

(R-92-1763)

RESOLUTION NUMBER R- 279937

ADOPTED ON MAY 11 1992

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING SUPPLEMENTAL WRITTEN FINDINGS IN RESPONSE TO EACH ADDITIONAL WRITTEN OBJECTION OF AN AFFECTED PROPERTY OWNER TO THE PROPOSED REDEVELOPMENT PLAN FOR THE CITY HEIGHTS REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency") has prepared and submitted to this Council of The City of San Diego (the "Council"), the proposed Redevelopment Plan for the City Heights Redevelopment Project; and

WHEREAS, after due notice as provided by the California Community Redevelopment Law (Health and Safety Code section 33000, et seq.) a joint public hearing was held by the Council and the Agency to consider the proposed Redevelopment Plan; and

WHEREAS, any and all persons and organizations having any objections to the proposed Redevelopment Plan or who deny the existence of blight in the Project area, or the regularity of the prior proceedings, were given an opportunity to submit written comments prior to the joint public hearing, and to give written or oral testimony at the joint public hearing, and show any cause why the proposed Redevelopment Plan for the City Heights Redevelopment Project should not be adopted; and

WHEREAS, the Council heretofore adopted Resolution No. R-279979 on April 28, 1992 adopting written findings in response to each written objection of an affected property owner or taxing entity then known to the Council and submitted at or prior to the joint

public hearing held by the Agency and Council on April 21, 1992, and closed on that date; and

WHEREAS, the Council has been informed of several additional written objections submitted by person either before the joint public hearing was closed on April 21, 1992, or submitted thereafter, but prior to final adoption of the proposed Redevelopment Plan by this Council; and

WHEREAS, pursuant to Section 33363 of the California Community Redevelopment Law, the Council, before adopting the Redevelopment Plan, shall respond in writing to the written objections received before or at the noticed hearing, and may additionally respond to written objections that are received after the hearing; and

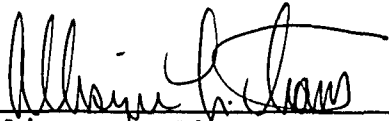
WHEREAS, the Council has considered and evaluated all evidence and testimony for and against the adoption of the proposed Redevelopment Plan, including among other things the Report of the Agency to the Council on the proposed City Heights Redevelopment Project and the report and recommendations of the City Heights Project Area Committee; and

WHEREAS, the Council has prepared supplemental written findings in response to each additional written objection of an affected property owner as provided for in Section 33363 of the California Redevelopment Law; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Council hereby adopts the supplemental written findings contained in Attachment A (attached hereto and incorporated herein by this reference) as its responses to the additional written objections delivered or presented in connection with or

after its hearing on the proposed Redevelopment Plan for the City Heights Redevelopment Project.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn D. Thomas
Deputy City Attorney

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Or.Dept:EDD
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RESPONSE TO WRITTEN OBJECTION

The following responds to the letter dated April 27, 1992, from the San Diego County Office of Education, which expresses opposition to the City Heights Redevelopment Plan.

The Agency has proposed to the County Office of Education (COE) an agreement that would provide for the Agency making financial assistance payments to the COE in the amount that the COE has requested. The proposed agreement also provides a commitment for the Agency to work with the COE to coordinate financings and bond issuances to the mutual benefit of the two organizations.

The Agency has concluded that this proposed agreement mitigates potential fiscal impacts of the Redevelopment Project on the COE to a level of insignificance. The COE has available numerous financing options with which to use Agency payments to mitigate impacts of the Redevelopment Project.

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RESPONSE TO WRITTEN COMMENTS

The following responds to an unsigned and unattributed letter dated April 25, 1992 and addressed to the City Council/Redevelopment Agency, City Attorney and Rep. Randy Cunningham.

As a result of public comments, the City Council/Redevelopment Agency has directed that the City Heights Redevelopment Plan be changed to restrict eminent domain authorization for all residentially zoned property and most commercially zoned property within the Project Area.

The Agency Report to Council on the City Heights Redevelopment Project describes in detail the existing Project Area deficiencies in schools, health care centers and libraries, as well as numerous other public facilities.

California Community Redevelopment Law authorizes California municipalities to adopt redevelopment plans for blighted areas which authorize eminent domain acquisition for either public or private development projects.

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RESPONSE TO WRITTEN OBJECTION

The following responds to a letter on the City Heights Redevelopment Plan, dated April 28, 1992, from Lincoln Pickard.

As a result of public comments, the City Council/Redevelopment Agency directed that the City Heights Redevelopment Plan be changed to restrict eminent domain authorization for all residentially property and most of the commercially zoned property in the Project Area.

The Agency has traditionally scrutinized all developer and property owner proposals for projects requiring Agency assistance and has provided financial or property consolidation assistance only to the extent that such assistance makes economically viable projects which are expected to provide significant public benefit.

"Public Project" eminent domain authorization, as referred to in the Redevelopment Plan, means publicly owned projects, examples of which are: public libraries, public parks and open space, and public schools.

All decisions on Agency authorization for private property acquisition will be finally decided upon by the City Council/Redevelopment Agency after first being reviewed by the appropriate community planning committee and the Project Area Committee. All development resulting from implementation of the Redevelopment Plan must comply with the Mid-City Community Plan, Mid-City Planned District Ordinance and the zoning ordinance.

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RESPONSE TO WRITTEN OBJECTION

The following responds to a letter regarding the City Heights Redevelopment Plan submitted to the City Council/Redevelopment Agency by Thomas Smith on April 28, 1992.

1. Comment noted. As a result of public comments, the City Council/Redevelopment Agency directed that eminent domain authorization be restricted in all residentially zoned areas and most of the commercially zoned areas of the Project Area.

