

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A 30-YEAR JOINT POWERS AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE COUNTY OF SAN DIEGO FOR THE PLANNING, OPERATIONS, AND MAINTENANCE OF THE OTAY RANCH OPEN SPACE PRESERVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE 30-YEAR JOINT POWERS AGREEMENT

WHEREAS, on October 28, 1993, the Chula Vista City Council and the San Diego County Board of Supervisors jointly approved the Otay Ranch General Development Plan, (General Development Plan/Subregional Plan (GDP/SRP)), which sets forth a plan for the development of housing, commercial, recreational, and open space within the jurisdiction of the Public Agencies. Additionally, a Phase 1 Resource Management Plan (RMP), adopted with the GDP/SRP, established a comprehensive program for the long-term protection and management of sensitive natural, cultural, and scenic resources located within the Otay Ranch Open Space Preserve, establishing a framework for habitat protection; and

WHEREAS, the GDP/SRP delineates an approximately 11,375-acre area as the Otay Ranch Open Space Preserve; and

WHEREAS, the GDP/SRP provides that a Preserve Owner/Manager (“POM”) for the Otay Ranch Open Space Preserve must be selected and retained; and

WHEREAS, the POM will be responsible for management of resources, restoration of habitat and enforcement of open space restrictions for the Otay Ranch Open Space Preserve once the Preserve is formally established and titled to the land conveyed; and

WHEREAS, in 2018, the Public Agencies adopted the Otay Ranch Phase 2 RMP Update that outlines the plan to implement the resource protection objectives in the GDP/SRP and Phase 1 RMP; and

WHEREAS, the City of Chula Vista and the County of San Diego, political subdivisions of the State of California, hereinafter referred to collectively as Public Agencies, entered into a 30-year Joint Powers Agreement on the 6th day of March 1996 for the planning, operation, and maintenance of the Otay Ranch Open Space Preserve. The 30-year Joint Powers Agreement is set to expire on the 6th day of March 2026; and

WHEREAS, the Public Agencies, each of which are empowered by law to acquire land for park and open space purposes, desire to continue this Joint Powers Agreement to plan, design, and operate the Otay Ranch Open Space Preserve to qualify as a POM and to satisfy the conditions of the GDP/SRP, Phase 1 RMP, and Phase 2 RMP; and

WHEREAS, the proposed activity has been reviewed for compliance with the California Environmental Quality Act (“CEQA”) and it was determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Notwithstanding the foregoing, it has also been determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines. This determination is predicated on CEQA Guidelines Section 15004 which provides direction to lead agencies on the appropriate timing for environmental review. Any future projects resulting from implementation of the Joint Powers Agreement will require preparation of environmental documents in accordance with the State CEQA Guidelines and the City’s Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves the 30-year Joint Powers Agreement between the City and the County of San Diego for the Planning, Operations, and Maintenance of the Otay Ranch Open Space Preserve, in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the City Manager to execute same.

Presented by

Approved as to form by

Roy Sapa’u
Deputy City Manager/
Director of Development Services

Marco A. Verdugo
City Attorney