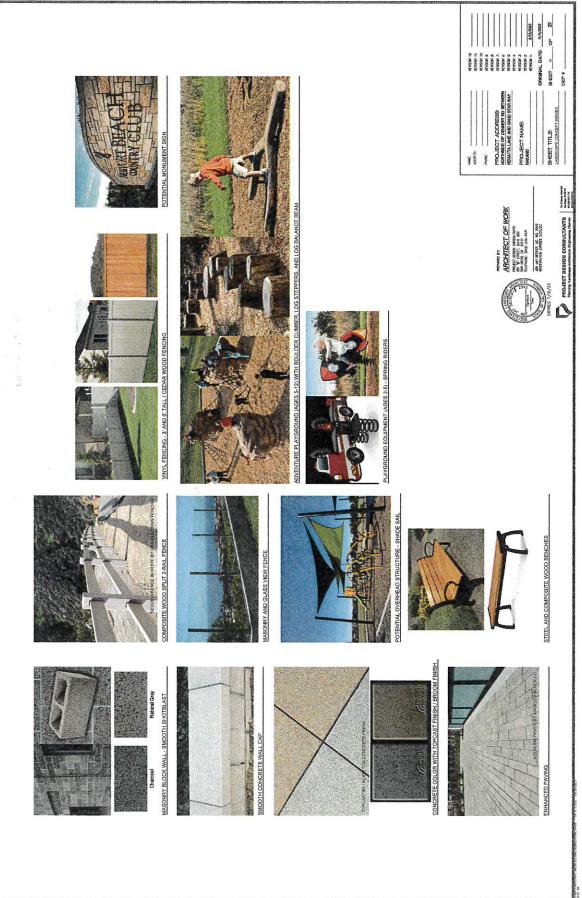


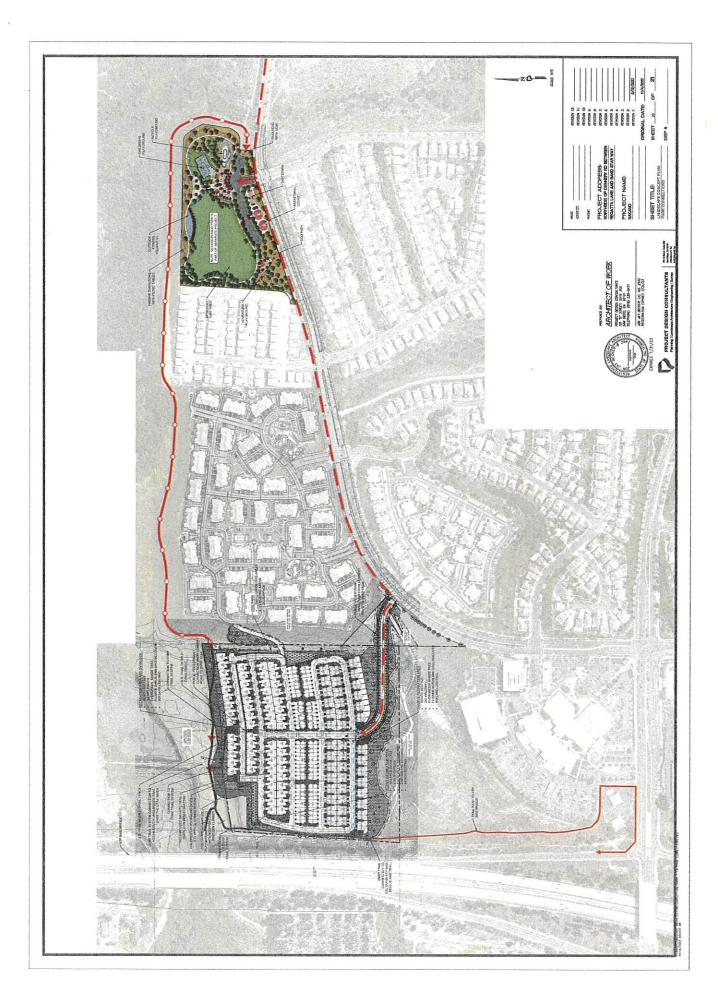


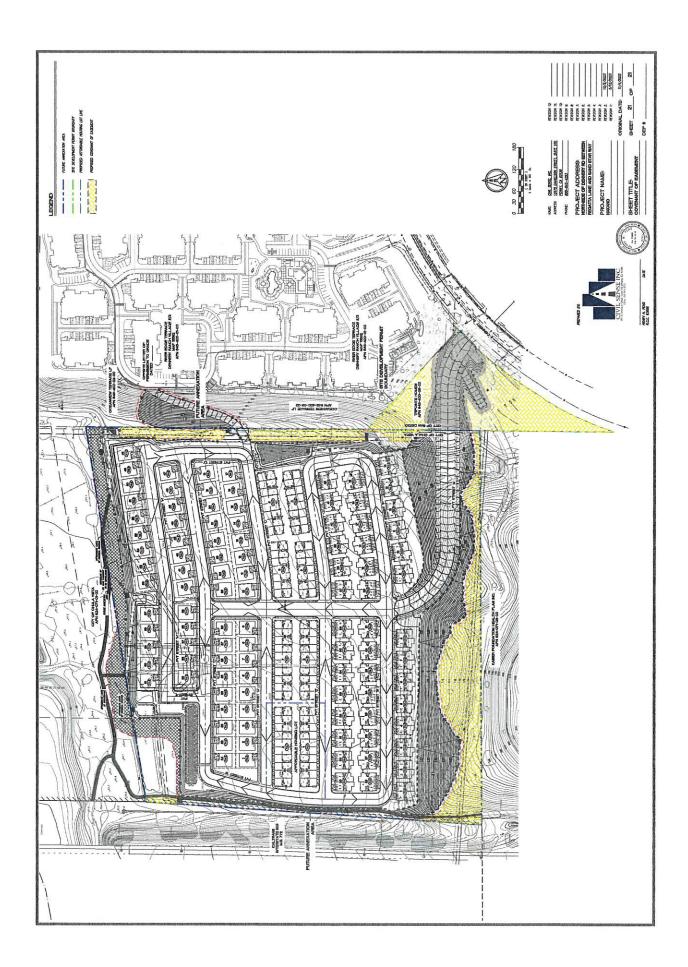












Passed by the Council of The City of San Diego on		go onFE	EB 25 2025	, by the following vote:
Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava		П	П	П
Jennifer Campbell	Z	П	П	П
Stephen Whitburn	7	П	П	
Henry L. Foster III	7	Ī	П	П
Marni von Wilpert	Ā	П	П	П
Kent Lee	Ź		П	П
Raul A. Campillo				
Vivian Moreno	Ø			
Sean Elo-Rivera				
Date of final passage	EB 25 2025			
		TODD GLORIA		
AUTHENTICATED BY:		Mayo	r of The City of S	an Diego, California.
			DIANA J.S. FU	ENTES
(Seal)		City Clerk of The City of San Diego, California.		
		By Co	nnie Pat	tecsor, Deputy
I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on				
FEB 0 3 2025	, ar	nd on	FEB 25 20	25
I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.				
			DIANA J.S. FU	ENTES
(Seal) City Clerk of The City of San Die			San Diego, California.	
		By Co	nnie Fat	Deputy, Deputy
Office of the City Clerk, San Diego, California				
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