



CITY COUNCIL AGENDA STATEMENT



January 28, 2020

File ID: 19-0561

TITLE

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF THE 5.5-FOOT-WIDE EASEMENT FOR TREE PLANTING AND MAINTENANCE PURPOSES ALONG SHOWROOM PLACE

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

Spectrum Development Group, Inc. is constructing the Eastlake Marriott Springhill Suites Hotel within a vacant lot located at the northwest corner of Fenton Street and Showroom Place (see Attachment 1) and has requested the vacation of an existing 5.5-foot tree planting and maintenance easement along Showroom Place at the north easterly boundary of the project to accommodate a proposed driveway. Said easement was dedicated to the City in Map No. 14395 recorded on May 16th, 2002. In accordance with Streets and Highways Code Division 9, Part 3, Chapter 4, this type of vacation may be performed summarily through adoption of a resolution.

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 previously adopted Mitigated Negative Declaration (MND) IS-00-03, Mitigation Monitoring and Reporting Program (MMRP), and MND Findings of Fact for the Eastlake II General Development Plan (GDP), Eastlake I Sectional Planning Area (SPA) Amendments, and Eastlake II Business Center II. Thus, no additional environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

Eastlake Business Center II is an expansion of the original Eastlake Business Center established in the Eastlake I SPA approval in 1985. The character and form of the business center has been implemented through a series of guidelines and development standards prescribed in the Eastlake II Planned Community District Regulations, Eastlake Business Center II Design Guidelines, the Eastlake Business Center II Supplemental SPA Plan and other associated regulatory documents. Because these design guidelines

dictate that the site be landscaped to create a serene, park-like setting for high quality employment uses, the City required a 5.5 feet wide tree planting and maintenance easement along the frontage of the properties within the Eastlake Business Center Development.

In May 2006, the Eastlake Company recorded Final Map No. 14395 creating the Eastlake Business Center II, Phase 2 Development, consisting of 14 lots for the purpose of employment/industrial uses and 9 lots as open space areas, totaling 86 acres within the Planned Community of Eastlake. Subsequently, in August 2008, the property owner of Lots 5 and 6 of Map No. 14395 adjusted the common boundary between the lots creating Parcel "A" and "B"; this lot line adjustment was memorialized by the recordation of Certificate of Compliance ("CoC") No. ER399, Document No. 2008-0435281.

Currently, the City is processing Design Review Application DR19-0029 and Conditional Use Permit CUP19-0029 for the Eastlake Marriott Springhill Suites to be constructed in Parcel "A" of CoC No. ER399 and with address of 870 Showroom Place (refer to Attachment 1). As part of the Conditions of Approval for the project, staff is requiring the vacation of the 5.5 feet wide tree planting and maintenance easement along Showroom Place where the proposed driveway for the hotel will be located (see Attachment 2). At present, Parcel "A" sits vacant and the location where the tree planting and maintenance easement is being proposed to be vacated has never been used since it is the location of the entrance to the property.

With adoption of the resolution, the City will vacate approximately 69 feet of the 5.5 feet wide tree planting and maintenance easement along Showroom Place recorded with Final Map No. 14395 on May 16, 2002 (see Attachment 2) and based on the Streets and Highways Code Division 9, Part 3, Chapter 4, Section 8333(a) which states that the local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. The vacation of the easement requires the adoption of a resolution of vacation by the City Council and recordation without acknowledgment, certificate of acknowledgment, or further proof in the office of the recorder of San Diego County by the City Clerk.

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 easement vacation are borne by the developer, Spectrum Development Group, Inc., resulting in no net impact to the General Fund or the Development Services Fund.

ONGOING FISCAL IMPACT

There will be no ongoing fiscal impact as a result of this action. Ongoing maintenance of the driveway, where the 5.5 feet wide easement is, will be provided by the property owner.

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2 Location of Proposed Tree Planting and Maintenance Easement Vacation

Staff Contact: Sandra Hernandez, Associate Engineer