

RESOLUTION NUMBER R- 290055

ADOPTED ON MAY 04 1998

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING WRITTEN FINDINGS IN RESPONSE TO EACH WRITTEN OBJECTION OF AN AFFECTED PROPERTY OWNER OR TAXING ENTITY TO THE PROPOSED REDEVELOPMENT PLAN FOR THE NORTH BAY REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency") has prepared and submitted to the Council of The City of San Diego (the "Council") the proposed redevelopment plan for the North Bay Redevelopment Project (the "Project"); and

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

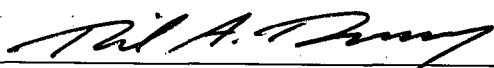
WHEREAS, any and all persons and organizations having any objections to the proposed redevelopment plan or who deny the existence of blight in the Project area, or the regularity of the prior proceedings, were given an opportunity to submit written comments prior to the joint public hearing, and to give written or oral testimony at the joint public hearing, and show cause why the proposed redevelopment plan for the Project should not be adopted; 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 Project and the report and recommendations of the North Bay Project Area Committee; and

WHEREAS, the Council has prepared written findings in response to each written objection of an affected property owner or taxing entity as provided for in Section 33363 of the Law; NOW, THEREFORE,

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

APPROVED: CASEY GWINN, City Attorney

By 
for Allisyn L. Thomas
Deputy City Attorney

ALT:lc
03/27/98
Or.Dept.Comm.&Eco.Dev.
R-98-1056
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THE CITY OF SAN DIEGO

April 16, 1998

Don Calori
2838 Crystal Ridge Road
Encinitas, CA 92024

Dear Mr. Calori:

Thank you for your written comments regarding the North Bay Redevelopment Plan. We have reviewed your concern and your request that "the multiple use designation being considered for that location include the historic use that the property has experienced for the last 51 years."

City records indicate that the property at 2750 Kurtz Street contains a 5,000 square foot structure used for manufacturing/distribution. Records further indicate that the property at 2790 Kurtz Street contains a 1,190 square foot structure used for the same purpose. The CC-5-4 Multiple Use Community Commercial Zone permits light manufacturing and wholesale distribution, provided that these activities shall be located solely within an enclosed building that does not exceed 7,500 square feet of gross floor area.

Given that neither of the existing structures used for the purposes of light manufacturing or wholesale distribution exceed 7,500 square feet of gross floor area, we believe that the proposed zone allows for the existing use of the property and would not create a non-conforming use upon rezoning.

If you have any further questions or concerns, please contact me at 236-6207.

Sincerely,

PATRICIA K. HIGHTMAN
Deputy Executive Director

Redevelopment Agency

202 C Street, 3rd Floor, MS 3A • San Diego, CA 92101-3863
Tel (619) 236-6039 Fax (619) 236-6512

R-290055

Community and Economic Development: • Economic Development Services • Neighborhood Code Compliance • Community Planning and Development • Civic Design
• Community Services • Commission for Arts & Culture • Human Relations Commission



COTTON/BELAND/ASSOCIATES, INC.
URBAN AND ENVIRONMENTAL PLANNING CONSULTANTS



April 6, 1998

Mr. James R. Davies
Project Manager
City of San Diego Redevelopment Agency
202 C Street - MS 3A
San Diego, CA 92101-3863

Subject: Responses to Comments to School District letter for incorporation into the Final EIR
March 1998

Dear Mr. Davies:

As you are aware, the North Bay Revitalization Area (Including the North Bay Redevelopment Project) Draft EIR was made available for public review and comment pursuant to State CEQA Guidelines (Section 15087(c)) for a period of 45 days. In accordance with State CEQA Guidelines, the Final EIR responds to the comments received during the noticed review period.

Additional comments have been received after the close of the 45-day public review period and printing of the Final EIR. These comments, received from the San Diego City Schools District are responded to herein. The comment letter is attached.

Mel Roop - Acting Assistant Director
San Diego City Schools
April 1, 1998

Response to Comment 1: The Final EIR assumes that a variety of funding sources, as identified in Mitigation Measures 1 and 2 are available to, and will be utilized to construct the necessary school facilities to meet the demand generated from the proposed Project and revitalization activities. The City also concurs with the District's comment that the impact to schools will be mitigated to a less than significant level if the possible fee sources available are sufficient to construct the facilities needed to house the number of forecast students in a timely manner. This is stated on Page 4.12-4 of the Final EIR as follows: "If San Diego City Schools are able to collect fees in time to build additional facilities that can accommodate the increase in the student population, the adverse impacts on schools could be reduced to a less than significant level."

