

ORDINANCE NUMBER O- **21977** (NEW SERIES)

DATE OF FINAL PASSAGE **JUN 26 2025**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING SECOND AMENDMENTS
TO A REIMBURSEMENT AGREEMENT AND A PARK
DEVELOPMENT AGREEMENT FOR QUARRY FALLS
(CIVITA) DEVELOPMENT PROJECT IN THE MISSION
VALLEY COMMUNITY.

RECITALS

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

- A. On November 27, 2012, the City of San Diego (City) and Quarry Falls, LLC, a California limited liability company (Developer), entered into Reimbursement Agreement No. 00-20219 (Reimbursement Agreement) and Park Development Agreement No.00-20220 (Park Development Agreement) (collectively Agreements) for the Quarry Falls (Civita) Development Project (Project).
- B. On September 26, 2013, after the City and Developer signed the Agreements, the Council adopted Ordinance O-20299, requiring the payment of prevailing wages on City public works projects, as codified in San Diego Municipal Code section 22.3019.
- C. On August 3, 2018, the Council adopted Ordinance O-20975, authorizing the Developer and the City to enter into the First Amendment to the Agreements (First Amendment) to account for prevailing wages and differences in park acreage.
- D. On August 13, 2021, the Council adopted Resolution R-313688, creating a new Citywide Park Development Impact Fee (Citywide Park DIF) to provide a simplified fee program to fund the City's parks and adopted a new Park Master Plan.

E. On August 9, 2022, the Council adopted Resolution R-314273, creating a new Citywide Mobility Development Impact Fee (Citywide Mobility DIF) to include the Regional Transportation Congestion Improvement (RTCIP) component of the fee to provide a simplified fee program to fund City's mobility improvements and amended the RTCIP.

F. On October 4, 2022, the City approved Substantial Conformance Review (SCR) No. 2314857 to align the Civita Transportation Phasing Plan with the Serra Mesa and Mission Valley Community Plans by including a road connection between the two communities as presented in "Alternative 4 – Road Connection To Phyllis Place" to the 2008 Quarry Falls Program Environmental Impact Report and analyzed in the 2017 Final EIR for the Serra Mesa Community Plan Update. This SCR found the modifications to be in substantial conformance to the previously approved Site Development Permit No. 183193 and Quarry Falls Project No. 49068 Mitigation Monitoring Reporting Program (MMRP). SCR No. 2314857 verifies conformance with the existing conditions for the Transportation Phasing Plan for the Project.

G. Central Park, as identified in Exhibit H-1 of the Agreements and the First Amendment, was completed on August 21, 2020, and all reimbursements associated with those park improvements have been expended.

H. The City and Developer desire to amend the Agreements and their First Amendment to update preliminary cost estimates for Creekside Park and Franklin Ridge Pocket Park to account for increased costs that have exceeded the Estimated Costs of the Agreements, as well as amend the cost estimate for Phyllis Place Park to reflect more accurate up-to-date estimates, to account for updated construction costs for transportation projects, to clarify the Developer has elected to continue to participate in the Mission Valley community-wide DIF and not the Citywide Park DIF/Citywide Mobility DIF, the Developer's option to construct

improvements in lieu of paying the RCTIP fee, and to clarify that the Developer has satisfied MMRP requirements.

I. To reflect these amendments, the City and Developer have negotiated the terms of the proposed Second Amendment to the Agreements and First Amendment (Second Amendment), included in the docket materials accompanying this Ordinance.

J. 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.

K. The Second Amendment is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the Council.

ACTION ITEMS

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

Section 1. The Council approves the Second Amendment to the Reimbursement Agreement.

Section 2. The Council approves the Second Amendment to the Park Development Agreement.

Section 3. The Developer agrees, through the Second Amendment, to continue to participate in the Mission Valley community-wide DIF and not the Citywide Park DIF/Citywide Mobility DIF programs. San Diego Municipal Code section 142.0640(f)(5) shall not apply to distributions of funds under the Second Amendment.

Section 4. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Second Amendment to Reimbursement Agreement. When signed by both parties, the Second Amendment will be placed on file in the Office of the City Clerk as Document No.

OO- **21977-1**_____.

Section 5. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Second Amendment to Park Development Agreement. When signed by both parties, the Second Amendment will be placed on file in the Office of the City Clerk as Document No.

OO- **21977-2**_____.

Section 6. The Chief Financial Officer is authorized to appropriate and expend funds under the Second Amendment in an amount not to exceed \$15,232,395 from Mission Valley Urban Community Development Impact Fee, Fund 400135, contingent upon the adoption of the Appropriation Ordinance of the applicable fiscal year and the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 7. The Chief Financial Officer is authorized to appropriate and expend funds from Mission Valley Urban Community Development Impact Fee, Fund 400135 for an additional \$16,000 for staff costs related to the park projects in the Second Amendment, contingent upon the adoption of the Appropriation Ordinance of the applicable fiscal year and the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 8. The Chief Financial Officer is authorized to appropriate and expend funds from Regional Transportation Congestion Improvement Program, Fund 400174 for an additional \$26,000 for staff costs related to Regional Arterial System mobility improvements, contingent

upon the adoption of the Appropriation Ordinance of the applicable fiscal year and the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 9. 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 10. 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 Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:cm
May 20, 2025
Or. Dept: City Planning
Doc. No. 3887919

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
JUN 24 2025

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/26/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 24 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 26 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 Linda Irwin, 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

JUN 09 2025, and on JUN 26 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 Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **21977**