

ORDINANCE NUMBER O-17881 (NEW SERIES)

ADOPTED ON DEC 08 1992

AN ORDINANCE APPROVING THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND CATELLUS DEVELOPMENT CORPORATION.

WHEREAS, Catellus Development Corporation ("Owner") is the owner or equitable 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 ("City"), 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 Amended and Restated Development Agreement pursuant to its Charter and self-rule powers and San Diego Municipal Code sections 105.0101 et seq.; and

WHEREAS, City and Owner have heretofore entered into that certain Development Agreement dated as of April 25, 1983, as amended by the First Amendment to Development Agreement dated as of December 16, 1985, the Second Amendment to Development Agreement dated as of April 20, 1987, and the Third Amendment to Development Agreement dated as of November 1, 1991, for the development of certain property located in the Columbia Sub Area

of the Centre City Redevelopment Project area (the "Subject Property") as described in the Development Agreement; and

WHEREAS, the Redevelopment Agency of The City of San Diego and Owner have also entered into that certain Owner Participation Agreement dated June 7, 1983, as amended by the First Implementation Agreement dated as of December 19, 1985, the Second Implementation Agreement dated as of April 9, 1987, and the Third Implementation Agreement dated November 1, 1991, for the development of the Subject Property; and

WHEREAS, the parties desire to enter into this Amended and Restated 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 Subject 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 consistent with the Centre City Redevelopment Plan to the extent required by law, adopted May 11, 1992, by Ordinance No. O-17767.

The environmental effects of development permitted pursuant to the agreement were addressed in the Environmental Impact Secondary Study, 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, museums, 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 Amended and Restated Development Agreement, Owner will provide substantial public improvements and benefits to the City including maintenance in the required condition the Santa Fe Depot, continuous maintenance in the required condition the parking lots installed on Parcels 1 and 2 as described in paragraph A.8.iii. of Attachment C-1, and expenditure of one million five hundred thousand dollars (\$1,500,000) or more for the construction of hardscape Improvements and the Relocated Items described in paragraph A.5.x.a. of Attachment C-1 of the Amended and Restated

Development Agreement. In consideration of the public improvements and benefits to be provided by Owner pursuant to the Amended and Restated 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 Amended and Restated 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 Amended and Restated Development Agreement pursuant to the Amended and Restated Development Agreement; and

WHEREAS, on November 5, 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 Amended and Restated 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 Amended and Restated Development Agreement; and

WHEREAS, the Council finds that the Amended and Restated Development Agreement is consistent with the Progress Guide and General Plan and the Centre City Community Plan to the extent required by law, as well as all other applicable policies and regulations of The City of San Diego; and

WHEREAS, the Council has reviewed and considered the Amended and Restated Development Agreement and determined the content of it to be complete and correct;

WHEREAS, the Council has determined that it is appropriate to: (1) include the Insert to Amended and Restated Owner Participation Agreement and Development Agreement, and (2) change the word "shall" to "may" on the portion of the agreement which references the reconstruction of the forecourt arcades; 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 Amended and Restated Development 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 to the extent required by law.

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 Amended and Restated Development Agreement with Catellus Development Corporation, a copy of which is on file in the office of the City

Clerk as Document No. 00-17881, including (1) the Insert to Amended and Restated Owner Participation Agreement and Development Agreement, and (2) the change of the word "shall" to "may" on the portion of the agreement which references the reconstruction of the forecourt arcades, and authorizes and directs the City Manager to execute said Amended and Restated 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 Owner to execute the Amended and Restated Development Agreement within thirty (30) days, shall render this action null and void. The City Clerk is directed to record said Amended and Restated Development Agreement and this ordinance with the County Recorder of San Diego County within ten days after its execution.

Section 4. The effective date of this ordinance shall be thirty (30) days after adoption of this ordinance, however the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth (30th) day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance as applicable to the Coastal Zone, shall be modified or declared null and void, pursuant to the terms set out in paragraph 15 of the Amended and Restated Development Agreement.

Section 5. 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
11/03/92
12/03/92 REV. 1
Or.Dept:CCDC
O-93-80
Form=o.devagr

5 17

DEC 0 8 1992

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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

.....
SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

.....
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Blonde 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

NOV 23 1992

DEC 0 8 1992

....., 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 *Blonde R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number..... *0-17881* Adopted..... **DEC 0 8 1992**

CERTIFICATE OF PUBLICATION

DEC 22 11 5:05
SAN DIEGO, CALIF.

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

IN THE MATTER OF

NO.

DISTRIBUTION OF FUNDS FROM DELINQUENT PAYMENTS

0-17882 NS

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-17882(NEW SERIES)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, DIVISION 23 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW SECTION 61.2310, BY RENUMBERING SECTIONS 61.2310, 61.2311, 61.2312 AND 61.2313 TO SECTIONS 61.2311, 61.2312, 61.2313 AND 61.2314; AND BY ADDING A NEW PART 9, SECTION 61.2390, 61.2391, 61.2392 AND 61.2393; AND AMENDING CHAPTER VI, ARTICLE 5, DIVISION 2, SECTION 65.0219, ALL RELATING TO THE DISTRIBUTION OF FUNDS FROM DELINQUENT PAYMENTS.
A complete copy of this ordinance is available for inspection in the Office of the City Clerk, City Administration Building, 2nd floor, 202 C Street, San Diego, CA 92101.
INTRODUCED ON NOV 23 1992
Passed and Adopted by the Council of the City of San Diego on DEC 08 1992.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By Linda Lugano, Deputy
Pub. Dec. 21 264551

ORDINANCE NUMBER O-17882(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:

DECEMBER 21

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

Dated at San Diego, California this 21st day of DEC., 1992.

Corey Donahue

(Signature)

24L 64.00