James Davies
April 6, 1998
Page two

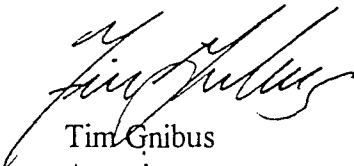
Response to Comment 2: The City recognizes that development impact fees are used to provide facilities throughout the district, and that they are not specifically targeted to the neighborhood which generates them. The City also recognizes that the school district is a separate entity and will apply, at its own discretion, development impact fees as needed to accommodate increases in students within the Revitalization Area. However, future development within the Revitalization Area will be subject to state-authorized school fees as one mechanism to mitigate impacts generated by the proposed Project and revitalization activities. Mitigation Measure 2 will also be implemented which identifies a variety of funding sources available to the school district including redevelopment tax increment which must be applied to the Project area, in addition to the formation of community facilities districts. These are currently the mechanisms available to the school district for mitigating development impacts. Implementation of these measures will reduce the impact to schools to a less than significant level.

Response to Comment 3: Please refer to response to comment 1.

Response to Comment 4: As indicated by the commentor, the military housing planned for the former NTC site is forecasted to generate approximately 400 K-5 students, 90 6-8 grade students, and 90 9-12 high school students. As indicated on page 6-10 of the Final EIR, the demand for public services can be expected to increase as population and development increases. Provision of these services will be dependent upon the service provider charged with serving the future development. Service providers must continue to evaluate the levels of service desired and the funding sources available to meet those desires.

Please give me a call if you have any questions regarding the responses above.

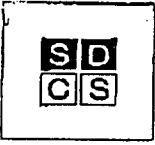
Sincerely,



Tim Gribus
Associate

Attachments: San Diego City Schools (April 1, 1998)

R-290055



SAN DIEGO CITY SCHOOLS

EDUCATION CENTER • 4100 Normal St., San Diego, CA 92103-2682 • (619) 686-6694
FAX (619) 574-1487

BUSINESS SERVICES DIVISION
Facilities Planning Department

April 1, 1998

James Davies, Project Manager
City of San Diego Redevelopment Agency
Department of Community and Economic Development
202 C Street
San Diego, CA 92101

Subject: North Bay Redevelopment Project

Dear Jim:

Thank you for providing copies of the staff report and Final Environmental Impact Report for the subject project. Please incorporate the following comments regarding the impact on school facilities in the Final EIR documents:

1 • On Page 4.12-4, it is stated that "Mitigation Measures 1 and 2 will reduce the impact to a less than significant level." Please qualify this sentence to end with the statement, "if the possible fee sources available are sufficient to construct the facilities needed to house the number of forecast students in a timely manner. There is no guarantee of general obligation bond issues passing, funding from the State School Building Program being available, or redevelopment funds becoming available when they are needed to construct needed school facilities."

2 • The text of Mitigation Measure 1 does not accurately describe current school district policy relative to the use of development fees. At present, fees are used to provide facilities throughout the district; they are not specifically targeted to the neighborhood which generates them. Please reword this text to reflect the reality of district policy, and its impact on the possible mitigation of the significant impact to school facilities.

3 • Qualify the last sentence in the "Impact After Mitigation" paragraph on page 4.12-4 to end "if sufficient funding is obtained to construct the facilities necessary to house the forecast number of students."

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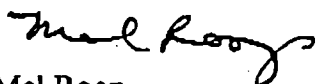
James Davies

Page 2

4 On page 6-4 in the "Cumulative, Growth-Inducing, and Long-Term Effects" section, mention is made of the military family housing planned for the former NTC site. However, no mention is made of the forecast number of students and the cumulative impact of these students in combination with the students forecast from the North Bay Revitalization Plan area. Our department has forecast that approximately 400 K-5 elementary students, 90 6-8 middle school students, and 90 9-12 high school students will be generated by the military family housing. Please add a statement to this section which references the cumulative impact of the students forecast from the new housing proposed in the North Bay Revitalization Plan area and the proposed military housing on the NTC site.

Thank you for the opportunity to comment on the Final EIR for the North Bay Redevelopment Plan Area. If you have any questions or concerns, please give me a call at 293-8066.

