

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA APPROVING A COMMUNITY BENEFIT  
AGREEMENT BETWEEN THE CITY AND ACI SUNBOW,  
LLC

WHEREAS, ACI Sunbow, LLC (Owner) owns certain undeveloped real property consisting of 54 acres, located in the City, and more particularly shown on attached Exhibit “A” (the “Property”); and

WHEREAS, the Property is part of a master-planned community subject to the Sunbow General Development Plan (GDP) and Sectional Planning Area (SPA) Plan, approved by the City in 1989, and commonly known as “Sunbow”; and

WHEREAS, the Property is currently designated under the GDP, SPA, and the City’s General Plan as Limited Industrial (IL), which allows for light manufacturing, warehousing, auto repair, and auto salvage yards; and

WHEREAS, the Property has remained undeveloped for the last thirty (30) years, and the development of the site under its current General Plan designation as IL has proven infeasible because the owner contends that the costs to bring the Property to a finished industrial lot condition exceed the market value of the Property as an industrial site; and

WHEREAS, the Owner seeks to amend the City’s General Plan and the Sunbow GDP and SPA Plan to change the existing General Plan land use designation on the Property from IL to residential designations that will provide for a range of housing opportunities; and

WHEREAS, the proposed change could accommodate approximately 725 units on the site that could provide moderately-priced new housing for Chula Vista residents (the “Project”); and

WHEREAS, the City is interested in facilitating the creation of high-quality jobs and economic growth within the City by providing opportunities that target and attract industries and businesses that contribute to diversification and stabilization of the local economy; and

WHEREAS, encouraging the development of spaces that can be used by high technology and manufacturing businesses within the SR-125 corridor or academic, institutional, and innovation-related businesses within the University Innovation District Master Plan is consistent with the City’s General Plan and General Development Plan; and

WHEREAS, construction of such spaces will benefit the citizens of the City and the region by providing a catalyst for development that will generate high-quality jobs within the SR-125 corridor or the University Innovation District Master Plan; and

WHEREAS, the Community Benefit Agreement (Agreement) will provide \$8.0 million in Job Enhancement Funds that can be used by the City to direct the construction of either: a Class “A” office building that would facilitate high quality job enhancement uses along the SR-125 corridor or a commercial/academic building that can facilitate either an academic or private-sector market-rate project to advance the vision of the University Innovation District Master Plan (such as enabling the development of an Institute for International Studies), or some other notable project at the City’s discretion; and

WHEREAS, the Agreement allows the City to realize significant economic, social, or other public benefits that will advance the interests and meet the needs of Chula Vista's residents and visitors to a significantly greater extent than the vacant Property under the current entitlements and absent this Agreement; and

WHEREAS, the Owner has previously satisfied its park obligations for the Sunbow SPA Plan and previously provided an additional community benefit of \$1.3 million toward park facilities for the Sunbow community; and

WHEREAS, the Owner shall meet the additional park obligation created by the Project through payment of a Park Benefit Fee in an amount equal to and in lieu of the Parkland Acquisition and Development (PAD) fees (estimated at approximately \$15.0 million) that would otherwise have been due for the Project pursuant to Chapter 17.10 of the Chula Vista Municipal Code; and

WHEREAS, the Park Benefit Fee shall be due and payable no earlier than Building Permit issuance, but no later than final inspection and may be utilized by the City to acquire or develop parkland, as the City determines appropriate and in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the Resolution approving the Community Benefit Agreement between the City and ACI Sunbow, 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 Mayor to execute the same.

Presented by:

Approved as to form by:

---

Kelly Broughton, FASLA  
Development Services Director

---

Glen R. Googins  
City Attorney