

ORDINANCE NUMBER O- 18568 (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 III OF THE NORTH CITY FUTURE URBANIZING AREA TO CHANGE THE DESIGNATION OF THE 2,102 ACRES KNOWN AS PACIFIC HIGHLANDS RANCH FROM "FUTURE URBANIZING" TO "PLANNED URBANIZING."

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 2,652 acre area is located in Subarea III 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 III Plan for that 2,652 acres was prepared and is titled the "Pacific Highlands Ranch Subarea Plan"; and

WHEREAS, approximately 550 acres of the 2,652 acres in Subarea III has been approved for development at rural densities while preserving 384 of the 550 acres as natural open space;

and

WHEREAS, the designation of the remaining 2,102 acres in Subarea III is proposed to be changed from "Future Urbanizing" to "Planned Urbanizing" while preserving an additional 889 of the 2,102 acres as natural open space; and

WHEREAS, in accordance with the Pacific Highlands Ranch Subarea Plan an additional 143 acres of the 2,102 acres is planned for State Route 56 right-of-way, approximately 90 acres of which will be conveyed by Pardee Construction Company to the City for a price substantially below market value; and

WHEREAS, the terms of the Transportation Phasing Plan for the Pacific Highlands Ranch Subarea Plan provides that no more than 1,900 dwelling units shall be permitted within the phase shifted area of Subarea III until such time that ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting with eastbound SR-56 are constructed and operational; and

WHEREAS, the City Council strongly supports the construction of ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting with eastbound SR-56 and intends to aggressively lobby for this project to be a top priority in the year 2,000 State Transportation Improvement Plan (STIP); and

WHEREAS, the Pacific Highlands Ranch Subarea Plan provides for designation of at least 1,274 acres of open space, including a wildlife corridor connecting Gonzales and McGonigle Canyons within the regional open space system known as the Multiple Habitat Planning Area [MHPA]; and

WHEREAS, in accordance with this ballot measure, the Pacific Highlands Ranch Subarea Plan, and a certain Development Agreement on file in the office of the City Clerk of the

City of San Diego as Document OO- 18571, title to additional property known as Parcels A and B within Neighborhood 8A of Carmel Valley will be conveyed to the City as a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing"; and

WHEREAS, as another condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing," absent voter approval the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan-Option 1 approved by the City Council by Resolution No. R-290506, on JUL 28, 1998; and

WHEREAS, Pacific Highlands Ranch is located on the eastern boundary of Carmel Valley and is identified in Exhibit 1-1 in the Pacific Highlands Ranch Subarea Plan on file in the office of the City Clerk as Document No. RR- 290521, adopted by Resolution No. R- 290521, of the City Council on JUL 28, 1998; and

WHEREAS, implementation of the Pacific Highlands Ranch Subarea Plan requires that the designation of 2,102 acres within Pacific Highlands Ranch, as depicted on Exhibit 1-1 of said Plan, be changed from "Future Urbanizing" to "Planned Urbanizing"; 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 conditionally change the designation of the 2,102 acres known as Pacific Highlands Ranch within Subarea III of the North City Future Urbanizing Area from "Future Urbanizing" to "Planned Urbanizing" and to conditionally apply related development restrictions upon land within Neighborhoods 8A and 8C of Carmel Valley 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 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."

A 2,652 acre area is located in Subarea III 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 III Plan for that 2,652 acres was prepared and is titled the "Pacific Highlands Ranch Subarea Plan."

Approximately 550 acres of the 2,652 acres in Subarea III has been approved for development at rural densities while preserving 384 of the 550 acres as natural open space.

The designation of the remaining 2,102 acres in Subarea III is proposed to be changed from “Future Urbanizing” to “Planned Urbanizing” while preserving an additional 889 of the 2,102 acres as natural open space.

In accordance with the Pacific Highlands Ranch Subarea Plan an additional 143 acres of the 2,102 acres is planned for State Route 56 right-of-way, approximately 90 acres of which will be conveyed by Pardee Construction Company to the City for a price substantially below market value.

The terms of the Transportation Phasing Plan for the Pacific Highlands Ranch Subarea Plan provides that no more than 1,900 dwelling units shall be permitted within the phase shifted area of Subarea III until such time that State Route 56 westbound/Interstate-5 northbound connection ramps are in place and operational.

