

ORDINANCE NUMBER O-18333 (NEW SERIES)

ADOPTED ON AUGUST 5, 1996

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 1996, ONE PROPOSITION AMENDING THE OFFICIAL PHASED DEVELOPMENT MAP IN THE CITY'S PROGRESS GUIDE AND GENERAL PLAN WITHIN SUBAREA IV OF THE NORTH CITY FUTURE URBANIZING AREA TO CHANGE THE DESIGNATION OF THE 1,134 ACRES KNOWN AS TORREY HIGHLANDS FROM "FUTURE URBANIZING" TO "PLANNED URBANIZING."

WHEREAS, by Ordinance No. O-18325, adopted on July 29, 1996, the Council of The City of San Diego called a Special Municipal Election to be held in the City on November 5, 1996, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, in 1985, the voters of the City adopted the Managed Growth Initiative, known as "Proposition A," which amended the Guidelines for the Future Development Section of the Progress Guide and General Plan of the City of San Diego by requiring approval of the voters before changing the designation of lands from "Future Urbanizing" to "Planned Urbanizing"; and

WHEREAS, a 1,134 acre property known as "Torrey Highlands" is located in Subarea IV of the North City Future Urbanizing area and is currently designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan; and

WHEREAS, the Subarea IV Plan, which includes that 1,134 acres, was prepared and is entitled the "Torrey Highlands Subarea IV Plan"; and

WHEREAS, the Torrey Highlands Subarea IV Plan provides that at least 250 acres of open space and a wildlife corridor connecting Penasquitos Canyon and Black Mountain Open Space Park are permanently preserved; and

WHEREAS, the Torrey Highlands Subarea IV Plan was approved by the Community Planning Board of the neighboring community of Rancho Penasquitos and was adopted by the San Diego City Council; and

WHEREAS, Torrey Highlands is located on the western boundary of Rancho Penasquitos and is identified in Figure 1-2 in the Torrey Highlands Subarea IV Plan on file in the office of the City Clerk as Document No. RR-287749 adopted by Resolution No. R-287749 of the City Council on August 5, 1996; and

WHEREAS, implementation of the Torrey Highlands Subarea IV Plan requires that the designation of Torrey Highlands be changed from Future Urbanizing to Planned Urbanizing; and

WHEREAS, implementation of the Torrey Highlands Subarea IV Plan requires the Poway Unified School District to concur with school siting, phasing and financing provisions set forth in the Torrey Highlands Subarea IV Plan in order to fully compensate the school district for impacts the development may have on schools; and

WHEREAS, approval of this change of designation in no way permits any other portion of the North City Future Urbanizing

Area to have a change of designation without a separate vote of the people; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. One proposition amending the Official Phased Development Map in the City's Progress Guide and General Plan to change the designation of the 1,134 acres known as Torrey Highlands with Subarea IV of the North City Future Urbanizing area from "Future Urbanizing" to "Planned Urbanizing" is hereby submitted to the qualified voters of the City at the Special Municipal Election to be held November 5, 1996. The proposition is to read as follows:

In 1985, the voters of the City adopted the Managed Growth Initiative, known as "Proposition A," which amended the Guidelines for the Future Development Section of the Progress Guide and General Plan of the City of San Diego by requiring approval of the voters before changing the designation of lands from the Future Urbanizing designation.

A 1,134-acre property known as "Torrey Highlands" is located in Subarea IV of the North City Future Urbanizing area and is currently designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan.

The Subarea IV Plan, which includes that 1,134 acres, was prepared and is entitled the "Torrey Highlands Subarea IV Plan."

The Torrey Highlands Subarea IV Plan provides that at least 250 acres of open space and a wildlife corridor connecting Penasquitos Canyon and Black Mountain Open Space Park are permanently preserved; and

The Torrey Highlands Subarea IV Plan was approved by the Community Planning Board of the neighboring community of Rancho Penasquitos and was adopted by the San Diego City Council.

