

ORDINANCE NO. 2024-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA
VISTA APPROVING A ZONING CHANGE FOR THE NAKANO
PROPERTY

WHEREAS the area of land that is the subject of this Ordinance is, for the purpose of general description, the 23.77 acres located south of the Otay River, north of Dennery Road, east of Interstate 805 (“I-805”), and west of the RiverEdge Terrace residential subdivision in the City of San Diego (“Nakano Property” or “Project Site”); and

WHEREAS Tri Pointe Homes (“Applicant” or “Property Owner”) wishes to develop the Nakano Property for residential use with infrastructure and public services provided by the City of San Diego (“San Diego”), thus requiring reorganization of the Project Site from the City of Chula Vista (“City”) into San Diego; and

WHEREAS, on December 7, 2021, San Diego and the City entered into a Memorandum of Understanding (“MOU”) acknowledging that both have substantial claims to be the Lead Agency in the annexation process, that the City would serve as the Lead Agency since the Nakano Specific Plan will be processed within its jurisdiction, and San Diego would serve as a Responsible Agency; and

WHEREAS the final decision on whether the Project Site will be annexed into San Diego will remain with the San Diego County Local Agency Formation Commission (“LAFCO”); and

WHEREAS, should LAFCO decide not to allow for the Project Site to be annexed into San Diego, the City still has an interest in the entitlement of the property pursuant to the City’s development procedures, standards and goals; and

WHEREAS, on September 16, 2021, a duly verified application was filed with the City Development Services Department by the Applicant requesting approval of amendments to the Chula Vista General Plan (MPA21-0016) changing the land use designation of the Project Site from Open Space (OS) to Medium Residential (RM), adoption of the Nakano Specific Plan (MPA21-0017), and approval of a Tentative Map for the Nakano Project (PCS21-0001) (“Project”); and

WHEREAS 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 may have a significant effect on the environment and, therefore, requires the preparation of Environmental Impact Report (“EIR”) EIR22-0001; and

WHEREAS City staff recommended that the Planning Commission adopt a Resolution recommending that the City Council approve a Zoning Change from Agricultural (A-8) to Apartment Residential (R-3), allowing for the development of the Project Site in accordance with the Nakano Specific Plan; and

WHEREAS the Director of Development Services set the time and place for a hearing before the Planning Commission to consider the staff recommendation, and notice of said hearing, together

with its purpose, was given by its publication in a newspaper of general circulation in the City and its mailing to property owners within 500 feet of the exterior boundaries of the property at least ten (10) days prior to the hearing; and

WHEREAS, after review and consideration of the Staff Report and related materials for the Project, the hearing on the Project was held at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, and the Planning Commission voted _____ to recommend to the City Council _____ of the subject Zoning Change; and

WHEREAS the City Clerk set the time and place for a hearing on the Project, including a Zoning Change from Agricultural (A-8) to Apartment Residential (R-3), and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City and its mailing to property owners within 500 feet of the exterior boundaries of the property at least ten (10) days prior to the hearing; and

WHEREAS, after review and consideration of the Staff Report and related materials for the Project, a duly noticed public hearing was held before the City Council to consider the Project, including a Zoning Change from Agricultural (A-8) to Apartment Residential (R-3).

NOW, THEREFORE, THE CITY COUNCIL of the City of Chula Vista does hereby order and ordain as follows:

I. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission during its October 9, 2024, public hearing on the Project and the Minutes and Resolutions resulting therefrom are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision-makers, shall comprise the entire record of the proceedings.

II. COMPLIANCE WITH CEQA

Immediately prior to this action, the City Council reviewed, considered, approved, and certified EIR22-0001 with a Statement of Overriding Considerations regarding the Project.

III. GENERAL PLAN AMENDMENT

The City Council hereby approves the amendment of the Chula Vista General Plan to reflect a change in the land use designation for the Project Site from Open Space (OS) to Medium Residential (RM).

IV. ACTION

The City Council hereby adopts an Ordinance approving the Zoning Change for the Nakano Property to allow a change from Agricultural (A-8) to Apartment Residential (R-3). The City Council also finds the zoning change consistent with the California Government Code, adopted City policies, and the General Plan as amended.

V. SEVERABILITY

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability, or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause, or phrase of this Ordinance irrespective of the fact that any one or more other sections, sentences, clauses, or phrases of the Ordinance be declared invalid, unenforceable, or unconstitutional.

VI. CONSTRUCTION

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law, and this Ordinance shall be construed in light of that intent.

VII. EFFECTIVE DATE

This Ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

VIII. PUBLICATION

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by:

Approved as to form by:

Laura C. Black, AICP
Director of Development Services

Marco A. Verdugo
City Attorney

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA,
CALIFORNIA, this ____ day of _____, 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John McCann, Mayor

ATTEST:

Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF CHULA VISTA

I, Kerry Bigelow, City Clerk of the City of Chula Vista, California, do hereby certify that the
foregoing Ordinance No. [redacted] was duly passed, approved, and adopted by the City Council of the
City of Chula Vista at a regular meeting of the City held on the ____ day of _____ 2024.

Executed this ____ day of _____ 2024.