

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A PUBLIC BENEFIT
AGREEMENT BETWEEN THE CITY OF CHULA VISTA,
FLAT ROCK LAND COMPANY, LLC, AND OTAY LAND
COMPANY, LLC

WHEREAS, HomeFed (representing its subsidiaries; Flat Rock Land Company, LLC, Otay Land Company, LLC and HOMEFED VILLAGE III MASTER, LLC) (Applicant) desires to develop residential units on a portion of the planned 70-Acre Community Park; and

WHEREAS, HOMEFED VILLAGE III MASTER, LLC owns approximately 17.8 acres of land within the planned 70-Acre Community Park and approximately 46.7 acres of land within Planning Area 20 of the Otay Ranch Planned Community; and

WHEREAS, Otay Land Company, LLC owns approximately 17.4 acres of land within the planned 70-Acre Community Park and Flat Rock Land Company owns approximately 50.0 acres of land within Planning Area 20 of the Otay Ranch Planned Community; and

WHEREAS, the Applicant initiated discussions with the City to determine if there was an interest in exchanging approximately 35.2 acres of land within the planned 70-Acre Community Park for approximately 96.7 acres of land designated for Open Space – Active Recreation uses within Planning Area 20 of the Otay Ranch Planned Community; and

WHEREAS, the City would like to do its due diligence on the potential land exchange to determine if the 96.7 acres would be suitable for a regional active-recreation community park; and

WHEREAS, the Applicant is proposing a Public Benefit Agreement (Exhibit “A”) that details the necessary process for consideration of the subject land exchanges should certain conditions be met; 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 is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. In addition, notwithstanding the foregoing, the Director of Development Services has also determined that the “Project” qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines. Thus, no environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the Public Benefit Agreement, between the City, Flat Rock Land Company, LLC and Otay Land Company, 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

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kept on file in the Office of the City Clerk, and authorizes and directs the Mayor to execute same.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney