

RESOLUTION NUMBER R- 316022

DATE OF FINAL PASSAGE FEB 03 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN PDIEGO INITIATE PROCEEDINGS FOR THE DETACHMENT OF THE PROPERTY WITH THE NAKANO PROJECT (PROJECT NO. PRJ-1076302) FROM THE CITY OF CHULA VISTA JURISDICTIONAL BOUNDARIES AND THE OTAY WATER DISTRICT SERVICE AREA AND A SPHERE OF INFLUENCE AMENDMENT AND FOR THE ANNEXATION OF THE PROPERTY INTO THE JURISDICTIONAL BOUNDARIES OF THE CITY OF SAN DIEGO.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Tri Pointe Homes IE-SD, Inc., Owner/Permittee, (Tri Pointe Homes) filed an application to obtain approvals from the City of Chula Vista for a residential development known as the Nakano Project, located in proximity to Dennery Road and Ocean View Parkway, abutting the City of San Diego, and legally described as that portion of the northeast quarter of the southeast quarter of section 24, township 18 south, range 2 west, San Bernardino Meridian in the City of Chula Vista, County of San Diego, State of California, according to the official plat thereof described as follows: Beginning at the southeast corner of said northeast quarter of the southeast quarter; thence along the south line thereof South 89°42'04" West, 1069.30 feet to the easterly line of freeway described in final order of condemnation recorded July 22, 1968 as File No. 123488 official records; thence along said easterly line North 3°47'10" East, 918.10 feet; thence North 80°52'26" East, 1030.62 feet to the east line of said section; thence along said east line South 0°28'33" West, 1074.02 feet to the point of beginning and Lot 'C' of Dennery Ranch Village 2/3 according to Map thereof no. 15592, in the City of San Diego, County of San Diego,

State of California, filed in the office of the County Recorder of San Diego County on August 15, 2007.

B. The Nakano Project proposes the development of up to 221 multiple dwelling unit, including 22 affordable units, private open space amenity areas, and connecting trails to the Otay Valley Regional Park on a 23.8-acre site (Nakano Project).

C. Tri Pointe Homes, Inc. proposes to have the Project site detached from both the City of Chula Vista and Otay Water District and annexed into the City of San Diego since the Nakano Project site can only be accessed and receive services from the City of San Diego.

D. The City of San Diego and the City of Chula Vista have entered a cooperative Memorandum of Understanding (MOU) approved on December 7, 2021.

E. The MOU specifies that the Project shall be developed in accordance with the general plans and local ordinances of both Chula Vista and San Diego, as the site is intended to be detached from the City of Chula Vista and annexed into the City of San Diego.

F. Representatives of the City of San Diego, City of Chula Vista, and Tri Pointe Homes have negotiated an agreement, for the independent review and approval of public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Nakano Project (Annexation Agreement).

G. The Annexation Agreement outlines the process to detach approximately 23.8 acres of the Nakano Project site from the City of Chula Vista and Otay Water District and annex the property into the jurisdictional boundaries of the City of San Diego which is referred to as a reorganization.

H. The General Plan identifies the Nakano Project site as a prospective annexation area on Figure LU-3.

I. The General Plan identifies the need to consider and evaluate reorganizations with adjacent jurisdictions to avoid duplication of services with special districts; promote orderly growth and development and preserve open space, as necessary, on its periphery; and promote a more cost-efficient delivery of urban services to both existing areas that already have urban services and future development areas that require urban service extensions from contiguous City area.

J. The Nakano Project site can only be accessed and receive services from the City of San Diego and would represent an orderly and logical extension of City boundaries.

K. Proposed residential land use designation will assist the City in meeting housing goals by providing new housing opportunities on an undeveloped site, near existing commercial and recreational uses.

L. On December 3, 2024, the City Council of the City of Chula Vista, as Lead Agency under the California Environmental Quality Act (Pub. Res. §§ 21000 et seq.) (CEQA), certified Environmental Impact Report (EIR 22-001/SCH 2022060260) (EIR) that was prepared in accordance with CEQA and the CEQA Guidelines (14 C.C.R. §§ 15000 et seq.), adopted CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

M. The City of Chula Vista is, or will be, considering a Resolution of Support for the Application Requesting the Local Agency Formation Commission to Take Proceedings for the Nakano Development Project Reorganization.

N. The Otay Water District provided a Letter of Support for the Application Requesting the Local Agency Formation Commission to Take Proceedings for the Nakano Project Reorganization.

O. Through this Resolution, the City of San Diego desires to: (i) detach the Nakano Project site, the boundaries of which are described in the Annexation Agreement as Exhibit A attached hereto, from the City of Chula Vista and Otay Water District; (ii) annex said Nakano Project site into the jurisdictional boundaries of the City of San Diego; and (iii) amendment Sphere of Influence for the City of San Diego to include the Nakano Project site (the Reorganization).

P. On December 19, 2024, the Planning Commission of the City of San Diego considered Tri Pointe Homes's request for a resolution for the Application Requesting the Local Agency Formation Commission of the County of San Diego Initiate Proceedings the Detachment of the Proposed Nakano Residential Development Project (Project No. PRJ-1076302) from the City of Chula Vista jurisdictional boundaries and Otay Water District service area, Amendment of the Sphere of Influence, and for the Annexation of the Project site into the jurisdictional boundaries of the City of San Diego and recommended approval.

Q. The plan for providing services prepared in accordance with the requirement of Government Code section 56653 is attached to the Annexation Agreement as Exhibit E (Plan for Services).

R. The Local Agency Formation Commission of the County of San Diego (LAFCO), is the state-mandated regulatory agency established by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Govt. Code §§ 56000 et seq.) (Act) to review and approve proposed jurisdictional boundary changes, including annexations and detachments of certain real property to and/or from cities and special districts principally to discourage urban sprawl and to encourage the orderly and efficient provision of services.

S. The Reorganization is consistent with the legislative intent of the Act in that it will provide for orderly development of the Nakano Project site and for more efficient services to the future inhabitants of the Nakano Project site through the City of San Diego as shown in the Plan for Services.

T. Government Code section 56375(a)(7) provides that LAFCO require, as a condition to annexation, that a city pre-zone the area to be annexed, or, alternatively, to present evidence satisfactory to LAFCO that the existing development entitlements related to the area are vested and consistent with the City's General Plan.

U. This Resolution and the Annexation Agreement provide evidence that the Nakano Project entitlements are vested and consistent with the City of San Diego's General Plan in accordance with the terms of the Annexation Agreement.

V. Through the Annexation Agreement, the City of San Diego agrees to provide full faith and credit to the vested rights of Tri Pointe Homes upon the same terms and conditions as the City of Chula Vista, except as provided for in the Annexation Agreement and ordinance approving the Annexation Agreement; and

W. The Nakano Property site subject to the Reorganization is uninhabited.

X. The Office of the City Attorney prepared 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 and accurate.

Y. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The initiation of proceedings for the Reorganization is an action contemplated and analyzed in the EIR for the Project in compliance with CEQA. The EIR analyzes the environmental impacts that would result from the Project. The analysis discusses the potential impacts to Land Use, Landform Alteration/Visual Quality/Neighborhood Character, Air Quality/Odor, Biological resources, Historical resources, Human Health/Public Safety/Hazardous materials, Hydrology/Water Quality, Geology and Soils, Greenhouse Gases, Noise, Paleontological Resources, Transportation/Circulation, Public Facilities and Services, Public Utilities, and Energy Use/Conservation. The analysis concludes that the Project would result in significant, but mitigable direct impacts associated with a) Biological Resources; b) Health & Safety/Hazardous Materials; c) Historical Resources; d) Tribal Cultural Resources; and e) Hydrology and Water Quality. Implementation of the Mitigation Monitoring and Reporting Program would reduce these environmental effects to below a level of significance. Findings of Fact and Statement of Overriding Considerations have been adopted by the City of Chula Vista as Lead Agency for the Project. Findings of Fact pertain to a) Findings Regarding Significant Impacts that can be Mitigated to below a Level of Significance; b) Findings Regarding Mitigation Measures which are the Responsibility of Another Agency; c) Findings Regarding Infeasible Mitigation Measures; d) Findings Regarding Alternatives Considered and rejected; and e) Findings Regarding Alternatives Considered in the EIR. The Statement of Overriding Considerations pertain to each of the following social, economic, and environmental benefits of

the Nakano Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts: a) Land Use and Planning; b) GHG; and c) Transportation.


2. That Council finds through its review of the EIR and other materials in the Administrative Record, the Council evaluated: (a) the present and planned land uses for the Nakano Project site; (b) the present and the future need for urban services and facilities; (c) the fiscal impact of the reorganization; (d) whether the reorganization promotes an orderly and logical revision of the City's boundaries; (e) the ability of the City of San Diego, City of Chula Vista and the Otay Water District to provide urban level services; (f) whether the organization would induce residential growth; (g) whether the proposal would provide for affordable housing; (h) whether the proposal would provide for open space; (i) the effect of reorganization on social and economic interests; and (j) the level of support on the part of affected property owners and area residents.

3. That Council finds the annexation contributes to the social and economic interests and benefits and propose an orderly and logical revision of the City of San Diego boundaries because it facilitates that Nakano Project, which will provide affordable housing, and provides more efficient services to the Nakano Project in exchange for applicable development fees and government revenues generated by construction and operation of the residential development.

4. That this Resolution of Application is hereby approved and adopted by the City of San Diego. The Local Agency Formation Commission of San Diego County is hereby requested to process the Reorganization in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and in accordance with this Resolution. As a Responsible Agency, pursuant to CEQA Guidelines section 15096, the Council of the City of

San Diego has considered and approved the certified EIR and adopted Findings of Fact,
Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program
for the Nakano Project.

APPROVED: HEATHER FERBERT, City Attorney

By 

Corinne L. Neuffer
Senior Chief Deputy City Attorney

CLN:jn2
January 6, 2025
January 22, 2025 (COR.COPY)
Or.Dept: DSD
Doc. No. 3919551.2

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
FEB 03 2025.

DIANA J.S. FUENTES
City Clerk

By 

Deputy City Clerk

Passed by the Council of The City of San Diego on FEB 03 2025, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 FEB 03 2025.

(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 *Jessie Medina*, Deputy

Office of the City Clerk, San Diego, California
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