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(O-83-229)

ORDINANCE NUMBER O- 15982 (New Series)

Adopted on MAY 11 1983

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT NUMBER TWO BETWEEN THE CITY OF SAN DIEGO AND VILLAGE PROPERTIES AND BALDWIN BUILDERS dba THE BALDWIN COMPANY.

WHEREAS, Village Properties is the owner or equitable owner and Baldwin Builders dba The Baldwin Company (hereinafter referred to as "Baldwin") is the developer of the majority of the property within Precise Plan 4, 5 and 6 of the North City West Community planning area and which property constitutes approximately 100.84 acres; and

WHEREAS, The City of San Diego adopted a Progress Guide and General Plan in 1967 which first designated this area for urban development; and

WHEREAS, the San Diego City Council initiated the planning for the North City West area and subsequently adopted a "Statement of Planning Principles" governing the North City Planning Program on June 8, 1971; and

WHEREAS, the North City West Community Plan which was prepared by residents and landowners of the area was approved by the Planning Commission of the City of San Diego on November 14, 1973; and

WHEREAS, the San Diego City Council on February 27, 1975, approved the North City West Community Plan which provides for the development over a 20-25 year period of a self-contained community of approximately 40,000 persons on more than 4,300 acres of land through a nine-phase implementation program; and

WHEREAS, the Environmental Impact Report EQD No. 76-05-25 P, S-1, addressing all environmental issues relating to the North City West Community Plan was certified by Council Resolution No. R-250442; and

WHEREAS, the Precise Plan for North City West Development Units 4, 5 and 6 was adopted by the San Diego City Council on December 14, 1982, which Precise Plan has been found to be consistent with the provisions of the North City West Community Plan as well as the North City West Planned District Ordinance and all other implemented ordinances and regulations concerning developments within the boundaries of the North City West community planning area; and

WHEREAS, the Environmental Impact Report EQD No. 81-1212, addressing all environmental issues relating to Precise Plan 4, 5 and 6 was certified by Council in Resolution No. R-257672; and

WHEREAS, the Environmental Impact Reports EQD Nos. 76-05-25 P, S-1 and 81-1212 address the environmental effects associated with the development of the property which is the subject matter of the development agreement; and

WHEREAS, on July 20, 1977, the San Diego City Council adopted Resolution No. R-218894 approving the conceptual strategy described in A Residential Growth Management Program For San Diego (City of San Diego 1977); and

WHEREAS, the Guidelines for Future Development (hereinafter referred to as the "Growth Management Program") Section of the Progress Guide and General Plan (pp.15-31) provides for urban growth which will occur in logically defined increments based with and/or adjusted to the City's capacity to accommodate

growth; and

WHEREAS, the Growth Management Program provides for North City West to be designated as a complete and self-sufficient community, which includes commercial and industrial uses as well as public services and facilities; and

WHEREAS, under the Growth Management Program developers must be fiscally responsible and are required to handle a fair share of financing for the urban infrastructure, totalling approximately two hundred million dollars (\$200,000,000) for the entire area of the North City West community planning area; and

WHEREAS, under the Growth Management Program, the development of the public infrastructure shall require community parks, library, fire station, park and ride facilities, roads, signals, bridges, neighborhood parks, sewer and water facilities, and other utilities, and open space maintenance; and

WHEREAS, in return for Baldwin's participation and commitment to the North City West Public Facilities Financing Plan, the development of the urban infrastructure, and the significant contribution of private resources for public services, the City of San Diego agrees to make a commitment for certainty in the development process and therefore it wishes to enter into and agrees to be bound by the provisions of Development Agreement Number Two; and

WHEREAS, the City of San Diego is authorized pursuant to Government Code Sections 65864-65869.5 and pursuant to its Charter and self-rule powers and San Diego Municipal Code Sections 105.0101 et seq., to enter into binding development agreements; and

WHEREAS, the Precise Plan calls for the development of three neighborhoods of the North City West community planning area; and

WHEREAS, the achievement of the goals of the North City West Community Plan requires the mutual cooperation of the landowners and the City; and

