ORIGINAL

# FIRST AMENDMENT TO REIMBURSEMENT AND PARK DEVELOPMENT AGREEMENT

## FOR PROJECT NO. PHR P-2, SOLTERRA VISTA NEIGHBORHOOD PARK (FORMERLY MCGONIGLE CANYON NEIGHBORHOOD PARK)

## IN THE PACIFIC HIGHLANDS RANCH COMMUNITY

This First Amendment to the Park Development and Reimbursement Agreement for Project No. PHR P-2, Solterra Vista Neighborhood Park, Reimbursement Agreement ("First Amendment") is made and entered into on October 27, 2026 ("Effective Date") by and between the City of San Diego, a municipal corporation("City"), and Tri Pointe Homes IE-SD, Inc. (f/k/a Pardee Homes), a California corporation ("Developer") (collectively, the "Parties"). This First Amendment relates to reimbursement for the design and construction of Solterra Vista Neighborhood Park identified as Project No. PHR P-2, in the fiscal year ("FY") 2016 Pacific Highlands Ranch Public Facilities Financing Plan ("Financing Plan"), formerly McGonigle Canyon Neighborhood Park. This First Amendment is entered into with reference to the following recitals:

## RECITALS

A. On August 18, 2020, the City executed a Park Development and Reimbursement Agreement with Developer for Project No. PHR P-2, McGonigle Neighborhood Park in the Pacific Highlands Ranch Community, ("Agreement"). The Agreement is on file in the Office of the City Clerk as Document No. O-21215. Under the Agreement, Developer will design and construct Project No. PHR P-2 pursuant to Exhibit A of the Agreement ("Project"). The total estimated cost of the Project was Seven Million Nine Hundred Ninety-Three Thousand Six Hundred Twenty Nine Dollars ($7,993,629) ("Estimated Project Costs"), which was approved by the City Council on July 20, 2020 pursuant to Ordinance No. O-21215.

B. At the time the Agreement was executed, the not-to-exceed reimbursement amount was established based on a higher limit identified in the Financing Plan estimate of Ten Million Five Hundred Seventy-Nine Thousand Nine Hundred Twenty-Four Dollars ($10,579,924), expressed in FY2016 dollars and subject to annual inflation adjustments of 3%. This allowable amount from the Financing Plan includes both the work detailed under the Reimbursement Agreement and the purchase of land that occurred in February 2023 for Three Million Two Hundred Ninety-Five Thousand Four Hundred Eleven Dollars ($3,295,411).

C. On March 3, 2025, the Developer received qualified bids for construction work at Solterra Vista Neighborhood Park. These bid amounts were significantly higher than the construction estimates provided in Exhibit E of the Agreement. With requested increased costs, the total Estimated Project Costs under the Agreement would be amended to Eleven Million Three Hundred Forty-Nine Thousand Four Hundred Seventy and Seven Dollars ($11,349,477).

D. The City's Park and Recreation Department has changed the name of McGonigle Canyon Neighborhood Park to Solterra Vista Neighborhood Park. All references in the original



DOCUMENT NO. OO-22135
FILED AUG 25 2026
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

Agreement referring to McGonigle Neighborhood Park as well as this First Amendment will now and moving forward refer this park name change to Solterra Vista Neighborhood Park.

E. The City and Developer desire to amend the Agreement as provided in this First Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer do hereby agree as follows:

1. The recitals set forth above are incorporated herein by reference. Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Agreement.

2. All references in the Agreement to Developer shall now mean Tri Pointe Homes IE-SD, Inc.

3. All references in the Agreement to McGonigle Canyon Neighborhood Park shall now mean Solterra Vista Neighborhood Park.

4. Section 1.2 is amended by replacing Exhibit D and Exhibit E referenced therein, with Exhibit D and Exhibit E attached to this First Amendment.

5. Section 3.3 is amended as follows:

**Estimated Cost(s).** Developer's Estimated Project Cost shall consist only of: (i) Project Costs, (ii) Developer's Administrative Costs (as defined in Section 3.3.1), and (iii) the Project Contingency (as defined in Section 3.3.2). The total Estimated Cost of shall not exceed Eleven Million Three Hundred Forty-Nine Thousand Four Hundred Seventy-Seven Dollars ($11,349,477), plus interest (as set forth in Section 12.1.6).

