

ORDINANCE NUMBER O- 19123 (NEW SERIES)

ADOPTED ON NOV 25 2002

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
EXECUTE AN AMENDMENT TO A DEVELOPMENT
AGREEMENT WITH SUNROAD CENTRUM PARTNERS, L.P.

WHEREAS, on December 2, 1997, the City of San Diego [City] entered into a Development Agreement with General Dynamics Properties, Inc. [General Dynamics], San Diego City Clerk Document No. OO-18448, regarding property in the Future Urbanizing Area of the City which is described in Exhibit A, attached hereto and incorporated herein by reference [Property]; and

WHEREAS, the City and General Dynamics entered into an Assignment, Assumption and Release of Development Agreement Obligations [Assignment] Between the City and General Dynamics, recorded as Document No. 1998-0450355 in the Official Records of the San Diego County Recorder's Office on July 20, 1998, whereby General Dynamics assigned all of its rights and obligations with respect to approximately 234 acres of the Property to LNR Kearny Mesa, Inc. [LNR]; and

WHEREAS, Sunroad Centrum Partners, L.P., [Applicant] is proposing to amend the existing General Dynamics Development Agreement to allow for additional residential development of its property located within the San Diego Spectrum project. Sunroad's property within the San Diego Spectrum project is located east of Kearny Villa Road, south of Lightwave Avenue, west of Paramount Drive, and north of Spectrum Center Boulevard, and is legally described as Parcel 1 and 2 of Parcel Map 18574; and

WHEREAS, Council Policy 600-37 requires the City Council to determine whether a development agreement amendment is warranted for proposed development before a development agreement amendment application may be accepted by the City Manager for processing; and

WHEREAS, on January 29, 2002, the Council of the City of San Diego determined that the development agreement amendment for this project was warranted, and directed staff to accept the application for a development agreement amendment and to negotiate a development agreement amendment consistent with Council Policy 600-37; and

WHEREAS, the proposed amendment to the General Dynamics Development Agreement will not affect the provision of extraordinary benefits provided, and the extraordinary benefits required through the original Development Agreement will continue to be assured through the amended Development Agreement.

WHEREAS, on June 13, 2002, the Planning Commission recommended City Council approval of the development agreement amendment; and

WHEREAS, the City Council has determined that additional residential development on Sunroad's property within San Diego Spectrum will provide needed opportunities in light of the projected housing shortage in the City; NOW, THERE FORE,

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

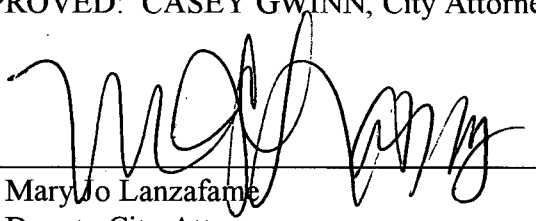
Section 1. That the City Manager is authorized to execute, for and on behalf of The City of San Diego, an amendment to the development agreement with Sunroad Centrum Partners, L.P., LNR, and any other property owners as required by the City Council, under the terms and conditions set forth in that agreement on file in the office of the City Clerk as Document No. 19123
OO-_____, contingent upon recordation of the amendment to the development

agreement with Sunroad Centrum Partners, L.P., LNR and other property owners, with the Office of the County Recorder.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
10/10/02
Or.Dept:DSD
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