

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A PARK AGREEMENT
BETWEEN THE CITY AND CWC BROADWAY CV 256, LLC,
TO DESIGN AND CONSTRUCT A 0.5-ACRE PUBLIC PARK
ASSOCIATED WITH THE CHULA VISTA CENTER
RESIDENTIAL DEVELOPMENT PROJECT

WHEREAS, Tentative Map (TM22-0001) was approved by the City of Chula Vista Planning Commission on January 25, 2023, Resolution No. 2023-03, to subdivide a 15.54-acre site located at the southeast corner of H Street and 5th Avenue, immediately adjacent to the Chula Vista Center mall (“Sears Site”) into three parcels: one 13.3 acre parcel for residential townhomes, one 1.74 acre commercial parcel, and a 0.5 acre parcel for a public park; and

WHEREAS, CWC Broadway CV 256, LLC (“Developer”) intends to develop the 13.3 acre parcel for the construction 244 market-rate, for-sale, attached townhomes (“Project”) and the 0.5-acre parcel for a public park; and

WHEREAS, the Developer is required to comply with the City's Parklands and Public Facilities Ordinance, Chula Vista Municipal Code ("CVMC") Chapter 17.10 ("PLDO"); and

WHEREAS, the Project is required to provide 1.91 acres of developed parkland, based upon the persons per household factor established by the PLDO of 2.61 persons per attached multifamily dwelling unit and 3.0 acres of park per 1,000 residents; and

WHEREAS, the City, by entering into this park agreement, finds that, due to the unique, urban nature of the Project and its proximity to the Chula Vista Center mall, Developer cannot provide suitable land to satisfy the entire 1.91-acre parkland requirement solely through the onsite dedication of parkland; and

WHEREAS, Developer will satisfy a portion of its park requirements by providing a 0.5-acre onsite public park; and

WHEREAS, Developer will further satisfy its park requirements by providing the equivalent of 1.0 acre of Parkland Acquisition Fees and Parkland Development Fees under the PLDO in enhanced amenities for the onsite public park, pursuant to the terms and conditions of this park agreement; and

WHEREAS, the Developer’s remaining 0.41-acre obligation will be met pursuant to the payment of the in-lieu Parkland Acquisition Fees and Parkland Development Fees; and

WHEREAS, this park agreement does not increase or decrease any park obligation but instead clarifies responsibility of the Project for the delivery of a developed onsite park by

addressing the public park design, construction, bonding, reimbursements, and the level of amenities to be provided; and

WHEREAS, upon the City's acceptance of the completed 0.5-acre onsite park, and in addition to other Developer costs and obligations, the Developer shall pay the City a fixed amount of \$309,167 to fund the maintenance of the onsite park. The funds shall be deposited into a Special Revenue Fund for such purposes; and

WHEREAS, the Director of Development Services has reviewed the proposed agreement 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 California Environmental Quality Act ("CEQA") State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. Alternatively, if the park agreement is considered a Project under CEQA, then the agreement was adequately covered and addressed under CEQA in the approved January 2023 Addendum to the previously adopted Final Environmental Impact Report for the Urban Core Specific Plan (FEIR06-01; SCH#2005081121; and certified by Resolution No. 2007-097 on April 26, 2007); and

WHEREAS, after review and consideration of the Staff Report and related materials, and the Staff recommendation for approval for this Agreement, the matter was considered at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it hereby approves the Agreement for the Construction of a Public Park for the Chula Vista Center Residential Development Project, which Agreement is included as Attachment 1 to the Staff Report on this matter, between the City and Developer for the design and construction of the 0.5-acre onsite public park 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

Laura C. Black, AICP
Director of Development Services

Jill D.S. Maland
Lounsbery Ferguson Altona & Peak
Acting City Attorney