

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING THE COMMUNITY PURPOSE  
FACILITIES AGREEMENT FOR OTAY RANCH VILLAGE 3  
BETWEEN THE CITY AND HOMEFED VILLAGE III  
MASTER, LLC.

WHEREAS, Developer owns certain real property generally known as Otay Ranch Village 3, as described on Exhibit A attached hereto, and located in the City of Chula Vista (the “Project”); and

WHEREAS, the City of Chula Vista Municipal Code (the “Code”) requires that all land in each Planned Community (PC) zone provide adequate land designated as Community Purpose Facilities (CPF); and

WHEREAS, the City and SSBT LCRE V, LLC (SSBT) entered into a Restated and Amended Land Offer Agreement dated July 8, 2014 (Land Offer Agreement). The Land Offer Agreement provides that the obligation to provide CPF is deemed satisfied with respect to the Project except that, subject to the approval of the Development Services Director, four (4) acres of CPF uses will be provided within the Project. The Development Services Director may waive the four-acre CPF requirement in his/her discretion. Developer previously proposed to satisfy the CPF requirement for the Project by providing two private park sites containing a total of 1.8 acres (with a CPF credit of 1.4 acres) and a 2.6-acre CPF site within the mixed-use areas of the Project (Existing CPF Site); and

WHEREAS, Section 19.48.025(B)(3) of the Code allows, subject to the discretion of the Development Services Director and recommendation from the Planning Commission, an alternative compliance mechanism to provide CPF, provided such alternative compliance mechanism meets all of the following requirements: (i) the City Council finds that the alternative compliance mechanism proposed is equivalent to the provision of the CPF acreage otherwise required by Section 19.48.025(B) of the Code; (ii) the alternative meets the definition of a CPF use in Section 19.48.025(C) of the Code; (iii) the alternative compliance mechanism is guaranteed in perpetuity; and (iv) at the time of the consideration by the Planning Commission, the applicant has executed a binding agreement, reviewed and approved as to form by the City Attorney, which ensures the availability of the alternative compliance mechanism in perpetuity; and

WHEREAS, in order to create a viable mixed use area within the Project, Developer and the City desire to enter into the subject agreement to provide for an alternative compliance mechanism for the Existing CPF Site; and

WHEREAS, the Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity was adequately covered in previously adopted/certified Final Environmental Impact Report for the Otay Ranch University Villages Project - (FEIR 13-01).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby finds as follows:

Finding

That in accordance with Code Section 19.48.025(B)(3)(a), the subject alternative compliance mechanism more than satisfies the requirement of 2.6 acres of CPF acreage as follows: 0.94 acre CPF land credit, credit of 1.0 acre for the construction of the 10,000 square foot or more building and a credit of 0.66 acres for the rent reduction and the construction of the on-site improvements for the CPF Project and related soft costs.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the Community Purpose Facilities Agreement, between the City and HOMEFED VILLAGE III MASTER, LLC, in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the City Manager to execute same.

Presented by:

Approved as to form by:

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Kelly Broughton  
Director of Development Services

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Glen R. Googins  
City Attorney

EXHIBIT A – SITE LOCATION MAP

