



City of Chula Vista

Legislation Details (With Text)

File #: 18-0142 **Name:** Joint Use Agreement
Type: Consent Item **Status:** Passed
In control: City Council
On agenda: 5/15/2018 **Final action:** 5/15/2018
Title: A. RESOLUTION NO. 2018-073 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT USE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF CHULA VISTA FOR THE COLOCATION OF A CITY OF SAN DIEGO WATERLINE WITHIN THE JOINT USE AREA LOCATED IN PORTIONS OF SANTA DIANA ROAD, SANTA VICTORIA ROAD AND THE FUTURE ORTEGA STREET IN THE OTAY RANCH VILLAGE 2 COMMUNITY AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT
B. RESOLUTION NO. 2018-074 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT USE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF CHULA VISTA FOR THE COLOCATION OF A CITY OF SAN DIEGO WATERLINE WITHIN THE JOINT USE AREA LOCATED IN PORTIONS OF OLYMPIC PARKWAY, LA MEDIA ROAD, OTAY VALLEY ROAD AND ALL TO BE CONSTRUCTED AND NAMED STREETS IN THE OTAY RANCH VILLAGE 2, VILLAGE 8 WEST, AND VILLAGE 9 COMMUNITIES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1, 2. Attachment 2, 3. Attachment 3, 4. Attachment 4, 5. Resolution A, 6. Resolution B

Date	Ver.	Action By	Action	Result
5/15/2018	1	City Council	approve	Pass

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RECOMMENDED ACTION

Council adopt the resolutions.

SUMMARY

The proposed Joint Use Agreements between the City of San Diego and City of Chula Vista are for the colocation of City of San Diego water facilities located in portions of Santa Diana Road, Santa Victoria Road, to be constructed Ortega Street, Olympic Parkway, La Media Road, Otay Valley Road and to be constructed and named Streets in the Otay Ranch Community in the City of Chula Vista within the Joint Use Area as depicted in - Joint Use Agreement 1 (Attachment 2) and - Joint Use Agreement 2 (Attachment 3). Said Agreements outline both Cities' rights and obligations for the construction, operation or maintenance of their respective facilities within the Joint Use Areas.

ENVIRONMENTAL REVIEW

Environmental Notice

The Project was adequately covered in previously certified Final Second Tier Environmental Impact Report (EIR 02-02) and Final Supplemental Environmental Impact Report (SEIR 12-01) for the Otay Ranch Village Two Sectional Planning Area (SPA) Plan and Tentative Map; Final Environmental Impact Report (EIR 10-03) for the Otay Ranch Village 8 West SPA Plan and Tentative Map; and Final Environmental Impact Report (EIR 10-04) for the Otay Ranch Village 9 SPA Plan and Tentative Map.

Environmental Determination

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 certified Final Second Tier Environmental Impact Report (EIR 02-02) and Final Supplemental Environmental Impact Report (SEIR 12-01) for the Otay Ranch Village Two Sectional Planning Area (SPA) Plan and Tentative Map; Final Environmental Impact Report (EIR 10-03) for the Otay Ranch Village 8 West SPA Plan and Tentative Map; and Final Environmental Impact Report (EIR 10-04) for the Otay Ranch Village 9 SPA Plan and Tentative Map. Thus, no further environmental review or documentation is required.

BOARD/COMMISSION RECOMMENDATION

Not Applicable

DISCUSSION

Resolution A:

The City of San Diego owns potable water pipelines within the Otay Ranch Community in the City of Chula Vista. One such pipeline is known as the Otay 2nd Pipeline. The Otay 2nd Pipeline crosses existing and future public streets in the City of Chula Vista and is also located within City of San Diego easements in private property.

Baldwin & Sons, LLC ("Baldwin") is the developer of Otay Ranch Village 2 ("V2"), as amended by the V2 development plan ("Baldwin Plan Amendment") on November 4, 2014. The Baldwin Plan Amendment requires Baldwin to relocate the Otay 2nd Pipeline into portions of existing Olympic Parkway and La Media Road.

