



# CITY COUNCIL AGENDA STATEMENT



November 27, 2018

File ID: 18-0516

## **TITLE**

RESOLUTION OF THE CITY OF CHULA VISTA CITY COUNCIL ADOPTING THE OTAY RANCH PHASE 2 RESOURCE MANAGEMENT PLAN UPDATE WHICH WILL BRING THE DOCUMENT UP-TO-DATE WITH CURRENT OTAY RANCH PRESERVE MANAGEMENT STRUCTURE AND ANNUAL OPERATING BUDGET, OWNERSHIP, AND BIOLOGICAL MONITORING AND MANAGEMENT REQUIREMENTS

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

This is a request for the City Council to consider and adopt the Otay Ranch Phase 2 Resource Management Plan (RMP) Update.

On October 28, 1993, the City of Chula Vista City Council and the County of San Diego Board of Supervisors (Board) adopted the Otay Ranch General Development Plan/Subregional Plan (GDP/SRP) which guides the development and preservation of lands within the Otay Ranch properties. The GDP/SRP established Otay Ranch as 14 villages and 7 planning areas. A two-phase Resource Management Plan (RMP) is required by the GDP/SRP to guide the monitoring and management of sensitive resources conserved in the Otay Ranch Preserve.

The Phase 1 RMP, adopted concurrently with the GDP/SRP, established a comprehensive program for the long-term protection and management of sensitive natural, cultural, and scenic resources located within the Preserve, establishing a framework for habitat protection. The Phase 2 RMP provides an implementation strategy to meet the goals and objectives established within the Phase 1 RMP. The City adopted its Phase 2 RMP on March 6, 1996. The Board approved portions of the 1996 Phase 2 RMP including the Otay Ranch Conveyance Plan and the financing for the management and monitoring of the Preserve. This allowed development to progress in Otay Ranch within the City's jurisdiction. Both the City Council and the Board amended the Phase 2 RMP twice to reflect changing circumstances in the region; however, as no Otay Ranch developments were being proposed in the unincorporated area of the County until recently, the Board has never adopted a Phase 2 RMP in its entirety. The Board must adopt a Phase 2 RMP prior to considering Otay Ranch development proposals within their jurisdiction. This has prompted the comprehensive update to the Phase 2 RMP adopted and amended by City Council.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in the previously certified Final Program Environmental Impact Report (SCH) No. 89010154 for Otay

Ranch, dated December 1992, and the Findings of Fact for Otay Ranch GDP/SRP, dated October 28, 1993. Therefore, no further environmental review or documentation is required.

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

On October 24, 2018, the City of Chula Vista Planning Commission voted unanimously (5-0-0-1, with one Commissioner absent and one vacant Commissioner seat) to adopt Resolution MPA 18-0013 recommending that the City Council adopt the Phase 2 RMP Update.

### **DISCUSSION**

The approximately 23,000-acre Otay Ranch property is located in southwestern San Diego County, with a portion of the project located in the City of Chula Vista (City), and a portion in unincorporated San Diego County. City Council and the County of San Diego (County) Board adopted the Otay Ranch General GDP/SRP on October 28, 1993. The GDP/SRP is an integrated policy document that plans for activities within Otay Ranch in a manner that addresses planning requirements for both the City and the County. The GDP/SRP provides a foundation for the subsequent consideration and approval of more detailed plans and project-specific environmental documents for the individual villages and planning areas in Otay Ranch. Subsequent permit applications for each Village are governed separately by the City and the County. Comprehensive resource management is an integral component of the GDP/SRP. The GDP/SRP established a land conservation program so that as development proceeded in Otay Ranch, open space lands would be conveyed into the Otay Ranch Preserve (Preserve) as a condition of approval for Sectional Planning Area (SPA) Plans that guide project-specific development.

To guide protection and management of sensitive resources located within the Preserve, a Resource Management Plan (RMP) was required to be prepared. The GDP/SRP envisioned development of the RMP for Otay Ranch in two phases – the Phase 1 RMP was adopted by the City and the County in 1993 with approval of the GDP/SRP. Phase 1 RMP establishes goals and objectives for resource management, and also includes policies, standards, and guidelines from the GDP/SRP to guide future development within Otay Ranch and management and monitoring activities within the Preserve.