6. Section 12.1.5 is amended and adds Section 12.1.5.1 as follows:

***City Planning Department's Administrative Costs.*** City Planning Department's Administrative Costs shall be paid from the funding sources stated in Section 12.1.2, prior to any reimbursement to Developer, and shall consist of the costs and expenses incurred by City, and its consultants, to: (i) facilitate design, implement, process, and administer the Project, (ii) review contractor/subcontractor compliance with the City's Required Contracting Procedures, (iii) approve reimbursable costs for work performed during design/construction through Final Completion of the Project, and (iv) review project documentation to verify all costs related to the Project, inclusive of construction bid tabulations, contracts, and review of any cost allocation methods (City's Administrative Costs). City's Administrative Costs are not included in the estimated project cost (as defined in Section 3.3) and will be an additional cost on top of the overall estimated project cost.

12.1.5.1 ***Other City Department's Administrative Costs.*** Independent of the administration costs from the City Planning Department, other City departments such as Parks and Recreation Department, Public Utilities Department, etc. shall bill their time directly to the Developer. Any labor hours directly paid by the Developer can be reimbursed by the project. These expenses

shall be accounted for in **Exhibit D** and included in the Estimated Cost of Project (as defined in Section 3.3).

7. Section 12.1.8.1 is amended as follows:

Up to 30 percent of the Reimbursable Costs estimated for the Project subject to the Developer satisfying all of the following requirements:

- All Plans (GDP and construction documents) and Specifications for the Project have been approved by the City (Design-Bid-Build: City approval of the Request For Proposal);
- Any public access (e.g. right-of-way, access easement, etc.) required for the project that has been secured and dedicated [Solterra Vista Neighborhood Park];
- All required permits and environmental clearances necessary for the Project have been secured;
- All performance bonds, payment bonds, and warranty bonds as described in Article XVII have been provided;
- All City fees and costs have been paid;
- Evidence satisfactory to the City that Developer has complied with and satisfied Article IV (Competitive Bidding, Equal Opportunity, and Equal Benefits) and Article VI (Consultants) of the Agreement;
- Copies of valid bids;
- Documentation of City approval of the bids; and
- Awarded construction contract.

9. Developer is not automatically entitled to or any reimbursement under the Agreement or this First Amendment, and that reimbursement is contingent upon City approval of Developer's reimbursement request in accordance with the terms of the Agreement and this First Amendment, as well as availability of DIF funds. Developer shall submit its Reimbursement Request(s) in accordance with the provisions set forth in Article XII of the Agreement.

10. The Parties agree that this Amendment represents the entire understanding of City and Developer. All other terms and conditions of the Agreement not discussed in this Amendment remain in full force and effect; provided, however, that if a term in the Agreement specifically conflicts with this Amendment, this Amendment shall govern the terms of the Agreement.

[*Signatures on Following Page*]

IN WITNESS WHEREOF, this First Amendment is executed by both Parties and is executed on October 27, 2026 ("Effective Date").

THE CITY OF SAN DIEGO, a municipal corporation

Dated: 10/20/26

By: Casey Smith

Name:

Title: Chief Housing & Community Development Officer

Approved:

Heather Ferbert, City Attorney

Dated: 10/07/26

By:
Shannon Eckmeyer
Deputy City Attorney

TRI POINTE HOMES IE-SD, INC.,
a California corporation

Dated: 1/27/26

By:

Name: Brian Ortwein

Title: VP of Project management

O- 22135

**EXHIBIT "D"**
**Schedule**
**Pacific Highlands Ranch FBA Project P-2**
**Solterra Vista Park**

| Item No. | Activity* | Schedule Neighborhood Park P-2 | Approximate Start Date** |
|---|---|---|---|
| 1 | Effective Date of Agreement | Day 1 | 8/8/20 (Actual) |
| 2 | Obtain City Approval of GDP; Submit cost estimate for GDP to City; Obtain City's Park and Recreation Board approval of Park Name | 8 months | March 2021 (Complete) |
| 3 | Preparation of Construction Drawings | 43 months | March 2021 (Complete) |
| 4 | Permit Processing / Park Permits Issued | 3 months | October 2024 (Complete) |
| 5 | Bidding / procurement | 6 months | January 2025 (Complete) |
| 6 | Begin and Complete park construction | 13 months | July 2025 (On-going) |
| 7 | Begin maintenance period and perform maintenance | 4 months | September 2026 (Anticipated) |
| 8 | Park is opened to the public | | January 2027 (Anticipated) |

* Undertaking an Activity on this Schedule does not upon completion, require immediate commencement of performance of a scheduled Activity that follows the completed Activity.

