

RESOLUTION NUMBER R- 315208DATE OF FINAL PASSAGE NOV 14 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE EXTENSION OF THE  
MEMORANDUM OF UNDERSTANDING WITH THE CITY  
OF SAN DIEGO, CHULA VISTA, AND TRI POINTE HOMES  
REGARDING THE PROPOSED ANNEXATION AND  
DEVELOPMENT OF THE NAKANO PROPERTY.

WHEREAS, the Nakano property is an unimproved 23.8-acre property located in the City  
of Chula Vista, south of the Otay River, east of Interstate 805, and adjacent to the jurisdictional  
boundary between Chula Vista and San Diego's Otay Mesa community (Property); and

WHEREAS, Tri Pointe Homes acquired the Property and desires to develop it with  
approximately 157 residential units; and

WHEREAS, development of the Property will necessitate services to be provided by the  
City of San Diego; and

WHEREAS, the development of the Property requires "reorganization" of the Property  
from Chula Vista to San Diego, which will entail a sphere of influence boundary amendment and  
resolutions from both cities necessary to initiate an application with the San Diego Local Agency  
Formation Commission to amend San Diego's and Chula Vista's sphere of influence boundaries  
and ultimately detach the Property from Chula Vista and annex the Property to San Diego; and

WHEREAS, a Memorandum of Understanding (MOU) was authorized by the City  
Council on July 20, 2021 (San Diego Resolution R-313654) to meet and confer on the orderly  
development of the proposed project and the Property; and

WHEREAS, the MOU provides the parties will: (1) allow for an open exchange of  
information regarding the Property and the proposed project; (2) attempt to reach an agreement  
on all items of mutual concern regarding the proposed project; (3) work together to determine

whether and when more formal implementing agreements are necessary and work together on the terms; (4) coordinate plans, studies, and environmental document preparation and review; (5) address design and impacts to public facilities, including (but not limited to) streets and parks, and agree to work together on a plan to provide services, which will be provided to the San Diego County Local Area Formation Commission (LAFCO); and (6) agree that the project shall be entitled in Chula Vista prior to annexation into San Diego; and

WHEREAS, the MOU states that the parties agree that the proposed project shall be entitled in Chula Vista prior to annexation into San Diego and that Chula Vista will be the lead agency for review under the California Environmental Quality Act, with the City being a responsible agency, as both terms are defined in California Public Resources Code sections 21067 and 21069, respectively; and

WHEREAS, the MOU does not commit the City to the project, or to any definite course of action and reserves the City's right to exercise its full discretion as to all matters which it is, by law, entitled or required to exercise its discretion relative to the project individually and collectively; and

WHEREAS, the section 17 of the MOU states that the term of the MOU shall become effective on the Effective Date and, unless earlier terminated pursuant to the terms of this MOU, shall be valid for two years, with two one-year extensions allowed upon the consent of the parties; and

WHEREAS, the term of the MOU is set to expire on December 7, 2023 and the parties' desire to extend the MOU term; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor, or his designee, is authorized to consent to the first extension of the Memorandum of Understanding with the City of Chula Vista and Tri Pointe Homes concerning the proposed annexation and development of the Nakano Property to December 7, 2024.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to consent to a second extension of the Memorandum of Understanding with the City of Chula Vista and Tri Pointe Homes concerning the proposed annexation and development of the Nakano Property, if necessary.

APPROVED: MARA W. ELLIOTT, City Attorney

By

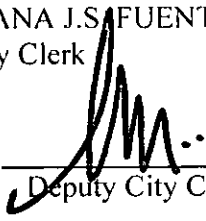


Corrine L. Neuffer  
Chief Deputy City Attorney

CLN:nsf  
October 23, 2023  
Or.Dept: DSD  
CC No. N/A  
Doc. No. 3453803

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 07 2023.

DIANA J.S. FUENTES  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: 11/13/23  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 07 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 14 2023.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

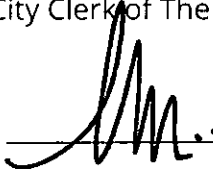
TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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