#### **Phase 2 RMP – Previous Actions**

The GDP/SRP envisioned that the Phase 2 RMP would provide an implementation strategy to meet the resource protection goals, objectives, policies, standards, and guidelines established in the GDP/SRP and Phase 1 RMP. Phase 2 RMP was originally prepared and considered by the City and the County in 1996. The City adopted RMP2 in its entirety on June 4, 1996 and amended portions of the document related to the Conveyance Plan in 1998 and 2006. In 1998 the Conveyance Plan was amended to expand conveyance beyond SPA One and enlarge the first area of conveyance to include all high-priority biological resource areas. In 2006, acknowledging that the majority of prioritized land had already been conveyed to the Preserve Owner/Manager (POM), the City Council approved elimination of the Conveyance Plan. The Board adopted portions of Phase 2 RMP in 1996 that allowed development within the City’s jurisdiction to move forward but did not adopt the document in its entirety. The Board also amended the Conveyance Plan in 2002 and 2007 but again did not adopt the Phase 2 RMP in its entirety in either 2002 or 2007 as development had not progressed within the unincorporated area of Otay Ranch. In 1996, City Council and the Board authorized the formation of the POM through a Joint Powers Agreement of the City and the County. The POM is responsible for managing the Preserve in perpetuity.

#### **Summary of Current Actions – Purpose and Need for the Phase 2 RMP Update**

Preparation of the first Specific Plans within the County’s jurisdiction requires the County to adopt the Phase 2 RMP in its entirety. This is the first comprehensive update to the Phase 2 RMP since the City originally adopted the document in 1996. Since adoption of the GDP/SRP, the City and County adopted

their respective Multiple Species Conservation Program (MSCP) Subarea Plans. There have also been changes in land ownership, improvements to biological monitoring protocols, and the Preserve is in the process of being assembled. The proposed Phase 2 RMP Update includes a comprehensive accounting of the actions that affect resource management in Otay Ranch, and which are necessary to bring the Phase 2 RMP up to date with current information. If adopted, the Phase 2 RMP Update will replace the existing 1996 Phase 2 RMP, which includes amendments from 2002 and 2006. The Board adopted the Phase 2 RMP Update on September 12, 2018.

## **ANALYSIS**

### **Consistency with the Otay Ranch GDP/SRP and Phase 1 RMP**

The GDP/SRP contains a policy that acknowledges that Otay Ranch Implementation Documents may be amended or updated in response to changing conditions. Many actions and changes have occurred to land use plans, habitat conservation plans, ownership, and biological management and monitoring standards since the GDP/SRP was adopted in 1993. Additionally, the Phase 1 RMP acknowledges that the subsequent Phase 2 RMP would include additional studies and research to refine the Preserve boundary, which was mapped at a broad scale in the previous RMP documents.

The changes proposed in the Phase 2 RMP Update memorialize: 1) boundary changes that have occurred due to GDP/SRP amendments; 2) past conveyances and project anticipated future conveyances; 3) the way in which the (POM) functions and will continue to function under the current Joint Powers Agreement; 4) the progress made toward meeting GDP/SRP and Phase 1 RMP policies related to biological and cultural resources; and 5) biological updates to the Biota Monitoring Program consistent with current practices and standards, clarifications regarding implementation of a long-term Raptor Management Program for Otay Ranch, and finalized boundaries for the Vernal Pool Preservation Area. The changes included in the Phase 2 RMP Update improve resource management in Otay Ranch and are consistent with the original intent of the GDP/SRP and Phase 1 RMP. No changes are proposed to the amount, intensity, or location of land development approved under the GDP/SRP. Changes to the original Phase 2 RMP included in the Phase 2 RMP Update are summarized below.

#### **1. Preserve Boundary & Acreage Changes**

The Preserve boundary has been refined since adoption of the Phase 1 RMP and approval of the 1996 Otay Ranch Conveyance Plan. Calculations using more accurate Geographic Information System (GIS) based data. Additionally, refinements have been made to the Preserve boundary through amendments to the GDP/SRP and at Final Map.

#### **2. Conveyance Summary & Projections**

The Phase 2 RMP Update includes an updated conveyance forecast based on previous development approvals, approved SPA plans, and the land use plan in the most recently adopted GDP/SRP. As of December 2017, a total of 5,850 acres of land is designated as Preserve within the GDP/SRP. Based on current forecasts, future development in Otay Ranch may not result in the POM-managed Preserve size that was originally anticipated by the GDP/SRP. The full conveyances are not anticipated for a variety of reasons, including errors in assumptions made in the GDP/SRP and higher densities approved that required more common use areas which are not required to convey open space lands to the POM. The POM allows for acquisition of Preserve lands by third parties for conservation or to mitigate for impacts from non-Otay Ranch projects. It is anticipated that any Preserve land not conveyed to the POM as a result of development within Otay Ranch would be conserved by third party acquisitions or remain in their currently undeveloped state due to the GDP/SRP and MSCP designations which prohibits development of lands within the Preserve.

