

**ORDINANCE NO. 2016-19**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CHARTERED CITY OF VISTA, CALIFORNIA APPROVING  
THAT DOCUMENT ENTITLED "DEVELOPMENT  
AGREEMENT NO. PC19-076, CONCERNING PROPERTY  
LOCATED AT 2100 W. SAN MARCOS BOULEVARD (APN  
221-661-23), VISTA, CALIFORNIA" BY AND BETWEEN  
THE CITY AND THE VISTA PALOMAR PROJECT OWNER**

**The City Council of the City of Vista does ordain as follows:**

**1. Findings.** The City Council hereby finds and declares that:

A. California Government Code Section 65864, et seq. ("Development Agreement Law") authorizes cities to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property.

B. The City of Vista and The Vista Palomar Project Owner, LLC ("Developer") wish to enter into a development agreement ("Development Agreement") pursuant to the Development Agreement Law with respect to certain property ("Site") subject to that Development Agreement.

C. The Developer owns or will own or have an equitable interest in and to all the Site.

D. On November 16, 2016, the Vista Planning Commission, as required by the Development Agreement Law, held a duly noticed public hearing on the proposed project and adopted Planning Commission Resolution No. 2016-16, recommending City Council approval of the proposed Development Agreement. The Planning Commission's written recommendations to the City Council regarding the project are included in Planning Commission Resolution No. 2016-15, consistent with Government Code Section 65855.

E. On November 16, 2016, the Planning Commission adopted Planning Commission Resolution 2016-13, recommending City Council approval of the Mitigated Negative Declaration ("MND") for this project with the finding that the project, if properly mitigated, will not have a significant impact on the environment.

F. In accordance with the Development Agreement Law, the City Council held a duly noticed public hearing regarding the MND, the proposed Development Agreement and other matters on December 13, 2016.

G. At said hearing, staff reports both written and oral were received in evidence and all persons wishing to speak on the proposed project were heard. At the conclusion of the hearing, after consideration of all evidence presented,

the City Council approved the MND, made certain findings and reached a decision on the matter as set forth herein and in additional resolutions or ordinances of the City Council.

H. For the reasons set forth in the staff reports, resolutions, and other materials presented to the City Council, the City Council finds that the provisions of the Development Agreement, and the proposed use and development of the Site, are consistent with the general plan and applicable specific plan approved by the City Council for the Site.

I. The terms and provisions of the Development Agreement conform to all of the requirements of the Development Agreement Law.

J. The location, design, and proposed mixed-use development set forth in the Development Agreement will be compatible with the existing and anticipated development in the vicinity. The proposed project, as conditioned, includes appropriate development features consistent with applicable standards and is consistent with the long term vision for the area.

K. The Development Agreement will continue to produce an environment of stable and desirable character, will not cause traffic congestion on the surrounding streets, and will include adequate on-site circulation as well as improved pedestrian access. The proposed use and intensity is consistent with the vision for the area and adequate street access and traffic capacity will be available to serve the proposed mixed-use development as well as existing and anticipated development in the surrounding area.

L. The proposed project and improvements will enhance site and area aesthetics. The proposed project and improvements will be compatible with the design criteria for the mixed-use development and will enhance site utility. Furthermore, the Development Agreement will promote the orderly development of the project area along with the public health, safety, and welfare.

M. It is expressly found that the public necessity, general welfare and good zoning practice require approval of Development Agreement No. PC19-076 in order to authorize, enable and facilitate the development contemplated by the Development Agreement which would not be legally possible or practicable otherwise.

[continued on following page]

**2. Approval and Recordation of the Development Agreement.**

A. The City Council hereby adopts Development Agreement No. PC19-076, attached hereto as Exhibit "A", substantially in the form presented to the City Council concurrent with the approval and adoption of this Ordinance, authorizes and directs the City Manager to sign the Development Agreement on behalf of the City, authorizes and directs the City Manager to make any modifications to the Development Agreement to effectuate the intent of the City and Developer as presented to and approved by the City Council concurrent with the approval and adoption of this Ordinance, and authorizes and directs the City Clerk to record the Development Agreement in the Official Records of San Diego County in accordance with applicable law.

B. Notwithstanding any other provision hereof, if The Vista Palomar Project Owner, by and through its authorized officer(s) or the City, fails to record said Development Agreement No. PC19-076 within ten days after the effective date thereof, this Ordinance shall become null and void and of no further force and effect and said Development Agreement No. PC19-076 shall thereafter be deemed, for all purposes, to have been denied.

**3. Effective Date.** This Ordinance shall be effective on the thirty-first day following the date of its adoption.

**4. Adoption.** INTRODUCED AND ADOPTED at a meeting of the City Council held on December 13, 2016 by the following vote:

AYES: Mayor Ritter, Aguilera, Franklin, Green

NOES: Rigby

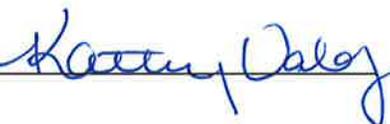
ABSTAIN: None

  
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JUDY RITTER, Mayor

APPROVED AS TO FORM:  
Darold Pieper, City Attorney

ATTEST:  
Kathy Valdez, City Clerk

By:   
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By:   
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**CERTIFICATION**

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2016-19 to be posted on December 19, 2016, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria McClellan Adult Activity & Resource Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.



Kathy Valdez, City Clerk