

(O-84-16)

ORDINANCE NUMBER O- 16041 (New Series)

Adopted on SEP 12 1983

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF SAN DIEGO, LOMAS SANTA FE,  
INC. AND THEODORE E. GILDRED.

WHEREAS, Lomas Santa Fe, Inc., a California Corporation, and Theodore E. Gildred, a married man as his sole and separate property (hereinafter referred to as "Property Owner") are the owners of approximately 27.5 acres of property located on the north side of La Jolla Village Drive, between Regents Road and Genesee Avenue and bounded on the north side by Executive Drive and within the University City Community Plan; and

WHEREAS, the City Council stated its intention to initiate proceedings to establish a Facilities Benefit Assessment District for the North University City Community Plan area by adopting Resolution No. R-255771; and

WHEREAS, the Facilities Benefit Assessment District is necessary to construct certain needed capital facilities, including, but not limited to, streets and parks; and

WHEREAS, the legality and the validity of the Facilities Benefit Assessment District have been challenged in court and such legality and validity have not yet been finally determined; and

WHEREAS, Property Owner is desirous of proceeding with development of its property within the University City Community Plan immediately; and

WHEREAS, Property Owner has an approved Tentative Map No. 82-0696 which requires, as a condition thereto, that the Property Owner comply with the conditions of the financing plan and that as an alternative to a means of financing necessary public improvements within the University City Community Plan, Property Owner may enter into an agreement with The City of San Diego agreeing thereby to the payment of a Facilities Benefit Assessment fee, or should the Facilities Benefit Assessment become invalid, then to pay a similar fee in lieu thereof; and

WHEREAS, Tentative Map No. 82-0696 also requires, as condition thereto, that Property Owner enter into an agreement with The City of San Diego that will provide for the subdivision's share of the cost of extending, and for the upgrading of, the existing gravity sewer system from Genesee Avenue in La Jolla Village Drive, the existing pump station and the discharge line to Villa La Jolla Drive; and

WHEREAS, Property Owner has an approved Planned Commercial Development Permit No. 82-0696 covering its property; and

WHEREAS, Property Owner and The City of San Diego have mutually agreed to enter into a Development Agreement, in compliance with said conditions of Tentative Map No. 82-0696; and

WHEREAS, The City of San Diego, a charter city, is authorized pursuant to its charter and self-rule powers, San Diego Municipal Code Sections 105.0101 et seq., and Government Code Sections 65864 - 65869.5, to enter into binding development agreements with persons having legal or equitable interest in

real property for the development of such property in order to establish certainty in the development process; and

WHEREAS, on June 21, 1983, the Planning Commission of The City of San Diego, after giving notice pursuant to Government Code Sections 65854, 65854.5 and 65856, held a public hearing on Property Owner's application for a Development Agreement and pursuant to said public hearing recommended approval of said Development Agreement; and

WHEREAS, the City Council finds the Development Agreement consistent with the objectives, policies and programs specified in The City of San Diego Progress Guide and General Plan, the University City Community Plan, the CN Zone, Tentative Map No. 82-0696, Planned Commercial Development Permit No. 82-0696, as well as other applicable policies and regulations of The City of San Diego; and

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

WHEREAS, the City Council has determined that through its adoption of the Development Agreement, the City has complied with the California Environmental Quality Act by reason of adequate prior review of the project in Environmental Impact Report No. 82-0696 certified by the Subdivision Review Board of The City of San Diego, Resolution No. 3545, dated February 7, 1983; and

WHEREAS, the City Council has reviewed and considered the Development Agreement and determined the content of the Development Agreement to be complete and correct; 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, that:

A. It is consistent with the objectives, policies, programs and uses specified in the General Plan and the University City Community Plan.

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

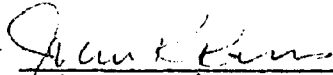
C. It will promote the orderly development of property or the preservation of property values in accordance with good land use practice.

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. 00-16041, 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 Property Owner 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:607  
8/1/83  
O-84-16  
Or.Dept:Plan.  
Form=o.none

Passed and adopted by the Council of The City of San Diego on SEP 12 1983,  
 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 McCall	<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 16 1983, and on 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 <u>0-16041</u>	Adopted <u>SEP 12 1983</u>