

#201
7/26/10

(O-2011-9)
REV.COPY

ORDINANCE NUMBER O- 19979 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 03 2010

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL SPECIAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2010, ONE PROPOSITION AMENDING ORDINANCE NUMBER O-18568 (PROPOSITION M OF 1998) BY DELETING THOSE REFERENCES WHICH PROVIDE THAT NO MORE THAN 1,900 DWELLING UNITS CAN BE CONSTRUCTED IN THE PHASE SHIFTED AREA OF THE PACIFIC HIGHLANDS RANCH SUBAREA PLAN UNTIL THE RAMPS FOR WESTBOUND SR-56 CONNECTING WITH I-5 NORTH AND I- 5 SOUTH CONNECTING WITH SR-56 EAST ARE CONSTRUCTED AND OPERATIONAL AND PROVIDING FOR A PROGRAM OF PHASED DEVELOPMENT TO ENSURE COMMUNITY SERVICES AND PUBLIC FACILITIES ARE CREATED PRIOR TO OR CONCURRENTLY WITH DEVELOPMENT.

WHEREAS, with Ordinance No. O-18568 (Proposition M of 1998), the voters of the City of San Diego directed a phase shift of urban reserve lands from Future Urbanizing to Planned Urbanizing, permitting development in the phase-shifted area of Pacific Highlands Ranch to proceed, subject to numerous conditions, and the 2008 General Plan now designates Pacific Highlands Ranch as Urbanized Lands; and

WHEREAS, Pacific Highlands Ranch is a pedestrian- and transit-oriented community consisting of approximately 1,275 acres of open space; a wildlife corridor connecting Gonzales and McGonigle Canyons; lands set aside for the regional open space and integrated habitat preservation system known as the Multi-Habitat Planning Area; 143 acres for State Route 56 (SR-56) right-of-way; 20 percent of the housing as affordable; and other integrated community components that advance sustainability and promote quality of life; and

WHEREAS, one of the provisions of Ordinance No. O-18568 (Proposition M of 1998), requested by an adjacent community planning group, provided that only 1,900 dwelling units can be constructed within the phase-shifted area of Subarea III until the SR-56 west to Interstate Highway 5 (I-5) north and the I-5 south to SR-56 east connector ramps (SR-56/I-5 Interchange) are in place and operational (development timing restriction). Currently, the south-facing ramps at SR-56 and I-5 have been built and are operational; and

WHEREAS, the development of Pacific Highlands Ranch is approaching 1,900 dwelling units; and

WHEREAS, the SR-56 and I-5 north connectors project (SR-56/I-5 Interchange) is a Caltrans project that remains under environmental study, and is not planned to occur until 2020, if ever; and

WHEREAS, the basis for including the development timing restriction was the concern that Pacific Highlands Ranch traffic might significantly impact the streets of adjacent communities, however, Caltrans reports that once Pacific Highlands Ranch is built in its entirety, the community will contribute 10 percent of the traffic using the future I-5/SR-56 Interchange where the Carmel Valley planning area as a whole is projected to contribute 18 percent of that traffic; and

WHEREAS, no other local community's development is limited based on the completion of these two missing regional interchange ramps; and

WHEREAS, the Master Environmental Impact Report (MEIR) for Pacific Highlands Ranch did not require the development timing restriction, as environmental mitigation or otherwise; and

WHEREAS, as a result of the development timing restriction, the City cannot collect facilities benefit assessments upon the issuance of building permits for any more than 1,900 dwelling units; and

WHEREAS, if the City cannot collect additional facilities benefit assessments, public facilities cannot be constructed for the Pacific Highlands Ranch community; and

WHEREAS, until the development timing restriction is de-linked from the completion of the SR-56/I-5 Interchange, the Pacific Highlands Ranch community's remaining planned schools, neighborhood parks, community park, employment center, bike and pedestrian trails, recreation center, public library, additional affordable housing and additional homes that are part of the community plan cannot be built; and

WHEREAS, because of these considerations and in recognition that relatively little traffic coming from Pacific Highlands Ranch will use the future ramps of the I-5/SR-56 Interchange Project, the adjacent community planning group that requested inclusion of the transportation phasing restriction in Ordinance No. O-18568 (Proposition M of 1998), now supports removal of the provision under the conditions provided below, as do other surrounding planning groups; and

