



# City of Chula Vista

## Staff Report

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**File#:** 16-0228, **Item#:** 3

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RESOLUTION NO. 2016-101 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF THE IRREVOCABLE OFFER OF DEDICATION OF LOT "I" FOR OPEN SPACE PURPOSES PER FINAL MAP NO. 15942, CHULA VISTA TRACT NO. 09-03, OTAY RANCH MILLENIA (EASTERN URBAN CENTER)

### **RECOMMENDED ACTION**

Council adopt the resolution.

### **SUMMARY**

Shea Homes is constructing a residential development within the south east quadrant of the Millenia master planned community, west of Eastlake Parkway and North of Hunte Parkway (see Exhibit "A"). The builder proposes three overlook seating areas which will encroach into a previously dedicated open space lot from 2 to 6.5 feet. The Open Space lot is owned and maintained by the Master Homeowner's Association (HOA). This action will extinguish the City's interest in the Open Space Lot so that the builder can create a modified parcel configuration that includes the overlook areas. In accordance with Section 7050 of the California Government Code and Chapter 4, Section 8335 of the California Streets and Highways Code, this type of vacation may be performed summarily through adoption of a resolution.

### **ENVIRONMENTAL REVIEW**

#### **Environmental Notice**

The Project was adequately covered in previously adopted/certified Final Second Tier Environmental Impact Report (EIR 07-01) for the Otay Ranch Eastern Urban Center (EUC) Sectional Planning Area (SPA) Plan.

#### **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 adopted/certified Final Second Tier Environmental Impact Report (EIR 07-01) for the Otay Ranch Eastern Urban Center (EUC) Sectional Planning Area (SPA) Plan. Thus, no further environmental review or documentation is required.

### **BOARD/COMMISSION RECOMMENDATION**

Not Applicable.

### **DISCUSSION**

Final Map No. 15942, Chula Vista Tract No 09-03, Otay Ranch Millenia (Eastern Urban Center), was recorded on September 23, 2013 and included an irrevocable offer of dedication ("IOD") for Lot "I" for

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Open Space Purposes to the City of Chula Vista. The City did not accept the lot as the slope is to be HOA maintained. Section 7050 of the Government Code of the State of California states that an IOD remains open and is subject to future acceptance by the City. Amending the boundary of the open space lot therefore requires the vacation of the IOD.

Currently, the City is processing construction plans for the Shea Homes “Element & Z” Project located in Lot 9 of Final Map No. 15942, which is north of the Open Space Lot “I” (see Exhibit “A”). The Shea Homes “Element & Z” Project will consist of 106-multifamily and 70 single-family condominium units as well as a 2,000 square foot community center. One of the design features of the project is the construction of four Overlook Seating Areas, only three of which encroach into Lot “I”. The encroachments will range from 2 to 6.5 feet in width and approximately 30 feet in length. The property line between Lot “I” and Lot 9 is proposed to be moved to the south to accommodate the construction and maintenance of the supporting retaining walls for the three Overlook Seating Areas (see Exhibit “B”). A new IOD for Open Space Purposes reflecting the new boundary will be dedicated to the City on the Final Map for the project.

With today’s action the City will abandon the IOD recorded with the Final Map No. 15942 in September 23, 2013 and based on Section 7050 of the Government Code, which states that an Offer of Dedication may be terminated and the right to accept such an offer may be abandoned in the manner prescribed for the summary vacation of streets or highways by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code. The abandonment of the subject IOD requires the adoption of a resolution of vacation by the City Council and recordation of a certified copy of the resolution attested to 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 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 proposed action addresses the Connected Community goal as it supports the creation of a walkable community with overlook benches.

**CURRENT YEAR FISCAL IMPACT**

There is no current year fiscal impact associated with the abandonment of the IOD.

**ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact associated with the abandonment of the IOD.

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**ATTACHMENTS**

Exhibit "A": Plat of Property

Exhibit "B": Site Plan of Overlook Seating Areas

Staff Contact: Sandra Hernandez, Associate Engineer