The City Council strongly supports the construction of State Route 56 westbound/Interstate-5 northbound connection ramps and intends to aggressively lobby for this project to be a top priority in the year 2,000 State Transportation Improvement Plan (STIP).

The Pacific Highlands Ranch Subarea Plan provides for designation of at least 1,274 acres of open space, including a

wildlife corridor connecting Gonzales and McGonigle Canyons within the regional open space system known as the Multiple Habitat Planning Area [MHPA].

In accordance with this ballot measure, the Pacific Highlands Ranch Subarea Plan, and a certain Development Agreement on file in the office of the City Clerk of the City of San Diego as Document OO- 18571, title to additional property known as Parcels A and B within Neighborhood 8A of Carmel Valley will be conveyed to the City as a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from “Future Urbanizing” to “Planned Urbanizing.”

As a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from “Future Urbanizing” to “Planned Urbanizing,” absent voter approval the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan-Option One, approved by the City Council by Resolution No. R- 290506, on JUL 28, 1998.

Pacific Highlands Ranch is located on the eastern boundary of Carmel Valley and is identified in Exhibit 1-1 in the Pacific

Highlands Ranch Subarea Plan on file in the office of the City Clerk as Document No. RR- 290521, adopted by Resolution No. R- 290521, of the City Council on JUL 28, 1998.

Implementation of the Pacific Highlands Ranch Subarea Plan requires that 2,102 acres within Pacific Highlands Ranch Subarea Plan, as depicted on Exhibit 1-1 of said Plan, be changed from "Future Urbanizing" to "Planned Urbanizing."

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 resolve to conditionally amend the City's Progress Guide and General Plan, specifically by conditionally 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 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing," the amendment to become effective upon, but not until, the occurrence of the following events:

1. Pardee Construction Company offers to dedicate to the

City fee title to 126 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley and offers to dedicate a conservation easement for an additional 24 acres on Parcel A to establish a mitigation bank; and

2. Pardee Construction Company has made a legally binding offer to sell to the City approximately 90 acres of land currently under Pardee Construction Company ownership within Subarea III for use as State Route 56 right-of-way at a price which is substantially below market value.

The People of the City of San Diego do hereby further resolve that upon the occurrence of events described above, thereby triggering an amendment of 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 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from “Future Urbanizing” to “Planned Urbanizing,” the following development restrictions shall apply to the land which is the subject of this ballot measure:

1. Upon the 150 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley, no fewer than 135 acres shall be maintained as natural open space (no residential or commercial development or improved

roadways), and no more than 15 acres may be used for a community park site at the specific location shown upon Figure 2.11 of the Neighborhood 8A Specific Plan approved by the City Council by Ordinance No. O- 18572 on SEP 08, 1998; and

2. Absent voter approval, the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan, approved by the City Council by Resolution No. R- 290506 on JUL 28, 1998; and
3. Absent voter approval, the Council of The City of San Diego shall not amend the Pacific Highlands Ranch Subarea Plan to designate any fewer than 1,274 acres of open space or reduce or eliminate the wildlife corridor which connects Gonzales Canyon and McGonigle Canyon; and
4. Development within the phase shifted area of the Pacific Highlands Ranch Subarea Plan shall not exceed 1,900 dwelling units until such time that ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting

with eastbound SR-56 are constructed and operational; and

5. Within Pacific Highlands Ranch Subarea Plan, Del Mar Heights Road shall not be accessible to through traffic from east of Camino Santa Fe until that portion of State Route 56 (or a comparable roadway extension in the State Route 56 corridor) is in place from its present terminus at Carmel Valley Road to Camino Santa Fe.

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

PROPOSITION_. Shall the City of San Diego's General Plan be amended to change the designation of 2,102 acres in Subarea III from "Future Urbanizing" to "Planned Urbanizing" to allow development of a transit-oriented community, provided that 889 acres remains open space, and an additional 150 acres of extremely rare habitat on Carmel Mountain is dedicated to the City, and approximately 90 acres within Subarea III needed for completion of SR-56 is sold to the City at substantially below market value?	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.

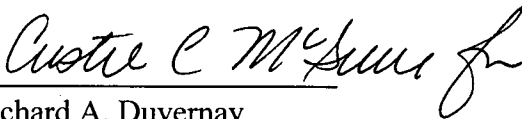
Section 4. The City Clerk shall cause this ordinance to be published once in the official

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 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, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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