WHEREAS, the community of Pacific Highlands Ranch and the surrounding communities continue to support phased development that requires community amenities and public facilities be developed prior to, or concurrent with, the development of residential dwelling units; and

WHEREAS, Ordinance No. O-18568 (Proposition M of 1998) was approved by the voters of the City of San Diego; therefore, any amendment to Proposition M also requires City of San Diego voter approval; and

WHEREAS, pursuant to California Elections Code section 9222 and San Diego Municipal Code sections 27.1001, 27.1036, and 27.0502, the City Council has authority to place propositions on the ballot; NOW, THEREFORE,

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

Section 1. That one proposition amending Ordinance No. O-18568 (Proposition M of 1998) is hereby submitted to the qualified voters at the Municipal Special Election to be held on November 2, 2010, with the proposition to read as follows:

PROPOSITION

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

A. FINDINGS AND DECLARATION OF PURPOSE

1. At the Municipal Election held November 3, 1998, the voters ratified Ordinance No. O-18568 (Proposition M of 1998), directing a phase shift of urban reserve lands from Future Urbanizing to Planned Urbanizing, permitting development in the phase-shifted area of Pacific Highlands Ranch to proceed, subject to numerous conditions. As a result, the 2008 General Plan now designates Pacific Highlands Ranch as Urbanized Lands. Pacific Highlands Ranch is a pedestrian- and transit-oriented community consisting of approximately 1,275 acres of open space; a wildlife corridor connecting Gonzales and McGonigle Canyons; lands set aside for the regional open space and integrated habitat preservation system known as the Multi-Habitat Planning Area; 143 acres for State Route 56 (SR-56) right-of-way; 20 percent of the housing as affordable; and other integrated community components that advance sustainability and promote quality of life. One of the provisions of Ordinance Number O-18568 (Proposition M of 1998), requested by an adjacent community planning group, provided that only 1,900

dwelling units could be constructed in Pacific Highlands Ranch until the SR-56 west to Interstate Highway 5 (I-5) north and the I-5 south to SR-56 east connector ramps (SR-56/I-5 Interchange) are in place and operational (development timing restriction). Currently, the south-facing ramps at SR-56 and I-5 have been built and are operational. The development of Pacific Highlands Ranch is approaching 1,900 dwelling units, but the SR-56/I-5 Interchange is a Caltrans project that remains under environmental study, and is not planned to occur until 2020. The basis for including the development timing restriction was the concern that Pacific Highlands Ranch traffic might significantly impact the streets of adjacent communities; however, Caltrans reports that once Pacific Highlands Ranch is built in its entirety, the community will contribute only 10 percent of the traffic using the future I-5/SR-56 Interchange, where the Carmel Valley planning area as a whole is projected to contribute 18 percent of that traffic. No other local community's development is limited based on the completion of these two missing regional interchange ramps. Furthermore, the Master Environmental Impact Report (MEIR) for Pacific Highlands Ranch did not require the development timing restriction, as environmental mitigation or otherwise.

2. As a result of the development timing restriction, the City cannot collect facilities benefit assessments upon the issuance of building permits for any more than 1,900 dwelling units. If the City cannot collect additional facilities benefit assessments, public facilities cannot be constructed for the Pacific Highlands Ranch community. Therefore, until the development timing restriction is de-linked from the completion of the SR-56/I-5 Interchange Project, the Pacific Highlands Ranch community's remaining planned schools, neighborhood parks, community park, employment center, bike and pedestrian trails, recreation center, public

library, additional affordable housing and additional homes that are part of the community plan cannot be built..

3. The community of Pacific Highlands Ranch and the surrounding communities continue to support phased development that requires community amenities and public facilities be developed prior to, or concurrent with, the development of residential dwelling units.

4. Because of these considerations and in recognition that relatively little traffic coming from Pacific Highlands Ranch will use the future ramps of the I-5/SR-56 Interchange Project, the adjacent community planning group (that requested inclusion of the transportation phasing restriction in Proposition M in 1998) now supports removal of the development timing restriction under the conditions provided below, as do other surrounding planning groups. Because Proposition M of 1998 was approved by the voters of the City of San Diego, however, any amendment to Proposition M also requires City of San Diego voter approval.

