

ORDINANCE NUMBER O-17853 (NEW SERIES)

ADOPTED ON OCTOBER 19, 1992

AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND MBM ASSOCIATES, MISSION VALLEY PARTNERSHIP, MISSION VALLEY I LIMITED, DONALD F. SAMMIS, AS TRUSTEE OF THE DONALD F. SAMMIS CHILDREN'S TRUST, CAL MAT COMPANY, SAMMIS PROPERTIES AND R.E. HAZARD CONTRACTING COMPANY THEREBY AMENDING DEVELOPMENT AGREEMENT NO. 1, ADOPTED DECEMBER 6, 1992 AND NO. 2 ADOPTED MARCH 16, 1987.

WHEREAS, MBM ASSOCIATES, MISSION VALLEY PARTNERSHIP, MISSION VALLEY I, LIMITED, DONALD F. SAMMIS, AS TRUSTEE OF DONALD F. SAMMIS CHILDREN'S TRUST, CAL MAT COMPANY, SAMMIS PROPERTIES AND R.E. HAZARD CONTRACTING COMPANY ("Owners"), were the owner(s) or equitable owner(s) of that certain real property consisting of approximately 254 acres located within the Mission Valley Community planning area; and

WHEREAS, parties and their successors in interest desire to amend the development agreement for the First San Diego River Improvement Project; 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 Development Agreement pursuant to its Charter and self-rule



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powers and San Diego Municipal Code Sections 105.0101 et seq.;  
and

WHEREAS, the parties desire to amend the Development Agreement relating to the above-described real property in conformance with the provisions of the Government Code in order to achieve revised 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, pursuant to the terms of this Third Revised Development Agreement, Owner will continue to provide substantial public improvements and benefits to the City including participation in the public facilities financing plan for the Mission Valley Community. In consideration of the public improvements and benefits to be provided by Owner pursuant to the amended Development Agreement and the public facilities financing plan, 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 Third Amended Development Agreement the City intends to give Owner assurance that Owner can continue with the development of the subject property for the term of the Development Agreement pursuant to the amended Development Agreement; and

WHEREAS, on September 10, 1992, 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 Third Amendment to 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 Third Amendment to the Development Agreement; and

WHEREAS, the Council finds that the Third Amendment to the Development Agreement is consistent with the Progress Guide and General Plan and the Mission Valley 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 Third Amendment to the Development Agreement and determined the content of the Third Amendment to 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 Third Amendment 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 Mission Valley 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 Third Amendment to the First San Diego River Improvement District Development Agreement, on file in the office of the City Clerk as Document No. 00-17853, and authorizes and directs the City Manager to execute said Amendment in the name of The City of San Diego not later than 15 days following the effective date of this ordinance. The City Clerk is directed to record said Amendment and this ordinance with the County Recorder of San Diego County within ten 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



John K. Riess  
Deputy City Attorney

JKR:pev  
09/21/92  
01/22/93 COR.COPY  
Or.Dept:Plan.  
0-93-53  
Form=o.devagr

Passed and adopted by the Council of The City of San Diego on OCT 19 1992  
 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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 Blonda R. Barnes 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 OCT 06 1992, and on OCT 19 1992

~~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 Blonda R. Barnes Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17853</u>	Adopted <u>OCT 19 1992</u>

CERTIFICATE OF PUBLICATION

RECEIVED  
NOV 14 10:07  
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 101.0901 RELATING TO  
PLANNED RESIDENTIAL DEVELOPMENTS

NO.

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

**ORDINANCE NUMBER O-17854 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0901 RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS.  
This ordinance amends the provisions of Municipal Code section 101.0901 Planned Residential Development relating to the use of the Planned Residential Development in the North City Future Urbanizing Area of the City of San Diego, as defined in the Progress Guide and General Plan, by requiring that either a Subarea Plan be prepared or specified requirements be met.  
INTRODUCED ON October 1, 1992. Passed and Adopted by the Council of the City of San Diego on October 20, 1992.  
AUTHENTICATED BY:  
MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
(SEAL)  
By MARY CEPEDA, Deputy  
Pub. Nov. 3 258640

ORDINANCE NUMBER O-17854 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

NOVEMBER 3

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 3<sup>rd</sup> day of NOV., 1992.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

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