Sincerely,



Mel Roop
Acting Assistant Director

jw:MR

c: B. Husson
J. Hintzman
T. Calhoun
J. Wolf



THE CITY OF SAN DIEGO

April 17, 1998

Ms. Ann T. Fathy, AICP
Attorney at Law
701 Kettner Blvd., #198
San Diego, CA 92101-5933

Dear Ms. Fathy:

SUBJECT: North Bay Redevelopment Plan: City Council Agenda Item #330 & 601,
and Redevelopment Agency Item #1, April 7, 1998

Thank you for your written comments regarding the proposed Redevelopment Plan. In accordance with California Community Redevelopment Law, the following written response is provided to your written comments.

Question (pg 1): You wrote that "this General Plan Amendment of piecemeal portions of the City should not be undertaken at this time".

Response: Community plan amendments for Linda Vista and Clairmont Mesa have been underway for some time. The City Council routinely considers amendments to community plans as the need arises.

Further, the North Bay Revitalization Project was initially conceived in response to the City's deliberations with the U. S. Navy regarding the closure and ultimate transfer of the Naval Training Center (NTC) properties to the City of San Diego. In May of 1996, the City Council designated the North Bay Redevelopment Survey Area to study the potential for formation of a redevelopment project area or project areas to revitalize the an area north of San Diego Bay which was impacted by the closure of NTC. Establishment of a redevelopment project area(s) was recommended by the NTC Advisory Committee during its deliberations on the closure of NTC. The NTC Redevelopment Plan was subsequently adopted as the first phase of the overall North Bay revitalization strategy in May, 1997 (a fact that was pointed out in the original

Redevelopment Agency

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report to the City Council on the North Bay in May, 1996). The remainder of the North Bay Study Area is now being forwarded to the City Council for its consideration as a redevelopment project area consistent with the schedule and strategy that was introduced to the City Council in 1996.

A comprehensive review of these recommendations has occurred, including input from the North Bay Project Area Committee (PAC) and the seven (7) community planning groups that compose all or a portion of the proposed North Bay Project Area.

Question (pg 1): The City's Housing Element has yet to be found legally adequate. Until the Housing Element is found to be legally adequate, the "North Bay Redevelopment Area" cannot meet the requirements of Section 33302 of California Community Redevelopment Law.

Response: The City of San Diego's Housing Element of the General Plan is in full compliance with the law. Specifically, the Court of Appeal, Fourth Appellate District, Division One of the State of California, in the *Kevin Hoffmaster et al., v. City of San Diego* (Court of Appeal No. D025961, Superior Court Case No. 682920), affirmed the judgement of the Superior Court which held that housing element of the City's General Plan did not comply with California Government Code Section 65583 (c)(1), but stayed a Superior Court order which held that the City was to grant all applications for conditional use permits for emergency shelters and transitional housing, in order for the City take the necessary actions to conform with that Government Code section. In response, on November 25, 1997, the City Council adopted Resolution R-289493, a copy of which is attached hereto, which brought the Housing Element into compliance with Government Code Section 65583 (c)(1).

Question (pg 1): The "North Bay Redevelopment Area" does not meet the definition of blight required to qualify as a redevelopment area under California Community Redevelopment Law. Specifically, it does not meet the requirements of Section 33030(b)(1).

Response: Sections III and VII of the North Bay Report to City Council Vol. I were prepared specifically to provide the justification required in Section 33030(b)(1) of California Community Redevelopment Law. In summation of that section, a variety of physical and economic conditions are outlined through a detailed, parcel by parcel blight study conducted by Agency staff. Specific physical conditions found throughout the project area include, deteriorated and dilapidated structures, structures with defective and substandard design, structures with faulty utilities and a presence of security bars or fences. These physical conditions are highlighted throughout the project area. This Project Area encompasses seven community planning areas, all of which can be characterized as older, urbanized areas that have experience significant change in traffic patterns and uses throughout the last decades. These neighborhoods

have been cut up by large transportation facilities such as Interstate 5 and 8 as well as the Trolley and rail lines. Deficient and dilapidated structures are designated in Figure III-1 and III-2. Residential conversions exhibiting defective and substandard designs and faulty utilities are prevalent throughout many of the industrial and transitional areas of the Project Area. These physical conditions of blight both cause and reflect economic blight as is outlined below.