WHEREAS, Baldwin has agreed to provide substantial improvements and benefits to the City such as landscaping, public trails, recreational facilities, streets, parks, traffic improvements, utility improvements and other public facilities and Baldwin will participate in the financing of other public improvements including, inter alia, fire station, library, community parks, and park and ride facilities pursuant to the North City West Public Facilities Financing Plan; and

WHEREAS, in consideration of the substantial public improvements and benefits to be provided by Baldwin, and in consideration of Baldwin's agreement to waive its rights in objecting to the writ of mandate suit for the North City West facilities benefit assessment (City of San Diego v. James J. Holodnak (Civil No. 489709)), and in consideration of Baldwin's agreement to finance public facilities, and in consideration of Baldwin's agreement to participate in the Penasquitos Lagoon preservation program with the Coastal Conservancy and in order to strengthen the public planning process and reduce the economic costs of development, the City intends to give Baldwin assurance that Baldwin can proceed with the development of the subject property for the term of this agreement pursuant to this agreement in accordance with the City's policies, rules and

regulations; and

WHEREAS, the City Council finds with respect to Development Agreement Number Two that Development Agreement Number Two is consistent with the objectives, policies and programs specified in the City of San Diego Progress Guide and General Plan, the North City West Community Plan, the Precise Plan for Neighborhoods 4, 5 and 6 of the North City West community planning area, as well as other applicable policies and regulations of the City of San Diego; and

WHEREAS, the City of San Diego finds that it has relied upon the following facts and information in rendering its decision: the content of Development Agreement Number Two which includes the obligations of Baldwin, the City of San Diego Planning Department Report Nos. 83-172 and 83-182 in connection with Development Agreement Number Two; all facts and information set forth in the Environmental Impact Reports EQD Nos. 76-05-25 P, S-1 and 81-1212; all maps, exhibits, written documents and materials, resolutions and studies contained in the file regarding this project on record in the City of San Diego; and the oral presentations given; and

WHEREAS, the Planning Commission of the City of San Diego, conducted a public hearing regarding the Development Agreement Number Two by and between The City of San Diego and Baldwin, a copy of which is on file in the office of the City Clerk as Document No. 00-15982; and

WHEREAS, after due notice the City Council did conduct a public hearing on this matter wherein all persons desiring to be heard were heard; and

WHEREAS, the City Council has reviewed and considered the Development Agreement Number Two, determined the content of the agreement to be complete and correct; and

WHEREAS, the Development Agreement Number Two is in the public interest and is consistent with the City of San Diego Progress Guide and General Plan, the North City West Community Plan, and the Precise Plan for Neighborhoods 4, 5 and 6; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. The City Council finds and determines the facts stated above to be true.

Section 2. The City Council further finds with respect to the Development Agreement Number Two, that:

A. It is consistent with the objectives, policies, programs and uses specified in the General Plan, the North City West Community Plan, and the Precise Plan for Neighborhoods 4, 5 and 6.

B. It will not be detrimental to the public health, safety and general welfare.

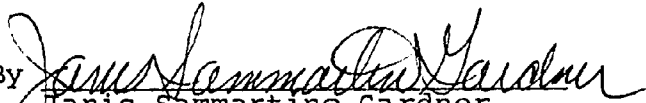
C. It will promote the orderly development of property or the preservation of property values in accordance with good land use practice.

Section 3. The City Council hereby approved the Development Agreement Number Two in the form attached hereto, and authorizes and directs the City Manager to execute said agreement in the name of The City of San Diego not later than fifteen (15) days following the effective date of this

ordinance. Failure of Baldwin to execute the Development Agreement Number Two within said fifteen (15) day period shall render this action null and void. The City Clerk is directed to record said agreement and this ordinance with the County Recorder of San Diego County within ten (10) days after its execution.

Section 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage.

APPROVED: John W. Witt, City Attorney

By   
Janis Sammartino Gardner  
Deputy City Attorney

JSG:ta:608.1  
5/4/83  
Or.Dept:Plan.  
Form=r.none

MAY 31 1983

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By Barbara Beridge Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 17 1983

MAY 31 1983

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By Barbara Beridge Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15982 Adopted MAY 31 1983