

(O-84-29)

ORDINANCE NUMBER O- 16940 (New Series)

Adopted on SEP 12 1983

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF SAN DIEGO AND PARDEE
CONSTRUCTION COMPANY.

WHEREAS, Pardee Construction Company (hereinafter referred to as "Pardee") is the owner and the developer of real property within the precise plan areas of Carmel Valley, the Employment Center, Development Unit 3 and in the Neighborhood 4, 5 and 6 precise plan area of the North City West Community planning area and which property consists of approximately 483.67 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 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 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 City Council adopted the Carmel Valley Precise Plan on October 22, 1979, which was subsequently incorporated into the San Diego Progress Guide and General Plan by Resolution No. R-252722, which was amended by The City of San Diego on June 23, 1981, by Resolution No. R-254518; and

WHEREAS, the City Council adopted the North City West Planned District Ordinance on November 5, 1979, which established procedural regulations for the required submittal of subdivision maps and development plans together with assurances for financing of public facilities and improvements; and

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

WHEREAS, the portion of the property located in the Employment Center is further described in and subject to a precise plan adopted by The City of San Diego on November 24, 1981, by Resolution No. R-255424; the portion of the property located in Development Unit 3 is further described in and subject to the precise plan adopted by The City of San Diego on November 24, 1981, by Resolution No. R-255421; the portion of the property located in Development Unit 1 is further described in and subject to the above-described amendment to the Carmel Valley Precise Plan; the portion of the property located in the Neighborhood 4, 5 and 6 Precise Plan area is further described

in and subject to a Precise Plan adopted by The City of San Diego on December 14, 1982, by Resolution No. R-257673 (the aforesaid Precise Plans are collectively referred to herein as the "Precise Plans"); the Precise Plans are consistent with the North City West Community Plan and the North City West Planned District Ordinance and all other existing implementing ordinances and regulations governing development within the boundaries of the North City West Community Planning area; and

WHEREAS, a development plan for Lots 1 and 2 of Unit 2A North City West Employment Center has been approved by The City of San Diego; said development plan is on file with the City Planning Department as Case No. 83-0145; and

WHEREAS, the following subdivision maps have been approved for portions of the property:

<u>Property and Development Unit No.</u>	<u>Map No.</u>	<u>Date Approved and Resolution No.</u>
Unit 1	Tent. 02-069	Plan. Comm. Approval September 30, 1982 Resolution 4002
Employment Center	Tent. 02-037	Plan. Comm. Approval October 1, 1981 Resolution 3450
	Final 10394	Recd. May 26, 1982
Unit 3	Tent. 02-063	Plan. Comm. Approval November 19, 1981 Resolution 3564
	Tent. 82-0750	March 21, 1981 Resolution 4257
	Final 10395	Recd. May 26, 1982
	Final 10546	Recd. Dec. 22, 1983

WHEREAS, the Environmental Impact Report EQD No. 81-1212, addressing all environmental issues relating to Precise Plan 4,

5 and 6 was certified by the City Council in Resolution No. R-257672; and

WHEREAS, the Environmental Impact Report Nos. 80-05-35 and 80-10-03, addressing all environmental issues associated with the Employment Center and Development Unit 3 Precise Plans, were certified by the City Council; and

WHEREAS, the Environmental Impact Report EQD Nos. 7605-25P (S-1), 80-05-35, 80-10-03 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 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 (pages 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 Pardee'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 the Development Agreement; and

WHEREAS, The City of San Diego is authorized pursuant to Government Code Sections 65864 through 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 Plans call for the development of four 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, Pardee 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 Pardee 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 Pardee, and in consideration of Pardee'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 Pardee's agreement to finance public facilities, and in order to strengthen the public planning process and reduce the economic costs of development, the City intends to give Pardee assurance that Pardee can proceed with the development of the subject property for the term of the Development Agreement pursuant to the Development Agreement in accordance with the City's policies, rules and regulations; and

WHEREAS, the City Council finds with respect to the Development Agreement that the Development Agreement is consistent with the objectives, policies and programs specified in The City of San Diego North City West Community Plan, the aforesaid Precise Plans for Carmel Valley, the Employment Center, Development Unit 3 and Neighborhoods 4, 5 and 6 of the

North City West community planning area, and the Development Plan for Lots 1 and 2 of Unit 2A North City West Employment Center, 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 the Development Agreement which includes the obligations of Pardee; The City of San Diego Planning Department Report No. 83-354 in connection with the Development Agreement; all facts and information set forth in the Environmental Impact Report EQD Nos. 76-05-25P (S-1), 80-05-35, 80-10-03, 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 by and between The City of San Diego and Pardee, a copy of which is on file in the office of the City Clerk as Document No.

00-16040, 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, and determined the content of the agreement to be complete and correct; and

WHEREAS, the Development Agreement 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, the Precise Plans for Carmel Valley, the Employment Center, Development Unit 3 and Neighborhoods 4, 5 and 6 and the Development Plan for Lots 1 and 2 of Unit 2A North City West Employment Center; 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 above recitals to be true.

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

A. It is consistent with the objectives, policies, programs and uses specified in the General Plan, the North City West Community Plan, the Precise Plans for Carmel Valley, the Employment Center, Development Unit 3 and Neighborhoods 4, 5 and 6 and the Development Plan for Lots 1 and 2 of Unit 2A North City West Employment Center.

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 approves the Development Agreement, a copy of which is on file in the

office of the City Clerk as Document No. ~~00-16040~~ and authorizes and directs the City Manager to execute said Development 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 Pardee to execute the Development Agreement within said fifteen (15) days, shall render this action null and void. The City Clerk is directed to record said Development 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 

John K. Riess
Deputy City Attorney

JKR:ta:608
8/11/83
O-84-29
Or.Dept:Plan.
Form=o.none

SEP 12 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *June A. Blackwell*, 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

AUG 23 1983

SEP 12 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 *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16040 Adopted SEP 12 1983