B. AMENDMENT OF O-18568 (PROPOSITION M OF 1998)

~~DELETED LANGUAGE~~
NEW LANGUAGE

BE IT FURTHER ORDAINED by the People of the City of San Diego that O-18568 (Proposition M) is hereby amended as follows:

In 1985, the voters of the City adopted the Managed Growth Initiative, known as "Proposition A," which amended the Guidelines for the Future Development Section of the Progress Guide and General Plan of the City

of San Diego by requiring approval of the voters before changing the designation of lands from "Future Urbanizing" to "Planned Urbanizing."

A 2,652 acre area is located in Subarea III of the North City Future Urbanizing Area and is currently designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan.

The Subarea III Plan for the 2,652 acres was prepared and is titled the "Pacific Highlands Ranch Subarea Plan."

Approximately 550 acres of the 2,652 acres in Subarea III has been approved for development at rural densities while preserving 384 of the 550 acres as natural open space.

The designation of the remaining 2,102 acres in Subarea III is proposed to be changed from "Future Urbanizing" to "Planned urbanizing" while preserving an additional 889 of the 2,102 acres as natural open space.

In accordance with the Pacific Highlands Ranch Subarea Plan an additional 143 acres of the 2,102 acres is planned for State Route 56 right-of-way, approximately 90 acres of which will be conveyed by Pardee Construction Company to the City for a price substantially below market value.

~~The terms of the Transportation Phasing Plan for the Pacific Highlands Ranch Subarea Plan provides that no more than 1,900 dwelling units shall be permitted within the phase shifted area of Subarea III until such time~~

~~that State Route 56 westbound/Interstate-5 northbound connection ramps are in place and operational.~~

The City Council strongly supports the construction of State Route 56 westbound/Interstate-5 northbound connection ramps and intends to aggressively lobby for this project to be a top priority in the year 2000 State Transportation Improvement Plan (STIP).

The Pacific Highlands Ranch Subarea Plan provides for designation of at least 1,274 acres of open space, including a wildlife corridor connecting Gonzales and McGonigle Canyons within the regional open space system known as the Multiple Habitat Planning Area [MHPA].

In accordance with this ballot measure, the Pacific Highlands Ranch Subarea Plan, and a certain Development Agreement on file in the office of the City Clerk of the city of San Diego as Document OO-18571, title to additional property known as Parcels A and B within Neighborhood 8A of Carmel Valley will be conveyed to the City as a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing."

As a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing," absent voter approval the Council of the City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on

Figure 2-1 of the Neighborhood 8C Precise Plan-Option One, approved by the City Council by Resolution No. R-290506, on July 28, 1998.

Pacific Highlands Ranch is located on the eastern boundary of Carmel Valley and is identified in Exhibit 1-1 in the Pacific Highlands Ranch Subarea Plan on file in the office of the City Clerk as Document No. RR-290521, adopted by Resolution No. R-290521, of the City Council on July 28, 1998.

Implementation of the Pacific Highlands Ranch Subarea Plan requires that 2,102 acres within Pacific Highlands Ranch Subarea Plan, as depicted in Exhibit 1-1 of said Plan, be changed from "Future Urbanizing" to "Planned Urbanizing."

Approval of this change of designation in no way permits any other portion of the North City Future Urbanizing Area to have a change of designation without a separate vote of the people.

NOW, THEREFORE, the People of the City of San Diego do hereby resolve to conditionally amend the City's Progress Guide and General Plan, specifically by conditionally amending the Official Phased Development Map, on file in the office of the City Clerk as Document No. RR-267565-1, to change the designation of 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing," the amendment to become effective upon, but not until, the occurrence of the following events:

1. Pardee Construction Company offers to dedicate to the City fee title to 126 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley and offers to dedicate a conservation easement for an additional 24 acres on Parcel A to establish a mitigation bank; and
2. Pardee Construction Company has made a legally binding offer to sell to the City approximately 90 acres of land currently under Pardee Construction Company ownership within Subarea III for use as State Route 56 right-of-way at a price which is substantially below market value.

