

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, NOVEMBER 05, 2025**

MINUTE ORDER NO. 4

**SUBJECT: FIRST AMENDMENT TO THE DEFENSE AND INDEMNIFICATION
AGREEMENT FOR THE OTAY RANCH RESORT VILLAGE 13 PROJECT
AND RELATED CEQA EXEMPTION (DISTRICT: 1)**

OVERVIEW

The Otay Ranch Resort Village 13 project (Project) is a mixed-use community located on an 1,869-acre site in the Otay Subregional Plan Area. The site is located east of State Route 125 (SR-125) and west of State Route 94 (SR-94), approximately 0.25 miles east of the City of Chula Vista and 12 miles southwest of the community of Jamul. The Project, which included a General Plan Amendment, Specific Plan, Zone Reclassification, Site Plan, and Tentative Map, was approved by the Board of Supervisors (Board) on November 18, 2020 (4). An Environmental Impact Report (EIR) was adopted at that time and is on file with Planning & Development Services.

The Project consists of 1,938 residential units, 40,000 square feet of commercial uses, a 10.1-acre public elementary school site that would be operated by the Chula Vista Elementary School District, 25.1 acres of public/private parks, a 6.1-acre homeowners' association (HOA) neighborhood facility, a 2.3-acre joint use site for a fire station and sheriff storefront, 9.0 miles of multi-use community trails and pathways, 790.3 acres of preserve/open space land to be conveyed to Otay Ranch Resource Management Plan (RMP) Preserve, an additional 69.3 acres of biological open space, and 76.4 acres of internal open space.

In December 2020, opponents of the project filed a lawsuit challenging the County's approvals and certification of the EIR, among other actions taken with respect to the Project, entitled *Center for Biological Diversity et. al. v. County of San Diego, et. al.* (Lawsuit). In March 2025, the opponents and Applicants entered into a Settlement Agreement to stay the Lawsuit. The Settlement Agreement requires the Applicants to make several revisions to the Project (Revised Project) and return to the Board for consideration.

The County and Applicants are parties to the Defense and Indemnification Agreement (Agreement) in connection with the Project, dated December 3, 2020. The Agreement required security to be posted in the amount of \$1,000,000 in connection with the litigation risks associated with the County's processing and/or approval of the Project.

In response to the Settlement Agreement, today's request is a request by the applicant for the Board to amend the Defense and Indemnification Agreement (Agreement). This would be the first amendment to the Agreement and would authorize the release of the entire security in the interim while a Revised Project is processed as required by the Settlement Agreement. This amendment would require the security to be reinstated prior to the Board considering the Revised Project, and immediately if, for any reason, litigation on the original Project resumes. The Applicants have indicated they tentatively plan on resubmitting the Revised Project in late 2025 or early 2026.

RECOMMENDATION(S)**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

1. Find that the approval of the First Amendment to the Agreement (Attachment A on file with the Clerk of the Board) is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378(b)(4 and 5).
2. Approve and authorize the Director of Planning & Development Services to execute the First Amendment to the Defense and Indemnification Agreement and release the \$1,000,000 security.

EQUITY IMPACT STATEMENT

This action supports the processing of a Revised Project, which would provide new housing opportunities in unincorporated San Diego County. The Revised Project would also support economic development and opportunities for employment regarding the construction of the Project and future commercial and educational uses that would be part of the master planned community. This amendment to the Defense and Indemnification Agreement would release the security for the Applicants to process a Revised Project, thereby supporting housing, commercial, and educational opportunities for residents in San Diego County.

SUSTAINABILITY IMPACT STATEMENT

This action supports the processing of a Revised Project, which would be designed to be a sustainable community and include additional mitigation measures for greenhouse gas emissions, wildfire risk, and evacuation. All buildings would be required to be fully electric, and all single-family and commercial buildings will incorporate a net-zero energy design. The Revised Project will also reduce the development footprint and preserve an additional 292 acres of open space. These improvements are essential for ensuring the community is safe, resilient, and environmentally responsible.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the amendment, as the Project is privately initiated and located on private property. If approved, the security of \$1,000,000 will be released to the Applicant for the processing of a private project. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent.

AYES: Aguirre, Anderson, Montgomery Steppe, Desmond

ABSENT: Lawson-Remer

State of California)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter