

ORDINANCE NUMBER O- 20306 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 01 2013

ITEM # 534
... 10/1/13

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF SAN DIEGO, CITY OF SANTEE, PADRE DAM MUNICIPAL WATER DISTRICT, AND PARDEE HOMES RELATING TO THE CASTLEROCK RESIDENTIAL DEVELOPMENT – PROJECT NO. 10046.

WHEREAS, Pardee Homes filed an application to obtain approvals from the City of San Diego for a residential development known as the Castlerock project, located on Mast Boulevard, between Medina Drive and West Hills Parkway, in the East Elliott Community Plan Area, and abutting the City of Santee, and legally described as portions of Lots 4, 5, 8, and 9 of the Resubdivision of a part of Fanita Rancho, Map No. 1703, in the East Elliott Community Plan area; and

WHEREAS, representatives of the City of San Diego, City of Santee, Padre Dam Municipal Water District, and Pardee Homes have negotiated an agreement, for the independent review and approval of public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Castlerock project described herein (“Annexation Agreement”); and

WHEREAS, the City of San Diego, a charter city, is authorized pursuant to *Morrison Homes Corporation v. City of Pleasanton* (1974) 58 Cal. App. 3d 724, 733, to enter into binding annexation-related agreements for the development of property with persons having legal or equitable interests in real property in order to establish certainty in the development process. The City further enters into this agreement pursuant to its Charter and self-rule powers; and

WHEREAS, the Castlerock project is a dual scenario project; the first scenario, the Annexation Scenario, proposes the subdivision of a 203.64-acre site into a 430-unit residential development with 283 detached single-family residences and 147 multi-family detached units clustered on larger lots (referred to as green court units), approximately 4.0-acres (gross) of public parks, 0.64-acre (0.49-acre usable) of pocket parks, a pedestrian trail, public streets and private driveways, and approximately 94-acres of open space. Under the Annexation Scenario, the project site would be detached from the City of San Diego, except for the approximately 94-acre open space area, and annexed into the City of Santee's territory and the Padre Dam Municipal Water District (PDMWD) service district. In the event the San Diego Local Area Formation Commission (LAFCO) does not approve the Annexation Scenario or the Annexation Scenario is terminated by either a failure of the City of Santee to approve the Annexation Agreement within 45 days (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District) of the City of San Diego's introduction of this Ordinance or the failure of Padre Dam Municipal Water District to approve the Annexation Agreement within 30 days of the latter of (i) the final passage of this Ordinance approving the Annexation Agreement or (ii) the City of Santee's approval of the Annexation Agreement (or such dates as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District), or the City of Santee or the Padre Dam Municipal Water District's failure to adopt the Resolution of Application for Reorganization and Resolution of Support, respectively, within 60 days (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District) of the Annexation Agreement effective date, the second scenario, the No Annexation Scenario goes into effect. The No Annexation Scenario

proposes the subdivision of the 203.64-acre site into a 422-unit residential development with 282 detached single-family residences, 140 multi-family green court units, approximately 4.0-acres (3.0 usable) of public parks, 0.50-acre (0.39-acre usable) of pocket parks, a pedestrian trail, public streets and private driveways, approximately 94-acres of open space, and related on-site and off-site water and sewer infrastructure improvements; and

WHEREAS, the City Council of the City of San Diego finds that the Agreement is consistent with the City of San Diego General Plan, East Elliott Community Plan, and well as other applicable City policies and regulations as described in the EIR, the Resolution of Support for Application to LAFCO to Take Proceedings, and elsewhere in the Administrative Record; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

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

Section 1. That the Council of the City of San Diego hereby approves the Annexation Agreement and authorizes and directs the Council President in his capacity under Charter section 265(i), or his designee to (a) execute the Annexation Agreement binding the City of San Diego to its terms, and (b) serve as or designate a representative(s) to serve as the City of San Diego's

authorized representative in implementing the Annexation Agreement, filed in the office of the City Clerk as Document No. OO- 20306

Section 2. That the Council of the City of San Diego hereby incorporates by reference the recitals above finding them to be true and accurate.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
08/19/13
09/13/13 Cor.Copy
Or.Dept:DSD
Doc. No. 613661_2

OCT 01 2013

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 01 2013

AUTHENTICATED BY: TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 16 2013

OCT 01 2013

, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20306</u>