

#56
04/15/2025

(O-2025-96)

ORDINANCE NUMBER O- 21943 (NEW SERIES)

DATE OF FINAL PASSAGE APR 24 2025

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE EXECUTION OF
THE STORMWATER JOINT USE AGREEMENT BETWEEN
THE CITY OF SAN DIEGO AND DEL MAR UNION SCHOOL
DISTRICT FOR PACIFIC SKY ELEMENTARY SCHOOL AND
RELATED ACTIONS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. The City of San Diego (City) and local school districts, such as the Del Mar Union School District (District), have enjoyed a long-standing partnership made possible by a strong collaboration between the City and the local school districts to maximize the joint use of public facilities and resources for educational and community use.

B. The future Solterra Vista Neighborhood Park (Park) is located in the Pacific Highlands Ranch Community Planning Area (in Council District 1) along Solterra Vista Parkway and adjacent to Pacific Sky Elementary School (School). The Park will be constructed per the terms of an approved Reimbursement and Park Development Agreement with Tripointe Homes (formerly Pardee Homes) and funded with Pacific Highlands Ranch Development Impact Fees (DIF). In developing the Park design, it was determined that the most efficient and cost-effective method to install the necessary stormwater improvements was to make use of the existing stormwater drainage infrastructure located on the School.

C. The proposed Joint Use Agreement (Agreement) would allow for the City's use of approximately 765 linear feet of underground stormwater drainage facilities and associated infrastructure located on District property which is designed and sized to accept the stormwater drainage from the existing undeveloped park parcel as well as the future developed Park (Joint Use Area).

D. The City's capital contribution of \$185,000.00 is consideration for the City's beneficial use of the District's existing underground stormwater drainage facility and associated infrastructure located on District property, which was designed to accommodate the capacity of the future Park's stormwater needs. The cost of the \$185,000.00 contribution is 50% of the engineer's estimated costs to replace the stormwater drainage facilities within the Joint Use Area.

E. In the Agreement, the parties agree that the City will not be responsible for typical ongoing maintenance of the storm drainage facility on District property for the first 25 years of the agreement but acknowledge that the City may be asked to reimburse the District for any repair or replacement costs after the first 25 years.

F. The term of the Agreement is 25 years. The Agreement contemplates any future Agreement after the initial 25-year term will include a fair share maintenance provision where-in the City agrees to reimburse the District for 50% of its future costs for maintenance and replacement of the joint use underground stormwater drainage facilities and associated infrastructure.

G. Approval of this proposed Agreement has been reviewed for consistency with and is covered under the Final Master Environmental Impact Report (MEIR) for the Pacific Highlands Ranch (Subarea III) Subarea Plan in the North City Future Urbanizing Area (NCFUA) (Project No. 96-7918/SCH No. 1997111077) certified by the Council on July 28, 1998 (by Resolution R-290520). Approval of this Agreement will facilitate the development of the future Park and associated infrastructure within Pacific Highlands Ranch (Units 23-28). Approval of this Agreement is a subsequent project within the scope of the final MEIR and findings prepared for Units 23-28. No additional environmental review for this action is required.

H. Under San Diego City Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by ordinance approved by a two thirds' majority vote of the Council.

I. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The Mayor, or designee, is hereby authorized and directed to execute the Joint Use Agreement between the City of San Diego and the Del Mar Union School District for Pacific Sky School for the construction, operation, maintenance, and use of stormwater joint use facilities.

Section 2. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP RD22000 for Solterra Vista Neighborhood Park.

Section 3. The Chief Financial Officer is further authorized to appropriate and expend \$185,000.00 from Fund 400090, Pacific Highlands Ranch DIF, for the purpose of the Joint Use Agreement payment to the Del Mar Union School District.

Section 4. The Chief Financial Officer is further authorized to expend an amount not to exceed \$185,000.00 to pay the Del Mar Union School District for the use of Pacific Sky Elementary School Stormwater Facility from Fund 400090, Pacific Highlands Ranch DIF, within CIP RD22000, Solterra Vista Neighborhood Park, for the Joint Use Agreement payment.

Section 5. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 6. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By Catherine Morrison
Catherine C. Morrison
Deputy City Attorney

CCM:jvg
February 20, 2025
Or.Dept: Park & Recreation
Doc. No. 3967270

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on APR 15 2025.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 4/23/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is April 24, 2025, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on APR 15 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 24 2025.

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Kristell Medina, 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

MAR 18 2025

, and on APR 24 2025.

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)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

21943

Ordinance Number O-_____