



# City of Chula Vista

## Staff Report

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**File#:** 18-0191, **Item#:** 15.

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RESOLUTION OF NECESSITY NO. 2018-081 OF THE CITY OF CHULA VISTA TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN FOR THE FIRE STATION 9 REPLACEMENT PROJECT -- LOCATED AT 1095 ALPINE AVENUE (4/5 VOTE REQUIRED)

### **RECOMMENDED ACTION**

Council conduct the public hearing and adopt the resolution.

### **SUMMARY**

This item asks City Council to approve the City's acquisition by eminent domain of a parcel located at 1095 Alpine Avenue, Chula Vista, for the construction of the Fire Station 9 Replacement Project (implementation of the Fire Stations Repairs/Replacements (Measure P) project). Purchase of this property was previously approved by Council Action on December 19, 2017 (Resolution No. 17-0476) however agreement for a voluntary sale could not be reached with the property owner. Negotiations will continue with the property owner in an effort to conclude this acquisition in an amicable manner but it is currently necessary to proceed with the acquisition process in order to construct the new fire station in a timely manner. Purchase price and valuation are not a part of this Resolution and are not to be considered in this action.

### **ENVIRONMENTAL REVIEW**

#### **Environmental Notice**

The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section(s) 15303 Class 3 (New Construction or Conversion of Small Structures), Section 15332 Class 32 (In-Fill Development Projects), and Section 15061(b)(3).

#### **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 qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section(s) 15303 Class 3 (New Construction or Conversion of Small Structures), Section 15332 Class 32 (In-Fill Development Projects), and Section 15061(b)(3). Thus, no further environmental review is required.

### **BOARD/COMMISSION RECOMMENDATION**

Not Applicable

### **DISCUSSION**

Built in 1961, the current Fire Station Nine (266 East Oneida Street) is past its useful life. Over the last few years, this Fire Station has been occupied intermittently due to sewer back up, flooding and asbestos/mold presence. The facility lacks separate sleeping quarters, appropriate access to

multiple restrooms, and does not meet the code requirements of an Essential Services Building.

As a result, the City contemplated options for building a new Fire Station. The Fire Department determined that the current site at one-half acre and only 77 feet wide was not adequately sized or configured to accommodate a modern Fire Station. The Fire Department used Deccan Software, a powerful decision support analytics tool used to locate fire resources, to determine the best possible location for a new Fire Station. The subject property, the preferred site identified by Deccan, and concurrently validated by the Fire Department's management team, is superior to the current site as it: a) achieves better geographic distribution relative to other Fire Department resources, and b) improves the Department's ability to cover the concentration of fire and emergency medical calls for services. This property is located at 1095 Alpine Avenue and is currently identified as Assessor's Parcel No. 619-100-23-00.

The site itself comprises only about 8,700 square feet (0.20 acre) but when combined with excess City owned right-of-way to the north and west a site of approximately one acre can be created. This size and configuration will accommodate a modern fire station. A conceptual plot of one possible layout is attached to this report to show how the sight could be utilized, incorporating the City's excess land. If fire station development were determined to be infeasible or undesirable at the site, alternative City uses include a cellular communications site, a pocket park or a staging site for public works projects.

Based upon this analysis, staff commenced negotiations with the current owner and reached an agreement for voluntary sale of the property to City, subject to Council approval. In December, 2017 Council approved this purchase. In the time since that action final agreement to complete the voluntary sale/purchase could not be reached with the property owner. The City completed an appraisal of the property and made an Offer to Acquire to the owner as required by Section 7267.2 of the Government Code. This offer was not accepted and continued negotiations have failed to produce an agreement.

City has conducted due diligence and investigation regarding the physical condition of the Property, including but not limited to a Phase 1 analysis, and the legal condition of the property. The City filed its Notice of Exemption for environmental clearance with the County of San Diego and the period for public comment has expired. The City is now prepared to move forward with the design of this Fire Station with the intention of proceeding to construction in late 2019 or shortly thereafter.

At this time Staff is recommending that Council approve this Resolution of Necessity so that the formal eminent domain acquisition process can begin. Negotiations with the property owner will continue but this action will ensure that the City can acquire the property in a timely manner so that construction can proceed.

In order to adopt this Resolution Council must make the following findings:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;

- (c) The property interests shown on Exhibit "A" and legally described in Exhibit "B" both attached hereto are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code was made to the owner or owners of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

Purchase price and valuation are not a part of his Resolution and are not to be considered in this action.

### **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 properties which are the subject of this action. Consequently, these items do 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. This decision is in direct alignment with the City of Chula Vista's Strategic Goal of Strong and Secure Neighborhoods, which is critical to "ensuring a vibrant and sustainable quality of life for Chula Vista residents and businesses."

### **CURRENT YEAR FISCAL IMPACT**

Funds for this purchase were appropriated by previous Council Action on December 19, 2017 by Resolution No. 17-0476. There will be no further fiscal impact in the current year.

### **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact created by this purchase as it is a one-time expenditure. When the City proceeds with the construction and operation of the proposed new Fire Station, those actions would be approved by the City Council and funded by separate actions.

### **ATTACHMENTS**

1. Exhibit "A" Legal Description and Exhibit "B" Plat

*Staff Contact: Rick Ryals, Real Property Manager*