

ORDINANCE NUMBER O- 18567 (NEW SERIES)

Re-ADOPTED ON AUG 07 1998

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 1998, ONE PROPOSITION CONDITIONALLY AMENDING THE OFFICIAL PHASED DEVELOPMENT MAP IN THE CITY'S PROGRESS GUIDE AND GENERAL PLAN WITHIN SUBAREA I OF THE NORTH CITY FUTURE URBANIZING AREA TO CHANGE THE DESIGNATION OF THE 1,410 ACRES KNOWN AS BLACK MOUNTAIN RANCH FROM "FUTURE URBANIZING" TO "PLANNED URBANIZING."

WHEREAS, in 1985, the voters of the City of San Diego 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; and

WHEREAS, after two years of study and community input The City of San Diego adopted the "Framework Plan" which sets forth land use rules and policies to guide development of Subarea I; and

WHEREAS, the Subarea I Plan complies with the Framework Plan requirement, including creation of pedestrian-friendly neighborhoods designed to reduce dependency on automobile travel by enabling transit, van pool and park/ride options; and

WHEREAS, the Subarea I Plan complies with the open space requirements of the City's Framework Plan and Multiple Species Conservation Program [MSCP]; and

WHEREAS, this proposed amendment to the General Plan will provide for 280 additional acres of habitat to be conserved, for a total of 1,945 acres of open space in Subarea I; and

WHEREAS, the 1,410 acres for which an amendment in designation is requested is part of the 5,098-acre property known as Subarea I of the North City Future Urbanizing Area. The entirety of Subarea I is designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan. An amendment to change the designation from "Future Urbanizing" to "Planned Urbanizing" is requested for only 1,410 acres of Subarea I; and

WHEREAS, a plan for the area, which includes that 1,410 acres, was prepared and adopted by The City of San Diego and is titled the "Subarea I Plan"; and

WHEREAS, the Subarea I Plan will provide housing to allow residents to live closer to work avoiding the pressure of increased traffic from residents commuting to the City of San Diego from outlying areas, including from Riverside County, and will ensure that developers provide their fair share of the necessary infrastructure; and

WHEREAS, the Subarea I Plan requires the developer to provide substantial funds for improvements to Interstate 15 and State Route 56 as well as to make improvements to regional and local streets; and

WHEREAS to reduce the dependency on the freeways, the project will incorporate a commuter-friendly design using mass-transit; and

WHEREAS, Subarea I is located approximately twenty miles north of downtown San Diego, seven miles inland from the Pacific Ocean, and is identified in Figure 1-3 in the Subarea I Plan on file in the office of the City Clerk as Document No. RR-____ 290525 _____, adopted by Resolution No. R-____ 290525 _____ of the City Council on ____ July 28 _____, 1998; and

WHEREAS, The City of San Diego has adopted a public facilities financing plan that requires the applicant to pay a fair share of the costs of necessary public facilities associated with development of the property; 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; and

WHEREAS, the Subarea I Plan received a recommendation for adoption by the Planning Commission of The City of San Diego on July 9, 1998, and was adopted by the Council of The City of San Diego on July 28, 1998, and was endorsed by the Community Planning Board of the neighboring community of Rancho Peñasquitos; and

WHEREAS, the Subarea I Plan would provide funding for construction of two elementary schools, one middle school, one high school, and two fire stations; and

WHEREAS, the Subarea I Plan approved on July 28, 1998, provides for a maximum number of residential dwelling units which may be permitted within Subarea I.

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 1,410 acres known as Black Mountain Ranch within Subarea I 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 Municipal Election to be held November 3, 1998.

The proposition is to read as follows:

In 1985, the voters of the City of San Diego 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.

After two years of study and community input the City of San Diego adopted the "Framework Plan" which sets forth land use rules and policies to guide development of Subarea I.

The Subarea I Plan complies with the Framework Plan requirement, including creation of pedestrian-friendly neighborhoods designed to reduce dependency on automobile travel by enabling transit, van pool and park/ride options.

The Subarea I Plan complies with the open space requirements of the City's Framework Plan and Multiple Species Conservation Program [MSCP].

