



# CITY COUNCIL AGENDA STATEMENT



November 12, 2019

File ID: 19-0420

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A PROJECT STAFFING AND REVIEWING AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND PARDEE HOMES, A CALIFORNIA CORPORATION

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

Pardee Homes is requesting City Council approval of a Staffing and Reviewing Agreement to review and process a proposed project in advance of requesting a Pre-annexation Agreement for consideration by the San Diego Local Agency Formation Commission (LAFCO) for approval of a reorganization to detach the Pardee Homes Nakano property from the City of Chula Vista and attach it to the City of San Diego.

## **ENVIRONMENTAL REVIEW**

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 State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. The Development Services Director has also reviewed the proposed agreement for additional compliance with CEQA and has determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

## **DISCUSSION**

Pardee's Nakano Property consists of 23.8 acres of uninhabited land located in the City of Chula Vista, east of Interstate 805 and south of the Otay Valley Regional Park adjacent to the jurisdictional boundaries of Chula Vista and San Diego (See Attachment No. 1).

The property is currently zoned A8 (Agricultural). The purpose of the zone was to provide for appropriate uses for undeveloped land that is rural in nature and not yet ready for urbanization. The zone was intended

to preserve agricultural land that may be suited for eventual development as urban uses. It was also applied to encourage proper timing for the economical provision of utilities, major streets, and other facilities, so that orderly development would occur.

While the Nakano property is located in Chula Vista's jurisdiction, it is situated adjacent to the City of San Diego's developed Ocean View Hills community. The property does not have direct access to Chula Vista streets and utilities and, if developed, would likely be more efficiently served by the City of San Diego. Future consideration by the San Diego LAFCO of a reorganization that would detach the Nakano Property from Chula Vista and attach it to San Diego is recommended by staff. The future reorganization would entail a sphere of influence boundary adjustment; and resolutions initiating an application with LAFCO to change San Diego's and Chula Vista's sphere of influence boundaries and ultimately detach the Nakano Property from Chula Vista and attach it to San Diego.

A Joint Exercise of Powers Agreement (JEPA) between San Diego, Chula Vista and the County of San Diego was previously executed on January 30, 1990. This agreement allowed the parties to acquire land for the development of the Otay Valley Regional Park (OVRP). As a result of the JEPA, Chula Vista and San Diego entered into a non-binding Letter of Intent (LOI) to cooperate with each other in developing an Otay Valley Regional Park Reorganization Plan that would propose reorganizing properties in the vicinity of the OVRP, including attaching the Nakano Property to San Diego. On August 5, 2002, San Diego passed Resolution No. R-296937 adopting the LOI. On August 6, 2002, Chula Vista passed Resolution No. 2002-285 approving the LOI. A copy of the LOI is on file with the City Clerk as Document No. RR-296937.

Three properties were identified as part of the approved LOI, with the expressed purpose of exploring the reorganization of jurisdictional boundaries surrounding the OVRP – Nakano-Davies (Pardee), Rancho Rios, and West Fairfield. The property owners and city staffs made several unsuccessful attempts to pursue the annexation of the identified properties but the properties remain today in the same jurisdictions as they did in 2002. Although the LOI eventually expired, Pardee has made multiple attempts over more than 17 years to align efforts with the other property owners and the cities of Chula Vista and San Diego. In fact, in 2017, Pardee once again began exploring the possibility of annexation but was unable to reach a commitment from the other property owners.

Pardee has now requested that the City formally begin work to review their proposed project in conjunction with the City of San Diego, and in the future, to process a Pre-annexation Agreement, and formally enter the LAFCO process. The Council Action requested is for the approval of a Staffing and Reviewing Agreement (Attachment No. 2) that would reimburse the City for staff time to review and process the required project reviews and approvals in conjunction with the City of San Diego.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 1,000 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(7) or (8), for purposes of the Political Reform Act (Cal. Gov't Code §87100, *et seq.*).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decisionmaker conflict of interest in this matter.

#### **CURRENT-YEAR FISCAL IMPACT**

Staff costs to process this agreement are included in the current year budget

#### **ONGOING FISCAL IMPACT**

Ongoing costs to review and process future actions will be borne by the project applicant in accordance with the Staffing and Reviewing Agreement.

#### **ATTACHMENTS**

Attachment No. 1 – Site location

Attachment No. 2 - Nakano Project Staffing and Reviewing Agreement

*Staff Contact: Kelly Broughton, Director, Development Services*