

ORDINANCE NUMBER O- 18367 (NEW SERIES)

ADOPTED ON DEC 10 1996

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND ADOPTING THE SECOND AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRAL IMPERIAL REDEVELOPMENT PROJECT.

WHEREAS, it is desirable and in the public interest that the Redevelopment Agency of The City of San Diego (the "Agency") continue to undertake and carry out a redevelopment project in the City of San Diego referred to and identified as the Central Imperial Redevelopment Project (the "Project"); and

WHEREAS, on September 14, 1992, the Agency approved and the Council of The City of San Diego (the "Council"), pursuant to Ordinance No. O-17831 (New Series), approved and adopted the Redevelopment Plan for the Project (the "Redevelopment Plan"); and

WHEREAS, on January 8, 1996, the Agency approved and the Council, pursuant to Ordinance No. O-18252 (New Series), approved and adopted the First Amendment to the Redevelopment Plan (the "First Amendment"); and

WHEREAS, the Agency has now found it necessary, due to recent developments and economic conditions which could further assist with the elimination of blight in the Project area, to prepare and refer to the Council for review and approval, a Second Amendment to the Redevelopment Plan for the Project (the "Second Amendment"), a copy of which is on file in the office of the City Clerk as Document No. OO- 18367, providing for the addition of new territory to the Project area; and

WHEREAS, the Planning Commission of The City of San Diego has approved a Second Amended Preliminary Plan for the Project, and has submitted to the Council its report and recommendations respecting the Second Amendment, and has found that the Second Amendment conforms to the General Plan and Progress Guide of the City of San Diego and the Southeast San

Diego Community Plan, and the Council has duly considered and evaluated the report, recommendations and findings of the Planning Commission; and

WHEREAS, the Redevelopment Plan and the First Amendment to the Redevelopment Plan are fully incorporated herein by this reference and are sometimes collectively referred to herein as the "Central Imperial Plan"; and

WHEREAS, the Agency submitted to the Council the Report of the Agency on the proposed Second Amendment, which report contains, among other things, the Planning Commission's report and recommendations, the Final Supplemental Environmental Impact Report with respect to the proposed Second Amendment, and the report of the County Fiscal Officer and the analysis thereof by the Agency, and the Council has duly considered and evaluated the Report of the Agency; and

WHEREAS, the Agency consulted or attempted to consult with the taxing entities which levy taxes, or for which taxes are levied, on property in the Project area with respect to the Second Amendment and the allocation of taxes pursuant to Section 33670 of the California Community Redevelopment Law (Health and Safety Code section 33000 et seq.; the "Law"); and

WHEREAS, the Agency has documented its consultation with the taxing entities and provided its response to any and all comments of the taxing entities relative to the Second Amendment in the Report to Council; and

WHEREAS, the Council has considered and evaluated any and all comments and the response of the Agency; and

WHEREAS, the Agency has consulted with the Central Imperial Project Area Committee with respect to the Second Amendment, and the Project Area Committee has submitted to the Council its report and recommendations respecting the Second Amendment, which the Council has duly considered and evaluated; and

WHEREAS, the Agency and the Council have certified that the Final Supplemental Environmental Impact Report for the Project was prepared and completed in compliance with the

California Environmental Quality Act of 1970, as amended, and State and local regulations and guidelines adopted pursuant thereto, and that the Agency and Council have reviewed and considered the information contained therein, and adopted findings with respect to the environmental impacts of the Project as required by law; and

WHEREAS, after due notice as provided by the Law, a joint public hearing was held by the Council and the Agency to consider the proposed Second Amendment; and

WHEREAS, the Council has considered all aspects of the Second Amendment, and has received, considered and evaluated all written and oral evidence and testimony presented for or against all aspects of the Second Amendment, including the adoption of any and all written responses to each written comment or objection of an affected property owner or taxing entity; and

WHEREAS, all actions required by law have been taken by all appropriate public agencies; NOW, THEREFORE,

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

Section 1. The purposes and intent of the Council with respect to the Second Amendment to the Central Imperial Redevelopment Project are to continue to:

- A. Eliminate the conditions of blight existing in the Project area, and the additionally added area (collectively referred to herein as the "Amended Project Area") pursuant to the Second Amendment, including incompatible and unsuitable land uses, obsolete and deficient structures, and inadequate streets and public facilities;
- B. Insure, as far as possible, that the causes of blighting conditions will be either eliminated or protected against;
- C. Strengthen existing business enterprises and assist with their participation in the redevelopment process where appropriate and reasonably possible;
- D. Conserve and rehabilitate, and where appropriate, facilitate redevelopment of existing residential areas within the Amended Project Area;