This amendment to the General Plan will provide for 280 additional acres of habitat to be conserved, for a total of 1,945 acres of open space in Subarea I.

The 1,410 acres for which an amendment in designation is requested is part of the 5,098-acre property known as Subarea I of the North City Future Urbanizing Area. The entirety of Subarea I is designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan. An amendment to change the designation from "Future Urbanizing" to "Planned Urbanizing" is requested for only 1,410 acres of Subarea I.

A plan for the area, which includes that 1,410 acres, was prepared and adopted by The City of San Diego and is titled the "Subarea I Plan."

The Subarea I Plan will provide housing to allow residents to live closer to work avoiding the pressure of increased traffic from residents commuting to the City of San Diego from outlying areas, including from Riverside County, and will ensure that developers provide their fair share of the necessary infrastructure.

The Subarea I Plan requires the developer to provide substantial funds for improvements to Interstate 15 and State Route 56 as well as to make improvements to regional and local streets.

To reduce the dependency on the freeways, the project will incorporate a commuter-friendly design using mass-transit.

Subarea I is located approximately twenty miles north of downtown San Diego, seven miles inland from the Pacific Ocean,

and is identified in Figure 1-3 in the Subarea I Plan on file in the office of the City Clerk as Document No. RR- 290525, adopted by Resolution No. R- 290525 of the City Council on July 28, 1998.

The City of San Diego has adopted a public facilities financing plan that requires the applicant to pay a fair share of the costs of necessary public facilities associated with development of the property.

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.

The Subarea I Plan received a recommendation for adoption by Planning Commission of The City of San Diego on July 9, 1998, and was adopted by the Council of The City of San Diego on July 28, 1998, and was endorsed by the Community Planning Board of the neighboring community of Rancho Peñasquitos.

The Subarea I Plan would provide funding for construction of two elementary schools, one middle school, one high school, and two fire stations.

NOW, THEREFORE, the People of the City of San Diego do hereby resolve to amend the City's Progress Guide and General Plan 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 1,410 acres of the property within that area known as the "Subarea I" from "Future Urbanizing" to "Planned Urbanizing" as provided for in accordance with Figure 1-3 in the Subarea I Plan on file in the office of the City Clerk as Document No. RR- 290525, subject to the following condition:

Should there be any legal action challenging the City Council's adoption of the Subarea I Plan, including any challenge to environmental documents certified by the Council of The City of San Diego in connection with adoption of the Subarea I Plan, this amendment shall not become effective until such time that the legal challenge is resolved to a final conclusion by the courts and any required revisions are made to the Subarea I Plan and environmental document. While any such legal action is pending, the Council of The City of San Diego shall not approve any rezoning of property or subdivision of land within the portion of the Subarea I Plan affected by this ballot measure. This condition is intended to further the desire of the People to have the Subarea I Plan implemented, as approved and conditioned by the Council of The City of San Diego on July 28, 1998.

The People of the City of San Diego hereby further resolve that the maximum number of residential dwelling units which may

be permitted within Subarea I shall not exceed the total number of residential units set forth in the Subarea I Plan approved on July 28, 1998.

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

<p>PROPOSITION_. Shall the General Plan of The City of San Diego be amended to change the designation of 1,410 acres in Subarea I from "Future Urbanizing" to "Planned Urbanizing" to create a transit-oriented community, provided that 280 additional acres of habitat is permanently conserved for a total of 1,945 acres of open space in the Subarea, and substantial contributions are made by the developer for needed schools, fire stations, roadway improvements to Interstate 15, SR-56 and other regional roadways?</p>	YES	
	NO	

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 shall cause this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of the election on this proposition need be given.

Section 5. Pursuant to California Elections Code section 9295, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the

election. The Clerk shall post notice in his office of the specific dates that the examination period will run.

Section 6. Pursuant to section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on AUG 07 1998, 1998, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By Crestle C McSevere for
Richard A. Duvernay
Deputy City Attorney

RAD:lc

07/20/98

07/30/98

Or.Dept:Comm.&Eco.Dev.

O-99-5 Rev. 1

Form=o&t.frm