As it stands today, the City of San Diego's Otay 2nd Pipeline, currently located to the west of La

Media Road, intersects two of the City of Chula Vista's public streets, Santa Diana Road and Santa Victoria Road, and will intersect with the future Ortega Street. The areas of intersection, as described in the Joint Use Agreement 1 (Attachment 2) and depicted in the associated exhibits to the Joint Use Agreement 1, will be established as a Joint Use Area and will set forth the City of San Diego's and the City of Chula Vista's respective rights and obligations within this Joint Use Area until the Otay 2nd Pipeline is relocated.

The City of San Diego's Public Utilities Department agrees to the relocation of the Otay 2nd Pipeline. The City of San Diego will continue to operate and maintain the Otay 2nd Pipeline, in its current location until it is relocated.

Resolution B:

The City of San Diego owns other potable water pipelines within the Otay Ranch Village 8 West ("V8W") and Otay Ranch Village 9 ("V9") in the City of Chula Vista. These pipelines are known as the South San Diego Pipeline No. 1, and South San Diego Pipeline No. 2 ("Pipelines"). The Pipelines cross existing and future public streets in the City of Chula Vista and are also located within City of San Diego easements in private property.

Otay Land Company, LLC ("OLC") is the developer of V8W and V9, as amended by the V8W and V9 development plans on June 3, 2014 ("OLC Plan Amendment"). The OLC Plan Amendment requires OLC to relocate the portions of Pipelines into portions of La Media Road, Otay Valley Road and to be constructed and named public streets in the City of Chula Vista.

As development of the Villages occurs, the OLC and Baldwin will relocate portions of the Pipelines to the City of Chula Vista's public right-of-way ("Joint Use Areas") and the City of San Diego will abandon the Pipelines where they are currently located, in accordance with a Participation Agreement between the City of San Diego and the Developers, authorized by Ordinance No. O-20464, included as Attachment 4. The Participation Agreement outlines the City of San Diego's and Developer's responsibilities for the design, construction and cost of relocating the Pipelines.

Baldwin intends to relocate a portion of the Otay 2nd Pipeline into Olympic Parkway and La Media Road. OLC intends to relocate portions of the Pipelines into portions of the future extension of La Media Road and the future Otay Valley Road.

The City of San Diego's Public Utilities Department agrees to the relocation of the Pipelines. The City of San Diego will continue to operate and maintain the Pipelines, both in their current location until they are relocated and in their relocated location, for potable water transmission conveyance to San Diego customers to the north, south, and west.

The intent of the joint use agreement is to set forth the rights and obligations for the City of Chula Vista and the City of San Diego in the construction, operation and maintenance of their respective facilities within the Joint Use Areas.

DECISION-MAKER CONFLICT

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 500 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)(11), 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.

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 Strong and Secure Neighborhoods goal is supported by sustainable infrastructure as detailed in the Otay Ranch Village 2, Otay Ranch Village 8W and Otay Ranch Village 9 Development Plans.

CURRENT YEAR FISCAL IMPACT

There is no current year fiscal impact cost. All cost for relocating the pipeline will be provided by City of San Diego, Baldwin and OLC. All costs associated with the negotiation and preparation of the proposed Agreements has been borne by the respective developers.

ONGOING FISCAL IMPACT

After completion of the project, maintenance costs of the waterline will be the sole responsibility of City San Diego.

ATTACHMENTS

Attachment No. 1: Location Map

Attachment No. 2: Joint Use Agreement 1 (Santa Diana-Victoria-Ortega Roads)

Attachment No. 3: Joint Use Agreement 2 (Otay Pipelines)

Attachment No. 4: Ordinance No. O-20464, approving a Participation Agreement between the City of San Diego and the Developers

Staff Contact: Chris Bauer, Senior Civil Engineer, Development Services Department