

(O-2002-52)

ORDINANCE NUMBER O- 19016 (NEW SERIES)

ADOPTED ON DEC 03 2001

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE UNITED STATES OF AMERICA ADOPTING A DEVELOPMENT PLAN AND URBAN DESIGN GUIDELINES FOR THE REDEVELOPMENT OF THE NAVY BROADWAY COMPLEX.

WHEREAS, UNITED STATES OF AMERICA [the Navy] is the owner of that certain real property consisting of approximately 16 acres located within the Centre City community planning area; and

WHEREAS, the City of San Diego [the City], a charter city, is authorized by its charter and its home rule power to enter into agreements with persons and entities having legal or equitable interests in real property for the development of such property in order to establish certainty in the development process; and

WHEREAS, the parties entered into the Agreement Between the City of San Diego and the United States of America Adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex [the Agreement] on December 2, 1992, on file in the office of the City Clerk as Document No. OO-17858, relating to the above-described real property 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, subsequent to 1992, the City of San Diego, Centre City Development Corporation, County of San Diego, San Diego Unified Port District and Navy prepared and endorsed the North Embarcadero Alliance Visionary Plan dated December 1998 [Visionary Plan]; and

WHEREAS, the parties desire to amend Section 4.3 of the Agreement [the proposed First Amendment] to keep the Agreement in full force and effect for a period of time deemed appropriate to prepare and consider a Second Amendment to Agreement which would bring the Agreement into consistency, if and as necessary, with the Visionary Plan; and

WHEREAS, on November 15, 2001, the Planning Commission of the City of San Diego, held a public hearing on the proposed First Amendment to the Agreement; and

WHEREAS, the Planning Commission of the City of San Diego, after holding the hearing in which all persons desiring to be heard were heard, and pursuant to the public hearing, the Planning Commission found that the First Amendment is consistent with the Progress Guide and General Plan and the Centre City Community Plan and recommended approval of the First Amendment to the Agreement; and

WHEREAS, the Council of the City of San Diego held a public hearing on the proposed First Amendment to the Agreement in which all persons desiring to be heard were heard; NOW, THEREFORE,

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

Section 1. That Council finds and determines the facts stated above to be true.

Section 2. The Council further finds with respect to the First Amendment to the Agreement that:

A. It is consistent with the objectives, policies, programs and uses specified in the Progress Guide and General Plan and the Centre City Community Plan, as well as other applicable policies and regulations of the City of San Diego.


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 approves the First Amendment to the Agreement between the United States of America and the City of San Diego and authorizes and directs the City Manager to execute the First Amendment in the name of the City of San Diego not later than fifteen days following the effective date of this ordinance. The City Clerk is directed to record the First Amendment to the Agreement and this ordinance with the County Recorder of San Diego County within ten days after its final execution.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

The First Agreement to the Agreement between the United States of America and the City of San Diego is on file in the Office of the City Clerk as Document 00-19016.

PD:cdk
11/05/2001
Or.Dept: CCDC
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