The People of the City of San Diego do hereby further resolve that upon the occurrence of events described above, thereby triggering an amendment of the Official Phased Development Map, on file in the office of the City Clerk as Document No. RR-267565-1 to change the designation of 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing," the following development restrictions shall apply to the land which is the subject of this ballot measure:

1. Upon 150 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley, no fewer than 135 acres shall be maintained as natural open space (no residential or commercial development or improved roadways), and no more than 15 acres may be used for a community park site at the specific location

shown upon Figure 2.11 of the Neighborhood 8A Specific Plan approved by the City Council by Ordinance No. O-18752 on September 8, 1998; and

2. Absent voter approval, the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan, approved by the City Council by Resolution No. R-290506 on July 28, 1998; and
3. Absent voter approval, the Council of The City of San Diego shall not amend the Pacific Highlands Ranch subarea Plan to designate any fewer than 1,274 acres of open space or reduce or eliminate the wildlife corridor which connects Gonzales Canyon and McGonigle Canyon; and
4. ~~Development within the phase shifted area of the Pacific Highlands Ranch Subarea Plan shall not exceed 1,900 dwelling units until such time that ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting with eastbound SR-56 are constructed and operational; and~~
- 5.4. Within Pacific Highlands Ranch Subarea Plan, Del Mar Heights Road shall not be accessible to through traffic from east of Camino Santa Fe until that portion of State Route 56 (or a comparable roadway extension in the State Route 56 corridor is in place from its present terminus at Carmel Valley Road to Camino Santa Fe.

5. Pacific Highlands Ranch development may proceed independently of the I-5/SR-56 Interchange Project; provided, however, that development in the phase shifted area of Pacific Highlands Ranch shall not exceed 1,900 dwelling units until:

- (a) The Council of the City of San Diego approves a program for phased development for Pacific Highlands Ranch, which program shall integrate all appropriate components that guide and regulate the community's development, and shall further mandate that building permit issuance for new housing be dependent upon completion of community amenities and public facilities consistent with thresholds set forth in the City's General Plan before or concurrent with new development, and construction of which shall be paid for by developers at no cost to taxpayers, and
- (b) The Council of the City of San Diego approves a revised Public Facilities Financing Plan for Pacific Highlands Ranch, which shall become part of a comprehensive and integrated program for the phased development of Pacific Highlands Ranch.

6. Except as provided in numbers 2 and 3, above, the City Council may amend this ordinance in a manner that is

consistent with and in furtherance of the purpose of this ordinance.

END OF PROPOSITION

Section 2. That the proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. That on the ballot to be used at this Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

| | | |
|---|-----|--|
| PROPOSITION _____. AMENDING ORDINANCE NUMBER O-18568 (PROPOSITION M OF 1998) RELATING TO DEVELOPMENT OF PACIFIC HIGHLANDS RANCH. Shall Proposition M be amended, allowing completion of parks, library, trails, recreation and transportation facilities for Pacific Highlands Ranch by removing a development timing restriction based on completion of the SR-56/I-5 Interchange, only after City Council approves a program of phased development ensuring facilities are constructed before or concurrent with new development, paid for by developers at no cost to taxpayers? | YES | |
| | NO | |

Section 4. That an appropriate mark placed in the voting square after the word "Yes" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "No" shall be counted against the adoption of the proposition.

Section 5. That passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.

Section 6. That the City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance's adoption by the City Council.

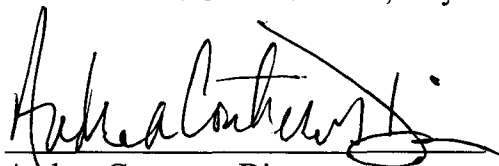
Section 7. That pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. That pursuant to sections 280(a), 280(c) and 295(a) of the Charter of the City of San Diego, this ordinance is subject to mayoral veto and shall take effect on the date of approval by the Mayor pursuant to section 280(c); or if the time for approval or veto by the Mayor has expired and no action has been taken by the Mayor, the date of expiration of that time shall be deemed the date of its final passage; or if this ordinance is adopted by Council

overriding the Mayor's veto, then the date of Council's override vote shall be deemed the date of final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw:hm

07/14/10

07/23/10 COR.COPY

07/28/10 REV.COPY

Or.Dept:Council District 1

MMS#2010-008192

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ~~JUL 26 2010~~.

ELIZABETH S. MALAND
City Clerk

By *Mary Zuma*
Deputy City Clerk

Approved: 8-3-10
(date)

J.S.
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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