



# CITY COUNCIL STAFF REPORT



**June 6, 2023**

## **ITEM TITLE**

Easement: Order the Summary Vacation of a Portion of a Public Service Easement Within the Otay River Business Park Specific Plan.

**Report Number:** 23-0145

**Location:** 2855 Faivre Street

**Department:** Development Services

**Environmental Notice:** The Project was adequately covered in a previously adopted Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”) (IS15-0005/MPA15-0022; SCH #2017111012; adopted by Ordinance No. 3421 on March 13, 2018) for the Otay River Business Park (“ORBP”) Specific Plan.

## **Recommended Action**

Adopt a resolution ordering the summary vacation of a portion of a public service easement reserved by the County of San Diego within Parcel 1 of Certificate of Compliance “ER484” of the Otay River Business Park Specific Plan.

## **SUMMARY**

Otay River Business Park Development, LLC, is constructing an industrial building and associated parking within a vacant parcel located south of the intersection of Faivre Street and 7<sup>th</sup> Street and has requested the vacation of a portion of an existing 66-foot-wide easement (“public service easement”) within the project site to accommodate the proposed building (Attachment 1). Said easement was reserved by the County of San Diego for possible public utility purposes, with the City of Chula Vista as a successor in interest, by resolution as Document No. 81-154859, recorded on May 19, 1981. In accordance with Streets and Highways Code Division 9, Part 3, Chapter 4, Sections 8333 and 8335, 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 determined that the Project was adequately covered in the

previously approved MND and MMRP (IS15-0005/MPA15-0022; SCH #2017111012) for the ORBP Specific Plan, adopted by the City Council on March 13, 2018. Therefore, no further environmental review is required.

### **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

### **DISCUSSION**

On May 19, 1981, a public service easement for possible utility purposes was reserved by the County of San Diego with the City of Chula Vista as successor agency by resolution recorded as Document No. 81-154859 (Attachment 2). On January 23, 2020, San Diego Gas & Electric Company (“SDG&E”) quitclaimed their interest in this portion of the public service easement per Document No. 2020-0036948 (Attachment 3). On July 26, 2021, Otay River Business Park Development, LLC consolidated Lots 10 and 11 of Map No. 16399 as Parcel 1 of Certificate of Compliance (“COC”) No. ER484, per Document No. 2021-0530386.

On September 14, 2022, the City approved Design Review Application, DR21-0009, for the Otay River Business Park to construct a new industrial building and associated parking over Parcel 1 of COC No. ER484, triggering the requirement to vacate the existing public service easement on Parcel 1. Currently, Parcel 1 is vacant, and the location of the existing public service easement has never been used as there are no existing facilities located within this portion of the easement area.

With this proposed action, the City will vacate that portion of the existing public service easement within Parcel 1, in accordance with the Streets and Highways Code Division 9, Part 3, Chapter 4, Sections 8333(a) and 8335. This type of summary vacation may be performed by the local agency 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, through adoption of a resolution 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 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**

There are no current year fiscal impacts to the General Fund or Development Services Fund as a result of this action. All costs are borne by the developer, Otay River Business Park Development, LLC.

## **ONGOING FISCAL IMPACT**

There are no ongoing fiscal impacts to the General Fund or Development Services Fund as a result of this action.

## **ATTACHMENTS**

Attachment 1: Easement Vacation Exhibit

Attachment 2: Reserve Easement Resolution Vac. 80-39, dated May 13, 1981

Attachment 3: SDG&E Quitclaim Easement, dated January 23, 2020

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