

RESOLUTION NUMBER R-293232

ADOPTED ON JUNE 5, 2000

WHEREAS, City Council Policy 600-37 requires the Planning Commission to recommend to the City Council whether an initiation to a development agreement is warranted for proposed development before an initiation to a development agreement may be accepted by the City Manager for processing; and

WHEREAS, Lennar Partners, LNR Kearny Mesa Inc./FF Development, L.P. Jon Briggs, is proposing an amendment to the adopted development agreement between The City of San Diego and LNR Kearny Mesa, Inc., successors to General Dynamics Properties, Inc. (a copy of which is on file in the office of the City Clerk as Document No. OO-18448, adopted December 2, 1997) [Development Agreement], for the inclusion of a residential site, consisting of Parcel 4 of Map 18204; and

WHEREAS, the proposed amendment to the development agreement is considered based on the following reasons:

1. The inclusion of a residential site within the overall Master Plan is a proposal with considerable merit due to the tremendous shortfall in rental units and its impact on the availability of low or moderate income housing.
2. There will be no net loss of land designated Industrial/Business Park since the 11.7 acre parcel west of the requested residential area on Spectrum Centre Court would convert to an industrial designation from commercial.

3. The Development Agreement will be renegotiated to ensure the timing of the Extraordinary Benefits will continue to commensurate with the terms of the original Development Agreement.

A. The following Extraordinary Benefits of the Development Agreement have been secured to date:

- (1) \$250,000 towards Serra Mesa Library paid September 1998.
- (2) \$250,000 for community related facilities in Kearny Mesa paid December 1999.
- (3) Dedication of a wildlife preserve of approximately 248 acres.

B. The Extraordinary Benefits of the Development Agreement described below are still outstanding. The negotiating team will support the continuation of these Extraordinary Benefits, thereby protecting the City's interest in the original consideration of the entitlements for the project.

(1) The remaining \$250,000 of the Serra Mesa Library is to be provided upon issuance of the first building permit OR if funding is needed for completion of the library.

(2) The remaining \$250,000 for the community related facilities shall be disbursed to the City within thirty days of the issuance of the first Redevelopment Increment Permit.

(3) The establishment of the conservation bank was extended until December 2001 to negotiate an amendment affiliated with the Sycamore Estates Project.


WHEREAS, the Council of The City of San Diego has considered an amendment to the Development Agreement because the proposed amendment has the opportunity to continue the Extraordinary Benefits of the original Development Agreement, and the City Council has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it hereby adopts the initiation to an amendment to the Development Agreement to become effective upon City Council adoption of the Development Agreement Amendment.

BE IT FURTHER RESOLVED, that City staff is directed to brief City Councilmembers Kehoe and Vargas and respond to the following questions regarding this project:

1. How are you going to fit more jobs on this site;
2. How are you going to get long-term economic development in this area; and
3. What is going on with the property in this area.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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