

(O-98-104)

ORDINANCE NUMBER O- 18516 (NEW SERIES)

ADOPTED ON MAY 18 1998

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE NORTH BAY REDEVELOPMENT PROJECT.

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

WHEREAS, the Agency has prepared and referred to the Council of The City of San Diego (the "Council") for review and approval, a redevelopment plan for the Project (the "Redevelopment Plan"), a copy of which is on file in the office of the City Clerk as Document No. OO- 18516; and

WHEREAS, Rules Governing Participation by Property Owners and Preference for Businesses to Reenter in the North Bay Redevelopment Project, a copy of which Rules is on file in the office of the Secretary to the Agency as Document No. D- 02811, have been prepared and adopted by the Agency; and

WHEREAS, a Progress Guide and General Plan for the City of San Diego and the Peninsula, Midway/Pacific Highway Corridor, Old Town San Diego, Uptown, Mission Valley, Linda Vista, and Clairemont Mesa Community Plans (the "Community Plans") have been prepared and adopted as a guide for the general development of the City and the Project area; and

WHEREAS, the Planning Commission of The City of San Diego has approved a Preliminary Plan for the Project, and has submitted to the Council its report and recommendations with respect to the Redevelopment Plan, and has found that the Redevelopment Plan conforms to the General Plan and Progress Guide of the City and the Community Plans, and the Council has duly considered and evaluated the report, recommendations and findings of the Planning Commission; and

WHEREAS, the Agency submitted to the Council the Report of the Agency on the proposed Project, which report contains, among other things, the Planning Commission's report with respect to the proposed Redevelopment Plan, 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 with the taxing agencies which levy taxes, or for which taxes are levied, on property in the Project area with respect to the Redevelopment Plan and to 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 Council has considered and evaluated the possible financial effects of the Project on the taxing entities, including among other things, the report of the County Fiscal Officer and the record of the Agency's consultations with the affected taxing agencies; and

WHEREAS, the Agency consulted with the North Bay Project Area Committee with respect to the Redevelopment Plan, and the Project Area Committee submitted to the Council its report and recommendations respecting the Redevelopment Plan, which the Council has duly considered and evaluated; and

WHEREAS, the Agency and the Council have certified that the Final Environmental Impact Report for the Project was prepared and completed in compliance with the California Environmental Quality Act of 1970, 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, there has been presented to the Council information and data respecting the possible relocation needs and resources which have been prepared by the Agency as a result of studies, surveys, and analyses about conditions in the Project area; and

WHEREAS, the Agency has prepared and submitted a method and plan for the relocation of individuals and families which may be displaced as a result of carrying out the Project in accordance with the Redevelopment Plan; 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 Redevelopment Plan; and

WHEREAS, the Council has considered all aspects of the Redevelopment Plan, and has received, considered, and evaluated all written and oral evidence and testimony presented for or against all aspects of the Redevelopment Plan, including the adoption of written findings responding to each written objection of an affected property owner or taxing entity; and

WHEREAS, all actions required by law have been taken by all appropriate persons and entities; NOW, THEREFORE,

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

Section 1. That the purposes and intent of this Council with respect to the Project area are to:

A. Eliminate the conditions of economic and physical blight existing in the Project area, including incompatible and unsuitable land uses, obsolete and deteriorated structures; improve, promote, and preserve the positive neighborhood characteristics in North Bay, while correcting physical and economic deficiencies in the community; promote and enhance varied housing opportunities by improving housing stock/type and expanding affordable housing opportunities which address community needs; improve and attract the growth and vitality of the proposed Project area's business environment and address the commercial, service, and employment needs; encourage the expansion of existing commercial activities, the development of vacant properties and the rehabilitation of dilapidated structures; enhance the quality of pedestrian and vehicular mobility, and improve transportation facilities, which support the vitality, safety, and viability of North Bay; enhance infrastructure facilities which improve the community and support public safety, health, and local vitality; and redevelop/rehabilitate the Sports Arena to meet contemporary development standards and community needs and to alleviate the surrounding vacancies and crime caused by the lack of usage by the obsolete facility;

B. Insure, as far as possible, that the causes of blighting conditions will be either eliminated or protected against;

C. Strengthen as feasible existing business enterprises and assist them whenever possible in participation in the redevelopment process;

D. Conserve and rehabilitate, and where appropriate, facilitate redevelopment of existing residential areas;

E. Encourage housing patterns in currently overcrowded and environmentally problematic areas to increase choice 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 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 North Bay community in accordance with the Progress Guide and General Plan for The City of San Diego and the Community Plans.