2. The goals and objectives and proposed projects of the Redevelopment Plan have been developed in conjunction with hundreds of community members with the intention of removing existing harmful conditions of blight, deterioration and community deficiencies. No specific plans have been prepared for a project on Euclid Avenue; however, any such development plan would have to conform to the Mid-City Community Plan, Mid-City Planned District Ordinance, and the zoning ordinance. The Agency welcomes any community input on specific project proposals.

3. The Agency intends to use existing laws and resources of the City to improve the City Heights Redevelopment Project Area. However, because of the specific conditions and problems of the Project Area, the Agency has determined that the additional powers and tools of redevelopment are needed to effectively stop existing trends of worsening blight, deterioration and community deficiencies. These conditions and the need for redevelopment to address these specific conditions are described in detail in the Agency Report to the City Council on the City Heights Redevelopment Plan.

4. Specific areas of blight cause problems for the surrounding community. These problems include: declining property values, health and safety hazards, disincentives to consumer spending in the area with negative consequences on local business viability, and indirect influence on negative social behavior including crime.

5. The Agency encourages and supports community efforts to maintain and beautify neighborhoods. However, these efforts are not considered adequate to address serious problems of chronic crime, chronic code violations, and the long term general decline of the business districts within the Project Area.

6. The Redevelopment Plan proposes significant assistance to increase and improve Project Area school and other public facilities. The Plan also provides for mechanisms to address existing serious problems of blight, deterioration and deficiencies in the Project Area business districts.

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Subscript Comment

1. In March, 1990 the Agency mailed notices of the preparation of the Redevelopment Plan and the upcoming Project Area Committee election to all property owners and residents of the Project Area (more than 40,000 first class letters). The community workshop and PAC election announced in the notice were also advertized in notices in several newspapers and community organization newsletters, by several thousand flyers given to at least five Project Area schools for the students to take home, through announcements posted throughout the Project Area, and through the separate mailing of over one thousand letters to community organizations, churches, crime watch mailing lists, local school principals and PTA's, and known interested individuals. The Agency has since compiled a mailing list of more than 400 interested individuals from sign-in sheets at Project Area Committee meetings and Agency workshops and from all individual phone and written requests to be kept informed.

People on this list have been notified of at least five special community workshops on the Redevelopment Plan as well as regular Project Area Committee meetings (more than fifty public PAC meetings have been held in the past two plus years) and City Council/Redevelopment Agency meetings on the Plan. In addition Agency staff have made at least four presentations on the Redevelopment Plan to each of the following community organizations:

- City Heights Community Planning Committee
- Normal Heights Community Planning Committee
- Kensington-Talmadge Area Planning Committee
- Mid-City Chamber of Commerce
- El Cajon Boulevard Business Association
- El Cajon Boulevard Central Business Improvement Assoc.
- City Heights Business Improvement Association
- City Heights Community Development Corporation
- Normal Heights Community Development Corporation
- Normal Heights Community Association

Additional Agency presentations have been made to: Indochinese Chamber of Commerce, Kensington-Talmadge Community Association, Neighborhood Housing Services, and Greater North Park Community Planning Committee.

The Agency is prepared to work directly with you and your organization and welcomes your participation in the City Heights Redevelopment Project.

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RESPONSE TO WRITTEN OBJECTION

The following is in response to the letter dated April 28, 1992 from Harold Sweet to the San Diego City Council and Mayor regarding the City Heights Redevelopment Plan.

California Community Redevelopment Law allows California municipalities to approve redevelopment plans which authorize the municipalities' redevelopment agencies to use eminent domain to acquire private party for both public and private uses. It is basic tool authorized by the Law to enable municipalities to address problems of blight, deterioration and community deficiencies. As a result of public comments, the City Council/Redevelopment Agency directed that the City Heights Redevelopment Plan be changed to restrict eminent domain authorization for all residentially zoned property and most of the commercially zoned property in the Project Area.

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RESPONSE TO WRITTEN OBJECTION

The following response is to the letter submitted by Barbara Hutchinson, with representation from Thomas S. Tanana, on April 20, 1992.

As a result of written and verbal objections to provisions of the previously proposed City Heights Redevelopment Plan, the City Council/Redevelopment Agency directed on April 21, 1992 that the Plan restrict authorization for eminent domain. The currently proposed Plan restricts eminent domain authorization for all residentially zoned property and the majority of the commercially zoned property within the Project Area to "only be allowed for: 1) public projects, 2) removal of chronic code violations, based upon findings of fact made by the Redevelopment Agency at a noticed public hearing, which findings shall be conclusive, 3) removal of chronic crime problems, based upon findings of fact made by the Redevelopment Agency at a notice public hearing, which findings shall be conclusive, and 4) preservation of significant cultural and historical resources as determined by the San Diego Historical Sites Board." Please see attached proposed language for the Redevelopment Plan.

The Agency considers public projects to be publicly-owned facilities, examples of which would include: public rights-of-way, public libraries, parks and open space, and public schools.

The proposed Redevelopment Plan also requires that the Project Area Committee and the appropriate community planning committee be provided opportunities to review all proposed Agency acquisitions of private property before they are brought before the Redevelopment Agency or City Council for approval or denial. The Plan does not provide for a land use or property acquisition "czar". The Plan ensures that all final decisions on property acquisition are decided by votes of the legislative body at noticed public meetings.

The Redevelopment Plan does not approve the design, funding, or scheduling of any specific. The Plan would authorize the Agency to provide financial or other assistance to economic development or other enhancements associated with the Route 15 freeway project, but the Plan. However, specific decisions on funding, scheduling, and design of the project are made separately from consideration of the Plan itself. On April 27, 1992 the City Council voted to reject the Visions project proposal. That decision does not require any changes to the Redevelopment Plan.

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

MAY 11 1992

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDEINOUR
City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

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