** These dates are approximate.

# EXHIBIT E
## Developer's Estimated Cost

**Project Title: Solterra Vista Park (NP-2)**

| ITEM DESCRIPTION | | Total Cost |
|---|---|---|
| **1. Construction (Hard) Costs** | | |
| Mobilization / Demobilization / General Conditions | $ | 623,670 |
| Earthwork/Fine Grading | $ | 518,040 |
| Erosion Control/Stormwater Pollution Prevention | $ | 251,148 |
| Traffic Control | $ | - |
| Demolition | $ | 70,263 |
| Sewer and Drainage Improvements | $ | 702,443 |
| Water Service | $ | 109,790 |
| Restroom, Concession and Storage Rooms | $ | 562,583 |
| Electrical (including lighting) | $ | 806,913 |
| Landscaping, (including establishment period) | $ | 781,232 |
| Irrigation | $ | 379,377 |
| Hardscape/Walkways | $ | 812,622 |
| Playgrounds and Sports Courts | $ | 1,975,456 |
| **Subtotal No. 1:** | **$** | **7,593,537** |
| **2. Design (Soft) Costs** | | |
| Consultant Services, GDP, Community Outreach | $ | 232,000 |
| Engineering (Construction Documents, Specifications, Cost Estimates) | $ | 1,066,344 |
| Bond Premiums | $ | 102,820 |
| Insurance (Section 19) | $ | - |
| Plan Check, City Permits/Processing Fees, Inspection Fees (Paid to City) | $ | 307,811 |
| Construction Management; Engineering Support, Surveying, Soils Engineering, Testing; etc | $ | 583,000 |
| Environmental Mitigation | $ | 58,000 |
| Site Security, Perimeter Fencing, Surveillance, etc. | $ | - |
| **Subtotal No. 2:** | **$** | **2,349,975** |
| **3. Total Project Costs (Subtotals No. 1 and No.2) (Section 3.1)** | **$** | **9,943,512** |
| **4. Project Contingency (10% of Construction Costs) (Section 3.3.2)** | **$** | **759,354** |
| **5. Developer Administration Costs (6% of Total Project Costs) (Section 3.3.1)** | **$** | **596,611** |
| **6. Interest on Reimbursement Payment (Up to Maximum per Agreement) (Section 12.1.6)** | **$** | **50,000** |
| **TOTAL ESTIMATED COST (Section 3.3)** | **$** | **11,349,477** |

Note:

1. Above budget estimates expressed in 2025 dollars
2. Cost overruns to any line item above can be offset by savings realized in any other item.
3. Above budget updated in April 2025 based upon construction bids received.

ORDINANCE NUMBER O- 22135 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 0 2 2026

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING FIRST AMENDMENT TO A REIMBURSEMENT AND A PARK DEVELOPMENT AGREEMENT FOR PROJECT NO. P-2 SOLTERRA VISTA NEIGHBORHOOD PARK IN THE PACIFIC HIGHLANDS RANCH COMMUNITY.

## RECITALS

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

A. On August 18, 2020, the City of San Diego (City) and Tri Pointe Homes IE-SD, Inc., a California corporation (previously Pardee Homes) (Developer), entered into Reimbursement and Park Development Agreement No. 00-21215 (Agreement) for Project No. P-McGonigle Canyon Neighborhood Park (Project).

B. The City's Park and Recreation Department has changed the name of McGonigle Canyon Neighborhood Park to Solterra Vista Neighborhood Park. All references in the original Agreement will refer to this park name change.