Section 2. That the Redevelopment Plan for the Project, a copy of which is on file in the office of the City Clerk as Document No. OO- 18516, is hereby approved and adopted. The Redevelopment Plan is incorporated herein by reference and made a part hereof, as if set out in full herein.

Section 3. That the Redevelopment Plan is hereby designated as the official redevelopment plan for the Project area.

Section 4. That the Council hereby finds and determines that:

A. The Project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Law;

B. The Redevelopment Plan will redevelop the Project area in conformity with the Law and in the interests of the public peace, health, safety, and welfare;

C. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible;

D. The Redevelopment Plan conforms to the Progress Guide and General Plan of The City of San Diego and the Community Plans; including, but not limited to, the City's housing

element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code;

E. The carrying out of the Redevelopment Plan will promote the public peace, health, safety, and welfare of the City of San Diego and will effectuate the purposes and policies of the Law;

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

G. The Agency has a feasible method and plan for the relocation of families and persons displaced from the Project area;

H. There are, or are being provided, in the 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 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;

I. 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; and 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;

J. All noncontiguous areas of the Project area are either blighted or necessary for effective redevelopment 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 their inclusion.

K. Inclusion within the Project area 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 Project area of which they are a part; and any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Law without other substantial justification for its inclusion;

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

M. The Project area is predominately urbanized, as defined by Section 33320.1(b) of the Law;

N. The time limitation on the dollars to be allocated to the Agency that is contained within the Redevelopment Plan is reasonably related to the proposed projects to be implemented in the Project area and to the ability of the Agency to eliminate blight within the Project area.

Section 5. That this Council is satisfied that if any families or persons are displaced by the Project, permanent housing facilities will be available within three years (3) from the time occupants of the Project area are displaced and that, pending the development of such facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the City of San Diego at the time of their displacement.

That in order to implement and facilitate the effectuation of the Redevelopment Plan, it will be necessary for the Council to take certain official actions with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys, and other public ways,

the establishment of street patterns, the location and relocation of sewer and water mains and other public facilities, and other public actions, and accordingly, the Council hereby:

A. Pledges its cooperation in helping to carry out the Redevelopment Plan;

B. Requests the various officials, departments, boards, and agencies in the locality having administrative responsibilities in the Project area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan, including the expenditure of money in accordance with the provisions of the Redevelopment Plan to effectuate the Redevelopment Plan; and

C. Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and declares its intention to undertake and complete any proceedings necessary to be carried out by The City of San Diego under the provisions of the Redevelopment Plan.

Section 7. That 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 Redevelopment Plan subject to the provisions of the Redevelopment Plan.

Section 8. That the City Clerk is hereby directed to record with the County Recorder of San Diego County, a description of the land within the Project area and a statement that proceedings for the redevelopment of the Project area have been instituted under the Law. The Agency is hereby directed to effectuate recordation in compliance with the provisions of Government Code section 27295 to the extent applicable.

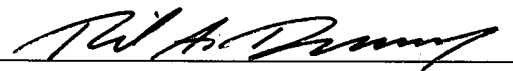
Section 9. That the Development Services Department of The City of San Diego is hereby directed for a period of two (2) years after the effective date of this ordinance to advise all applicants for building permits within the Project area that the site for which a building permit is

sought for the construction of buildings or for other improvements is within a redevelopment Project area.

Section 10. That the City Clerk is hereby directed to transmit a copy of the description and statement recorded by the City pursuant to Section 8 of this ordinance, a copy of this ordinance, and a map or plat showing the boundaries of the 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 11. That this ordinance shall take effect and be in force on the ninetieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
for Allisyn L. Thomas
Deputy City Attorney

ALT:lc
03/27/98
Or.Dept:Comm.&Eco.Dev.
O-98-104
Form=o&t.frm