

(O-93-57)

ORDINANCE NUMBER O- 17858 (NEW SERIES)

ADOPTED ON NOV 02 1992

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE UNITED STATES OF AMERICA ADOPTING A DEVELOPMENT PLAN AND URBAN DESIGN GUIDELINES FOR THE REDEVELOPMENT OF THE NAVY BROADWAY COMPLEX.

WHEREAS, UNITED STATES OF AMERICA (herein the "Navy") is the owner of that certain real property consisting of approximately 16 acres located within the Centre City community planning area; and

WHEREAS, The City of San Diego (herein the "City"), a charter city, is authorized by its charter and its home rule power to enter into agreements with persons and entities having legal or equitable interests in real property for the development of such property in order to establish certainty in the development process; and

WHEREAS, the parties desire to enter into the Agreement, on file in the office of the City Clerk as Document No. OO- 17858, relating to the above-described real property 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 Centre City community planning area. This community plan was adopted by the Council on April 28, 1992, by Resolution No.

R-279876. In conjunction with the adoption of the community plan, the Council certified the information contained in the Environmental Impact Report 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 Centre City Community Plan, the Centre City Planned District Ordinance, the Memorandum of Understanding between City and Navy adopted by the City Council by Resolution No. R-268458 on June 1, 1987, and the Central Bayfront Design Principles. The environmental effects of development permitted pursuant to this agreement were addressed in Final Environmental Impact Report for the Navy Broadway Complex, which has been certified by the City; and

WHEREAS, because of the complexities of financing, certainty in the development process is desirable. The phasing, timing and development of the public improvements and 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 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 Agreement, Navy will provide substantial public improvements and benefits to the City including making available to the City, at no cost to the City, a parcel of approximately 1.9 acres for development of a major open space, and a minimum of 40,000 g.s.f. for a museum. In consideration of the public improvements and benefits to be provided by Navy pursuant to this Agreement, and in order to strengthen the public planning process and reduce the economic costs of development, the City intends to give Navy assurance, by this Agreement, that Navy can proceed with the development of the subject property pursuant to the terms of this Agreement; and

WHEREAS, on October 15, 1992, the Planning Commission of The City of San Diego, held a public hearing on the Agreement; and

WHEREAS, the Council of The City of San Diego, after holding a hearing in which all persons desiring to be heard were heard, and pursuant to the public hearing the Council recommended approval of the Agreement; and

WHEREAS, the Council finds that the Agreement is consistent with the Progress Guide and General Plan and the Centre City Community Plan, as well as all other applicable policies and regulations of The City of San Diego; 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 Agreement that:

A. It is consistent with the objectives, policies, programs and uses specified in the Progress Guide and General Plan and the Centre 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 Council hereby approves the Agreement between the United States of America and The City of San Diego and authorizes and directs the City Manager to execute the Agreement 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 the Agreement and this ordinance with the County Recorder of San Diego County within ten days after its final 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 
Allisyn L. Thomas
Deputy City Attorney

ALT:lc
10/09/92
Or.Dept:CCDC
O-93-57
Form=o.devagr

Passed and adopted by the Council of The City of San Diego on NOV 02 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 Mary Cepeda, 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 20 1992, and on NOV 02 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 Mary Cepeda, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17858 Adopted NOV 02 1992

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CITY CLERK'S OFFICE
SAN DIEGO, CA.

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