C. The City and Developer desire to amend the Agreement and to update preliminary cost estimates for Solterra Vista Neighborhood Park to account for increased costs that have exceeded the Estimated Project Costs of the Agreement.

D. To reflect these changes, the City and Developer have negotiated the terms of the proposed First Amendment to the Agreement (First Amendment), included in the docket materials accompanying this Ordinance.

E. 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.

F. The First Amendment is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the Council.

ACTION ITEMS

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

Section 1. The Council approves the First Amendment to the Reimbursement Agreement.

Section 2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the First Amendment to the Agreement. When signed by both parties, the First Amendment will be placed on file in the Office of the City Clerk as Document No. OO- 22135 .

Section 3. The Chief Financial Officer is authorized to appropriate and expend funds under the First Amendment in an amount not to exceed $11,349,477 from Pacific Highlands Ranch Facilities Benefit Assessment (FBA) Fund No. 400090, contingent upon the adoption of the Appropriation Ordinance of the applicable fiscal year and the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

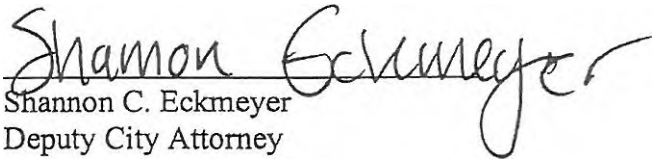
Section 4. The Chief Financial Officer is authorized to appropriate and expend funds from Pacific Highlands Ranch FBA Fund No. 400090 for an additional $170,000 for administrative costs related to the park projects in the First Amendment, contingent upon the adoption of the Appropriation Ordinance of the applicable fiscal year and the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 5. The Chief Financial Officer is authorized to increase the appropriation amount of Capital Improvement Project RD-22000 PHR Solterra Vista Neighborhood Park, Pacific Highlands Ranch FBA Fund No. 400090, to $15,185,888.46 to cover the cost of land acquisition that occurred on February 27, 2023, the design and construction of the park, and costs for administering the Project.

Section 6. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 7. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By 
Shannon C. Eckmeyer
Deputy City Attorney

SCE:cm
October 10, 2025
Or. Dept: City Planning
Doc. No. 4302977

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on AUG 2 5 2026.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 9/2/26
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

#51

Passed by the Council of The City of San Diego on **August 25, 2026**, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---|---|---|---|---|
| Joe LaCava | ☒ | ☐ | ☐ | ☐ |
| Jennifer Campbell | ☒ | ☐ | ☐ | ☐ |
| Stephen Whitburn | ☒ | ☐ | ☐ | ☐ |
| Henry L. Foster III | ☒ | ☐ | ☐ | ☐ |
| Marni von Wilpert | ☒ | ☐ | ☐ | ☐ |
| Kent Lee | ☒ | ☐ | ☐ | ☐ |
| Raul A. Campillo | ☐ | ☐ | ☒ | ☐ |
| Vivian Moreno | ☒ | ☐ | ☐ | ☐ |
| Sean Elo-Rivera | ☒ | ☐ | ☐ | ☐ |

Date of final passage SEP 0 2 2026.

**(Please note: When an ordinance is approved by the Mayor, the date of final passage is the date the approved ordinance was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By _____, 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 JUL 1 4 2026, and on SEP 0 2 2026.

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.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By _____, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number **O-22135**

Passed by the Council of The City of San Diego on August 25, 2026, by the following vote:

| | |
|---|---|
| **YEAS:** | **LACAVA, CAMPBELL, WHITBURN, FOSTER III, VON WILPERT, LEE, MORENO, & ELO-RIVERA.** |
| **NAYS:** | **NONE.** |
| **NOT PRESENT:** | **CAMPILLO.** |
| **RECUSED:** | **NONE.** |

AUTHENTICATED BY:

**TODD GLORIA**

Mayor of The City of San Diego, California

**DIANA J.S. FUENTES**

City Clerk of The City of San Diego, California

(Seal)

By: **Chrystal Rodriguez**, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true, and correct copy of ORDINANCE NO. **O-22135** (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said 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 **July 14, 2026,** and on **September 2, 2026.**

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. FUENTES**

City Clerk of The City of San Diego, California

(SEAL)

By: _____, Deputy