E. Encourage housing patterns in currently overcrowded and environmentally problematic areas to increase choices in housing types and provide more livable neighborhoods;

F. Provide for the development of commercial uses to create or improve employment opportunities;

G. Encourage, as appropriate, the development of a complementary mixture of land uses to provide a vital and interesting urban environment;

H. Redevelop, build and rebuild the public facilities in the Amended Project Area to provide safer and more efficient service for the people in the area and the general public as a whole; and

I. Provide for the orderly development of the Southeastern San Diego community in accordance with the Progress Guide and General Plan for The City of San Diego and the Southeast San Diego Community Plan.

Section 2. The Second Amendment for the Project, a copy of which is on file in the office of the City Clerk as Document No. OO-18367, is hereby approved and adopted. The Second Amendment is incorporated herein by reference and made a part hereof, as if set out in full herein.

Section 3. The Redevelopment Plan and First Amendment to the Redevelopment Plan as amended by the Second Amendment is hereby designated as the official redevelopment plan for the Amended Project Area.

Section 4. The Council hereby finds and determines that:

A. The Amended Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes of the Second Amendment;

B. The Second Amendment will develop the Amended Project Area in conformity with the requirements of the Law and in the interests of the public peace, health, safety, and welfare;

C. The adoption and carrying out of the Second Amendment is economically sound and feasible;

D. The Second Amendment conforms to the Progress Guide and General Plan of The City of San Diego and the Southeast San Diego Community Plan, including but not limited to, the community's housing element which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Title 7, Division 1, Chapter 3 of the Government Code;

E. The carrying out of the Second Amendment will promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policies of the Law;

F. The condemnation of real property, pursuant to the Second Amendment, is necessary to the execution of the Second Amendment and adequate provisions have been made for payment for property to be acquired as provided by law;

G. The Agency has a feasible method or plan for the relocation of families and persons displaced from the Amended Project Area, if the Second Amendment results in the temporary or permanent displacement of any occupants of housing facilities in the Amended Project Area;

H. (1) There are, or shall be provided, in the Amended Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Amended Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to the displaced families and persons and reasonably accessible to their places of employment;

(2) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Law. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the Law.

I. All noncontiguous areas of the Amended Project Area are either blighted or necessary for effective redevelopment of the Amended Project Area and are not included for the purpose of obtaining the allocation of taxes from the area pursuant to Section 33670 of the Law without other substantial justification for its inclusion.

J. Inclusion of any lands, buildings or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the area of which they are a part; that any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from the area pursuant to Section 33670 of the Law without other substantial justification for its inclusion;

K. The elimination of blight and the redevelopment of the Amended Project Area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency;

L. The Amended Project Area is predominately urbanized, as defined by Section 33320.1(b) of the Law.

M. The time limitation and the limitation on the number of dollars to be allocated to the Agency that are contained in the Second Amendment are reasonably related to the proposed projects to be implemented in the Amended Project Area and to the ability of the Agency to eliminate blight within the Amended Project Area.

Section 5. This Council is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the Amended Project Area are displaced, and that pending the development of the facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

Section 6. The City Clerk is hereby directed to send a certified copy of this ordinance to the Agency and the Agency is hereby vested with the responsibility for carrying out the Central

Imperial Plan, as amended by the Second Amendment, subject to the provisions of the Central Imperial Plan and the Second Amendment.

Section 7. The City Clerk is hereby directed to record with the County Recorder of San Diego County, a description of the new boundaries of the Amended Project Area and a statement that proceedings for the redevelopment of the Amended Project Area have been instituted. The Agency is hereby directed to effectuate recordation in compliance with the provisions of Government Code section 27295 to the extent applicable.

Section 8. The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the City pursuant to Section 7 of this ordinance, a copy of this ordinance, and a map or plat showing the new boundaries of the Amended Project Area to the Building Department of the City.

Section 9. The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the City pursuant to Section 7 of this ordinance, a copy of this ordinance, and a map or plat showing the new boundaries of the Amended Project Area to the Auditor and Tax Assessor of San Diego County, to the governing body of each of the taxing agencies which levies taxes upon any property in the Project area, and to the State Board of Equalization.

Section 10. The effective date of this ordinance shall be ninety (90) days after adoption of this ordinance.

APPROVED: CASEY GWINN, City Attorney

By



Allisyn E. Thomas
Deputy City Attorney

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