3. POM Management Structure & Funding

The Phase 2 RMP Update includes the management structure and annual operating budget for the POM. The Phase 2 RMP reflects the current POM management structure, including information about the Preserve Steward/Biologist that was retained in 2009 to provide technical expertise, monitor sensitive biological resources, and implement stewardship within the Preserve. The Phase 2 RMP Update does not make any changes to the structure or management of the POM, rather it comprehensively explains the way the POM currently functions and will continue to function under the existing Joint Powers Agreement. The updates include the City adopted Preserve Maintenance District, Community Facility District (CFD) No. 97-2, and Special Tax Report, which created a perpetual source of funding for maintaining Preserve lands conveyed to the POM as a result of development in the City. The Phase 2 RMP Update does not modify or make changes to how funding is collected.

The County does not yet have an identified source of funding for Preserve lands because no Specific Plans have been approved. The Phase 2 RMP Update clarifies that prior to the approval of the first Final Map for development within the County's jurisdiction of Otay Ranch, the County will consider approval of a CFD or similar funding mechanism to fund POM management and monitoring of conveyed Preserve lands in perpetuity.

4. Status of Phase 1 RMP Policies

The Phase 1 RMP includes policies, standards, and guidelines from the GDP/SRP to reduce impacts from development and guide future management and monitoring activities within the Preserve. Many GDP/SRP policies and standards were considered fulfilled by the preparation of the Phase 1 RMP. The GDP/SRP and Phase 1 RMP also indicated that many of the policies, standards, and guidelines related to biological, cultural, agricultural, and scenic resources are to be fulfilled by the preparation of a Phase 2 RMP or implemented as ongoing policies to guide future development and Preserve management. The Phase 2 RMP Update includes an updated matrix of the policies and standards outlined in Phase 1 RMP and a summary of their implementation status.

5. Biological Monitoring and Management

Biota Monitoring Program: Priority biological resources and their monitoring methodologies have changed within Otay Ranch and across the San Diego region requiring adjustments to the Biota Monitoring Program in the Management Plan. Updates to the Biota Monitoring Program will improve management and monitoring of biological resources within the Preserve and have been specifically included in the Phase 2 RMP Update to ensure consistency with regional priorities and monitoring standards, and the MSCP Subarea Plans for the City and the County.

**Consistency with the Multiple Species Conservation Program Subarea Plan**

Following the listing of the coastal California gnatcatcher as a federally threatened species in 1993, jurisdictions within the San Diego region pursued a broad-based resource conservation strategy by implementing a series of joint Natural Community Conservation Plans/Habitat Conservation Plans through the MSCP. The City adopted its MSCP Subarea Plan on May 13, 2003. The City's MSCP Subarea Plan identifies a series of focused planning areas within which some lands will be dedicated for preservation of native habitats and provides take authorization for Quino checkerspot butterfly and the 85 species covered by the MSCP within specified areas.

The City's MSCP Subarea Plan designates village developments in Otay Ranch as a "Covered Project" and relies on the Phase 1 RMP and Phase 2 RMP as the framework for the conservation and management of biological resources within Otay Ranch. Both Phase 1 RMP and Phase 2 RMP are incorporated by reference in the City's MSCP Subarea Plan and are appended as the Framework Management Plan for Otay Ranch. In

anticipation of the need for updates, the City's MSCP Subarea Plan states that the RMP may be amended by the City through the use of its jurisdictional authority without amendment to the City's MSCP Subarea Plan if such amendments are consistent with the goals of both the MSCP and City's MSCP Subarea Plan.

## **CONCLUSION**

The Phase 2 RMP Update brings the document up-to-date with current Otay Ranch Preserve management structure and annual operating budget, ownership, biological monitoring and management requirements and includes the current status of Otay Ranch development and Preserve assembly and GDP/SRP and Phase 1 RMP policies related to biological and cultural resources.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under 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.

## **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The Phase 2 RMP supports the Healthy Community goal as it implements policies, standards and guidelines that were prepared to protect biological and cultural resources within conserved lands. These conserved lands will be monitored and managed to protect resources for both current residents and future generations.

## **CURRENT-YEAR FISCAL IMPACT**

All staff costs associated with preparing the Phase 2 RMP Update are included in the adopted budget.

## **ONGOING FISCAL IMPACT**

Ongoing administrative, monitoring and management tasks associated with the Phase 2 RMP Update are currently funded through the City's Community Facility District 97-2 (Preserve Maintenance District). Prior to the approval of the first Final Map within the County's jurisdiction of Otay Ranch, a CFD or similar funding mechanism will be established to contribute funding towards management and monitoring of Preserve conveyances.

## **ATTACHMENT**

1. Otay Ranch Phase 2 Resource Management Plan Update

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