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(O-94-38)

ORDINANCE NUMBER O- 18003 (NEW SERIES)

ADOPTED ON OCT 25 1993

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO
STONECREST DEVELOPMENT AGREEMENT BETWEEN THE
CITY OF SAN DIEGO AND STONECREST ASSOCIATES,
DALEY CORPORATION AND D.L. DALEY, SR., AS
TRUSTEE OF THE D.L. DALEY TRUST THEREBY
AMENDING STONECREST DEVELOPMENT AGREEMENT
ADOPTED JANUARY 9, 1989.

WHEREAS, Stonecrest and Daley Corporation, a California corporation and D.L. Daley, Sr., as Trustee of the D.L. Daley Trust as successor-in-interest to Donald L. Daley ("Owners") are the owners or equitable owners of that certain real property consisting of approximately 318 acres located within the Kearny Mesa community planning area; and

WHEREAS, parties and their successors in interest desire to amend the development agreement for the Stonecrest Development Project.

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 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 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, pursuant to the terms of this First Amendment to Stonecrest Development Agreement, Owner will provide substantial public improvements and benefits to the City including participation in the public facilities financing plan for the Kearny 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 Development Agreement pursuant to the Development Agreement; and

WHEREAS, on September 23, 1993, 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 First Amendment to Stonecrest 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 First Amendment to Stonecrest Development Agreement; and

WHEREAS, the Council finds that the First Amendment to Stonecrest Development Agreement is consistent with the Progress Guide and General Plan and the Kearny 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 First Amendment to Stonecrest Development Agreement and determined the content of the First Amendment to Stonecrest 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 Kearny Mesa Community Plan.

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

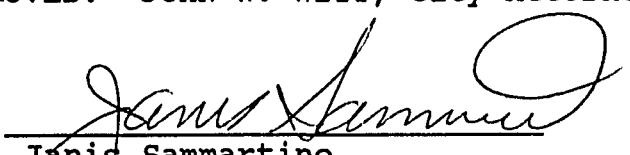
C. It will promote the orderly development of property or the preservation of property values in accordance with good land use practice.

Section 3. The Council hereby approves the First Amendment to Stonecrest Development Agreement, a copy of which is on file in the office of the City Clerk as Document No. 00-18003, and authorizes and directs the City Manager to execute said Amendment in the name of The City of San Diego. The City Clerk is directed to record said Amendment 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
09/28/93
Or. Dept: Plan.
O-94-38
Form=o.devagr

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

OCT 25 1993

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: *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 12 1993

OCT 25 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: *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <i>18003</i>	Adopted OCT 25 1993

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CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

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