



City of Chula Vista

Staff Report

File#: 16-0530, **Item#:** 10.

RESOLUTION NO. 2016-252 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF THE IRREVOCABLE OFFER OF DEDICATION OF LOT "D" FOR PUBLIC PARK PURPOSES PER FINAL MAP NO. 16081, CHULA VISTA TRACT NO. 09-03, OTAY RANCH MILLENIA PHASE 2 (EASTERN URBAN CENTER)

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

On September 15, 2009, City Council entered into an agreement (Parks Agreement) with the Developer of the Millenia Development, (SLF IV - Millenia LLC, LLC), to construct parklands within the project. The Developer's obligation is to deliver 12.88 acres but has currently dedicated a total of 12.92 acres. To rectify the discrepancy, this action will vacate the Irrevocable Offer of Dedication in Fee Interest (IOD) for Lot "D" of Final Map 16081 so the developer can modify the lot and rededicate with the correct acreage. 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

Otay Ranch is a master planned community within the city that consists of various "Villages." A portion of Otay Ranch, called Eastern Urban Center (EUC) will consist of a high-intensity mixture of retail, employment, civic, cultural and medium-high-to-urban-core levels of residential uses. SLF IV -

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Millenia LLC, is the owner of the Millenia Development that consists of approximately 90% of the EUC area, which is approximately 206.6 acres.

In accordance with California Government Code §§66477, *et seq.* (the “Quimby Act”) and Chula Vista Municipal Code Chapter 17.10, development projects are required to provide neighborhood and community parks and recreational facilities. The Parks Agreement for Millenia adjusted the mix between acreage and facilities so that only 12.88 acres of parklands are required for the project. The developer has requested the 0.04 acres of over dedicated parklands be reverted to their ownership through this vacation of the IOD for the park at Lot “D” of Map No. 16081. The existing size of the park lot is 3.601 acres and the newly configured lot will be 3.557 acres.

With today’s action, the City will abandon the IOD recorded with Final Map No. 16081 on December 28, 2015 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.

Findings

In accordance with the Streets and Highways Code Section 8335, the approval of the summary vacation requires a finding that the lot has been superseded by relocation and that there are no public facilities located within the lot.

The Findings in support are as follows:

- a) The area proposed for vacation is excess park land which has been dedicated by the master developer which is not needed to fully implement the Millenia parks program and is not required to comply with the Millenia Parks Agreement.
- b) The vacated land will become part of the adjacent apartment site and will be utilized in a manner which provides a better interface with the proposed residential development site to the south by improving the design for the entrance drive to include a row of palm trees with up lighting, which will be an enhancement to not only the residential project but for the public park site as well.
- c) With the proposed vacation, the remaining park acreage in Millenia is fully consistent with adopted plans and agreements pertaining to the Millenia parks, and is consistent with the Millenia Parks Agreement which contemplates in Section 2.1(d) that minor adjustments to park boundaries may be approved by the City to improve the interface with adjacent development.
- d) The remaining park site acreage has been determined to be sufficient to fully implement the park programming and facilities identified for this park in the adopted Millenia Urban Parks, Recreation, Trails and Open Space Master Plan.

Therefore, since the park has not yet been constructed and the 0.04 acres to be given up by the relocated parcel line is not necessary, the required findings can be met.

Next Steps

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As part of the requirements made by the City to vacate the IOD the Developer must process a lot line adjustment and provide a revised IOD that will reflect the new acreage of the park lot (Exhibit "B"). After the recordation of the Council Resolution that will abandon any city interest in Lot "D," the City Clerk will acknowledge, accept, and record the new IOD for the park.

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 Operational Excellence goal as it clarifies the responsibility of the Developer for the construction of parks that will serve the community.

CURRENT YEAR FISCAL IMPACT

All costs associated with processing the summary vacation are borne by the developer, resulting in no net fiscal impact to the General Fund or the Development Services Fund.

ONGOING FISCAL IMPACT

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

ATTACHMENTS

Exhibit "A": Plat of Property

Exhibit "B": New IOD for Park Lot

Staff Contact: Sandra Hernandez, Associate Engineer

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