Torrey Highlands is located on the western boundary of Rancho Penasquitos and is identified in Figure 1-2 in the Torrey Highlands Subarea IV Plan on file in the office of the City Clerk as Document No. RR-287749, adopted by Resolution No. R-287749 of the City Council on August 5, 1996.

Implementation of the Torrey Highlands Subarea IV Plan requires that the designation of Torrey Highlands be changed from Future Urbanizing to Planned Urbanizing.

Implementation of the Torrey Highlands Subarea IV Plan requires the Poway Unified School District to concur with school siting, phasing and financing provisions set forth in

the Torrey Highlands Subarea IV Plan in order to fully compensate the school district for impacts the development may have on schools.

Approval of this change of designation in no way permits any other portion of the North City Future Urbanizing Area to have a change of designation without a separate vote of the people.

NOW, THEREFORE, the People of The City of San Diego do hereby amend the City's Progress Guide and General Plan, specifically by amending the Official Phased Development Map, on file in the office of the City Clerk as Document No. RR-267565-1, to change the designation of 1,134-acres known as "Torrey Highlands" from "Future Urbanizing" to "Planned Urbanizing," provided that the City Council does not amend the Torrey Highlands Subarea IV Plan to preserve any less than 250 acres of open space or reduce or eliminate the wildlife corridor which connects Penasquitos Canyon and Black Mountain Open Space Park.

The People of the City of San Diego hereby further ordain that the City shall not approve any application for the rezoning of property or approve any permit applications to increase density entitlements for those

properties within the area identified in Figure 1-2 in the Torrey Highlands Subarea IV Plan unless and until the Owner/Applicant of such land executes a School Facilities Funding and Mitigation Agreement, which is substantially similar in form and substance to the form of agreement set forth in Appendix A of the Torrey Highlands Subarea IV Plan.

The People of The City of San Diego further ordain that the City shall not approve any application for the rezoning of property or approve any permit applications to increase density entitlements for those properties designated as school sites in the Torrey Highlands Subarea IV Plan, unless the Poway Unified School District Board determines that such school site is no longer needed.

The People of the City of San Diego further ordain that the City shall not approve any application for the rezoning of property or approve any permit application to increase density entitlements for those properties within the area identified in Figure 1-2 in the Torrey Highlands Subarea IV plan unless or until the City has adopted a public facilities financing plan that

requires the applicant to pay a fair share of the cost of necessary public facilities.

The People of the City of San Diego further ordain that the maximum number of residential dwelling units which may be permitted within the area identified in Figure 1-2 of the Torrey Highlands Subarea IV plan shall not exceed the total number of units for the subarea as set forth in paragraph 4.5 of the Torrey Highlands Subarea plan as of August 5, 1996.

Section 2. On the ballot to be used at this Special Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION ____ . AMENDS THE PROGRESS GUIDE AND GENERAL PLAN OF THE CITY OF SAN DIEGO.</p> <p>Shall the Official Phased Development Map in the Progress Guide and General Plan of The City of San Diego be amended to change the designation of the 1,134 acres known as Torrey Highlands from Future Urbanizing to Planned Urbanizing, provided that the Torrey Highlands Subarea IV Plan permanently preserves 250 acres of open space and a wildlife corridor connecting Penasquitos Canyon and Black Mountain Open Space Park?</p>	<p>YES</p> <hr/> <p>NO</p>	
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Section 3. An appropriate mark placed in the voting square after the word "YES" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting

square after the word "NO" shall be counted against the adoption of the proposition.

Section 4. The City Clerk is directed to insert the effective date of this ordinance, once known, in the space provided in the last ordaining clause in the ballot proposition.

Section 5. The City Clerk shall cause this ordinance to be published once in the official newspaper.

Section 6. Pursuant to section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on August 5, 1996, which is the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

By *Cristie C McGuire*
Cristie C. McGuire
Deputy City Attorney

CCM:jrl:smf:cdk:pev
07/29/96 COR. COPY 1
07/30/96 COR. COPY 2
08/20/96 REV. 1
08/20/96 REV.2
Or.Dept:C&NS
Aud.Cert.:9700026
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