



CITY COUNCIL AGENDA STATEMENT



October 6, 2020

File ID: 20-0394

TITLE

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A STORMWATER MANAGEMENT FACILITIES MAINTENANCE WITH GRANT OF ACCESS AND COVENANTS FOR OTAY RANCH VILLAGE EIGHT WEST BETWEEN THE CITY OF CHULA VISTA AND HOMEFED VILLAGE 8, LLC AND OTAY LAND COMPANY, LLC

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT OF EASEMENTS, LICENSE AND MAINTENANCE AGREEMENT FOR OTAY RANCH VILLAGE EIGHT WEST BETWEEN THE CITY OF CHULA VISTA AND HOMEFED VILLAGE 8, LLC AND OTAY LAND COMPANY, LLC

- C. RESOLUTION NOTICING THE APPROVAL OF THE FINAL "A" MAP OF CHULA VISTA TRACT NO. 19-03, OTAY RANCH VILLAGE 8 WEST

RECOMMENDED ACTION

Council adopt the resolutions.

SUMMARY

HomeFed Village 8, LLC, a Delaware limited liability company and Otay Land Company, LLC, a Delaware limited liability company, (collectively, "Owner" or "Developer"), and the City of Chula Vista (the "City") have negotiated a Storm Water Management Facilities Maintenance Agreement (the "Stormwater Maintenance Agreement") providing the terms and conditions for the maintenance of the various stormwater facilities in Otay Ranch Village Eight West ("Village 8 West" or the "Project"). Adoption of Resolution A would approve the Stormwater Maintenance Agreement. Owner and City have also negotiated a Grant of Easements, License, and Maintenance Agreement (the "GELMA") that provides the terms for the maintenance of certain public improvements within Village 8 West. Adoption of Resolution B would approve the GELMA. Adoption of Resolution C would approve the noticing of the Final "A" Map for Village 8 West.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity required by the Stormwater Maintenance Agreement was adequately covered in previously certified Final Environmental Impact Report (FEIR 10-03) (SCH #2010062093) for the Otay Ranch Sectional Planning Area (SPA) Plan - Village 8 West. Thus, no further environmental review or documentation is required.

DISCUSSION

Stormwater Maintenance Agreement

Owner has applied for a grading permit for the Project, located on portions of Lots 27 and 28 of Otay Rancho, per Map No. 862 filed February 7, 1900 (the "Project Site") as depicted in the Vicinity Map (Attachment 2) and more particularly described in the legal description provided as Attachment 3.

As a condition of the Grading Permit, Owner is required to implement and maintain structural or non-structural pollution prevention measures, such as site design, source control, treatment control, and hydromodification control (where applicable) methods required to minimize polluted runoff and any other environmental impacts from the Project during the post-development phase (collectively, the "BMPs").

Condition of approval number 26 of the City of Chula Vista Standard Tentative Map Conditions of Approval, per Section 5-300 of City's Subdivision Manual, as approved by City Council via Resolution 2010-278, requires Owner to enter into a maintenance agreement to secure the maintenance of drainage related facilities including but not limited to the removal of silt from any temporary or permanent basins, the repair of downstream erosion, and provide any resource agency permit necessary of said improvements for the Project (collectively, "Erosion/Sedimentation Control Facilities").

Owner has represented that certain drainage improvements, biofiltration BMP basins, detention basins, desilting basins, drainage outfall, storm water quality management facilities and erosion/sedimentation control facilities as shown on the rough grading plans for the Project, Chula Vista Drawing Number 14011, will meet City and Regional Water Quality Control Board requirements for water quality for the entirety of Village 8 West. A portion of the BMPs are located onsite, and a portion of the BMPs are located offsite on the real property more particularly described in Attachment 4. The Owner(s) will initially maintain such improvements as provided in the Stormwater Maintenance Agreement.

Pursuant to the City's urban runoff regulations, including Chula Vista Municipal Code, Chapter 14.20 (the "Storm Water Management and Discharge Control Ordinance") and the Chula Vista BMP Design Manual, Owner is required to prepare and submit a Stormwater Quality Management Plan (SWQMP), which includes an Inspection, Operation, and Maintenance Plan (IOMP). The Owner has submitted a SWQMP, which is on file in the office of the City Engineer, proposing that storm water runoff from the Project be detained and treated by the use of permanent Storm Water Management Facilities ("SWMFs"). The SWMFs are classified in the SWQMP as site design, treatment control, and hydromodification control BMPs.

The SWQMP specifies the manner and standards by which the SWMFs must be inspected, maintained, and repaired in order to retain their effectiveness. Prior to the issuance of any construction permits for Project, the City requires Owner(s) to enter into the Stormwater Maintenance Agreement to ensure the installation, inspection, maintenance, and repair of permanent SWMFs.

GELMA

The Grant of Easements, License, and Maintenance Agreement (GELMA) provides certain non-exclusive easements over and across Public Areas to privately maintain, repair, and replace certain public improvements within the public right-of-way or on public land ("Public Areas"). These public improvements include but are not limited to landscaping, bioretention and biofiltration basins, street trees, decorative lighting, benches, and other improvements located within said maintained Public Areas.

The GELMA provides that the property owners will agree, at their sole cost and expense, to maintain, repair, and replace, or cause to be maintained, repaired, and replaced, those improvements within the Public Areas at a level equal to or better than the level of maintenance which is acceptable to the Director of Public Works, at his/her discretion. Property owners are permitted to assign their GELMA obligations to a homeowner's association or other entity in accordance with the Agreement.

Final "A" Map

On February 18, 2020 by Resolution 2020-034, Council approved the Otay Ranch Village 8 West Tentative Map, Chula Vista Tract No. 19-03. Otay Ranch Village 8 West is approximately 300.7 acres, and generally located south of the existing terminus of La Media Road and southwest of the intersection of Magdalena Avenue and Main Street ("Project"). The Project consists of 30 numbered lots and 14 letter lots. The Final "A" Map has been reviewed by the City Engineer and found to be in substantial conformance with the approved Tentative Map. In accordance with Chula Vista Municipal Code section 18.16.180, the Developer has entered into a Subdivision Improvement Agreement and Supplemental Subdivision Improvement Agreement to construct certain public improvements within the Project.

Staff recommends that the City Council approve the resolutions approving the Storm Water Maintenance Agreement and GELMA, and approve the noticing of the Final "A" Map for Village 8 West.

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 decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

All costs associated with processing the Final "A" Map, Subdivision Improvement Agreement, Supplemental Subdivision Improvement Agreement and Stormwater Maintenance Agreement, are borne by the Developer, resulting in no net impact to the General Fund or Development Services Fund in the current fiscal year as a result of this action.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact associated with the proposed Stormwater Maintenance Agreement.

ATTACHMENTS

1. Storm Water Maintenance Agreement
2. Property Vicinity Map
3. Property Legal Description
4. Description of Off-Site Facilities
5. Grant of Easement, License and Maintenance Agreement

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