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(O-93-197)

ORDINANCE NUMBER O- 17940 (NEW SERIES)

ADOPTED ON JUL 26 1993

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE BLACK MOUNTAIN RANCH LIMITED PARTNERSHIP AND THE PGA TOUR.

WHEREAS, the Black Mountain Ranch Limited Partnership ("BMR") is the owner or equitable owner of that certain real property, and the PGA TOUR is the entity that will operate the golf courses construction on that certain real property, which consists of approximately 4200 acres located within the North County Future Urbanizing Area ("NCFUA"); 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 Development 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 geographic boundaries of the NCFUA Framework Plan. The NCFUA Framework Plan was adopted by the Council on October 1, 1992, by Resolution No. R-280787. In conjunction with the adoption of the NCFUA Framework 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 City's Progress Guide and General Plan, the NCFUA Framework Plan, the a-1-10 and R-1-5000 Zones, Planned Residential Development Permit No. 90-0332, Conditional Use Permit No. 90-0332, Resource Protection Ordinance No. 90-0332, Tentative Map No. 90-0332 and Hillside Review Permit No. 90-0332. The environmental effects of development permitted pursuant to the agreement were addressed in the Final Environmental Impact Report No. 90-0332 for the Black Mountain Ranch North and South, 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 NCFUA if and when one is adopted by the City. 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, the City intends to give Owner assurances in the Development Agreement that Owner can proceed with the development of the subject property for the term of the Development Agreement pursuant to the Development Agreement; and

WHEREAS, on 10-29-92, 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 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 and the PGA TOUR'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 City's Progress Guide and General Plan and the NCFUA Framework 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 City's Progress Guide and General Plan, the NCFUA Framework Plan, the A-1-10 and R-1-5000 zones, City Council Policy No. 600-29, Resource Protection Ordinance Permit No. 90-0332, Planned Residential Permit No. 90-0332, Conditional use Permit No. 90-0332, Tentative Map No. 90-0332 and Hillside Review Permit No. 90-0337.

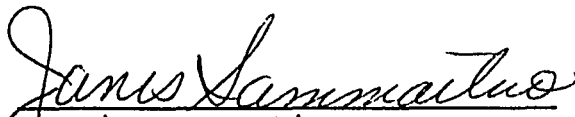
B. It will not be detrimental to the public health, safety and general welfare.

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 Black Mountain Ranch Limited Partnership Development Agreement, a copy of which is on file in the office of the City Clerk as Document No. OO- **17940**, and authorizes and directs the City Manager to execute said Development Agreement in the name of The City of San Diego. The City Clerk is directed to record said Development Agreement and this ordinance with the County Recorder of San Diego County.

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
Senior Chief Deputy City Attorney

JS:pev
06/09/93
Or.Dept:Plan.
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Form=o.devagr

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CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

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

JUL 26 1993

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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 *Michael J. Portier*....., 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

JUL 13 1993

JUL 26 1993

....., 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 *Michael J. Portier*....., Deputy.

Office of the City Clerk, San Diego, California

Ordinance *0-17940*
Number.....

Adopted **JUL 26 1993**