

(0-91-147)

ORDINANCE NUMBER O- 17629 (NEW SERIES)

ADOPTED ON APR 15 1991

AN ORDINANCE APPROVING THE DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
AMERICAN NEWLAND ASSOCIATES.

WHEREAS, American Newland Associates ("Owner") is the owner or equitable owner of that certain real property consisting of approximately 368 acres located within the Mira Mesa community planning area; and

WHEREAS, The City of San Diego, a charter city, is authorized pursuant to Government Code sections 65864 - 65869.5 to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property in order to establish certainty in the development process. The City further enters into this Agreement pursuant to its Charter and self-rule powers and San Diego Municipal Code sections 105.0101 et seq.; and

WHEREAS, the parties desire to enter into this Development Agreement relating to the above-described real property in conformance with the provisions of the Government Code in order to achieve the development of private land uses together with the provision of public services, public uses, and urban infrastructure all in the promotion of the health, safety, and general welfare of The City of San Diego; and

WHEREAS, the property is located within the boundaries of the Mira Mesa community planning area. This community plan was

adopted by the Council on August 25, 1981, by Resolution No. R-254903. In conjunction with the adoption of the community plan, the Council certified the information contained in the Environmental Impact Report (EIR) and approved the findings of the environmental document in compliance with the California Environmental Quality Act of 1970; and

WHEREAS, development of the subject property will be in conformance with the Mira Mesa Community Plan; Planned Residential Development Permit Nos. 206 and 85-0299; R1-100000, CA and HRO zones; Final Map Nos. 12004, 12005, 12035, 12037, 12086 and 11833; Development Agreement Document No. 00-17191 and the Mira Mesa Facilities Benefit Assessment District. The environmental effects of development permitted pursuant to the agreement were addressed in Environmental Impact Report No. 85-0299, which has been certified by the City; and

WHEREAS, because of the complexities of financing the urban infrastructure, certainty in the development process is desirable. The phasing, timing and development of the public infrastructure including, but not limited to, parks, libraries, fire stations, transportation facilities, sewer and water facilities, other utilities, and open space maintenance necessitates a significant commitment of resources, planning and effort by property owners and the City in order for the public facilities financing to be successfully completed. Accordingly, in return for the participation and commitment to provide a pro rata share of public facilities and the significant contribution of private resources for public purposes, the City in return

desires to make a commitment for certainty in the development process; and

WHEREAS, pursuant to the terms of the Development Agreement, Owner will provide substantial public improvements and benefits to the City including participation in the public facilities financing plan for the Mira Mesa Community. In consideration of the public improvements and benefits to be provided by Owner pursuant to the Development Agreement, in consideration of Owner's agreement to finance public facilities, and in order to strengthen the public planning process and reduce the economic costs of development, by the Development Agreement the City intends to give Owner assurance that Owner can proceed with the development of the subject property for the term of the Agreement pursuant to the Agreement; and

WHEREAS, on March 7, 1991, the Planning Commission of The City of San Diego, after giving notice pursuant to Government Code sections 65854, 65854.5, 65856, and Section 105.0103 of the San Diego Municipal Code held a public hearing on the application for the Development Agreement; and

WHEREAS, the Council of The City of San Diego, after providing public notice as required by law, held a public hearing on Owner's application, wherein all persons desiring to be heard were heard, and pursuant to said public hearing the Council recommended approval of the Development Agreement; and

WHEREAS, the Council finds that the Development Agreement is consistent with the Progress Guide and General Plan and the Mira

Mesa Community Plan, as well as all other applicable policies and regulations of The City of San Diego; and

WHEREAS, the 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 Council finds and determines the facts stated above to be true.

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

A. It is consistent with the objectives, policies, programs and uses specified in the Progress Guide and General Plan and the Mira Mesa 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.

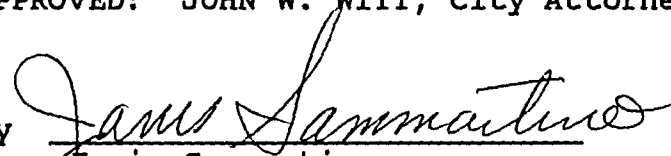
Section 3. The Council hereby approves the First Amendment to the Mercy Mira Mesa Development Agreement, No. 89-0841, in the form attached hereto, and authorizes and directs the City Manager to execute said Agreement in the name of The City of San Diego not later than fifteen (15) days following the effective date of this ordinance. Failure of Owner to execute the Development Agreement within thirty (30) 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 day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino
Deputy City Attorney

JS:pev
03/04/91
Or Dept:Plan.
O-91-147
Form=o.devagr

First Amendment to Development Agreement
on file in the Office of the City Clerk
as DOCUMENT OO- 17629.

+S405

APR 15 1991

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By [Signature], 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

MAR 19 1991

APR 15 1991

....., and on

~~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 [Signature], Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17629

APR 15 1991

Adopted.....

SEP 11 PM 2:42

CENTRAL OFFICE
SAN DIEGO, CA