Conditions found that exhibit economic blight in the Project Area include, incompatible uses, vacant lots, parcels of inadequate size and shape, a lack of parking, obsolete structures, high vacancy rates, lack of access, a prevalence of adult uses and high crime rates. Incompatible uses such as large freeways, airport flight paths, residential uses in largely industrial areas decrease the value of property. The lack of parking in many of the commercial sectors of the Project Area, mixed with the severe lack of access created by piecemeal traffic patterns has severely limited the economic capacity of the area. The high prevalence of crime and adult uses, especially throughout the Midway area added to the recent closure of NTC have left deteriorating economic conditions in the area that are sited both by owner occupants of the area as well as local brokers working the area. Large numbers of vacant lots, high business vacancy rates as well as lease rates well below city averages are direct indicators of the economic decline of the area. Figure III-19 shows graphically that a preponderance of the Project Area was found to exhibit one or more of the conditions of blight outlined above. Figure III-21 contains pictures of the area showing some of the blighting conditions prevalent throughout the Project Area. Figure III-20 exhibits those photo selections and their distribution throughout the Project Area.

Section VIII discussed the private sector's ability to alleviate these conditions of blight. This section focuses on the closure of the Naval Training Center and the loss of \$46.6 million to the local economy. This loss coupled with the severely constrained areas of Midway, Peninsula, Clairemont Mesa, Uptown, Linda Vista, Old Town and Mission Valley is making it impossible for the private sector to improve the conditions of the Project Area.

Question(pg 2): This area is exceptionally well-located. It is not the condition of buildings that matters, it is the value of the location. The private sector knows this.

Response: While this Project Area might seem well located, the conditions constraining the area are limiting the private sector's ability to profit from this location. Some portions of the area are considered poorly located because of the issue of access. Most of the commercial sectors of the Project Area are difficult to access having to deal with high levels of traffic and driving around in circles to get to particular parcels. Parking problems throughout the Project Area again, limit economic activity in this well located Project Area. The conditions of the buildings in the Project Area both cause and reflect the physical and economic blight hindering this "well located" project

area from growing as it should. The area instead has experienced increasing levels of crime, decreasing lease rates, increasing numbers of adult uses, and increasing incompatible uses contributing to the loss of neighborhood character and local business. Downtown provides an excellent example of how location itself does not protect an area from severe economic and physical decline. While some might consider downtown as the best location in San Diego, it has taken over two decades of redevelopment activity and investment to remove blighting conditions, some of which still remain.

Question (pg 2): The market assessment prepared by Keyser Marston Associates Inc., bears out the issue that the area is well located and that it is not the condition of the buildings but the value of the location.

Response: The North Bay Redevelopment Project Final Report to Council page VI-2 does state that "in most cases, the 'Market Assessment North Bay Survey Area' identified a demand greater than the proposed development scenarios projected in this Report. This is mostly due to the fact that the demand supersedes the available land in the area."

However, further down in that same paragraph on page VI-2 it states, "The current conditions of the Project Area outlined in Section III of this Report will limit the Project Area's ability to capture the demand identified in the market assessment. Thus, the following development program relies upon the existence of a redevelopment program in the area in order to realize the projected development outlined in this section."

Moreover, the Keyser Marston Associates, Inc. 'Market Assessment North Bay Survey Area' states on page 26 of their report that "Most of the subareas have potential for minor infill development or for development resulting from the tear down and reuse of existing uses. These potentials, however, should not be overemphasized, in that feasibility of site assemblage resulting from discontinuance of existing uses appears highly questionable in many instances."

Question (pg 2): The City Council can increase the value of property through general plan amendments and rezonings and that the private sector will respond with improvements to the property, which results in higher tax assessments and more money to taxing agencies.

Response: The City Council does not make land use decisions based only upon highest and best use of the land. Planning considerations such as design, character and environment are taken into account as well. General plan amendments and rezonings by themselves do not increase the value of property or entice the private sector to invest in the property. The increase in the value of the land is due to a demand in the marketplace that precipitates investment into the property. If the

investment and market conditions are not present or sufficient enough to warrant the investment in the property then there will not be an added value or increase to the land. This area faces special blighting conditions outlined in Section III of the Report to Council for the North Bay Redevelopment Project inhibiting development of any kind regardless of planning guidelines or zoning regulations.

Question (pg 2): When improvements are made in a redevelopment area, the resulting tax increment goes primarily to the redevelopment agency with only a fraction going to the taxing entities.

Response: With the formation of a redevelopment project area, the affected taxing entities continue to receive their full distribution of the property tax revenues through the established base value. As the property tax revenue increases over the base, the Redevelopment Agency does receive a higher distribution of the tax increment (over the base) in order to reinvest back into the project area. By State formula approximately 37% of the projected gross tax increment over the 45 years of the program is captured by the other taxing entities. The projected tax increment forecasts and distributions to taxing entities are presented in Section V of the Report to City Council. In addition, Section XIV of the Report to City Council assesses the impact of tax increment financing on taxing agency revenues. This assessment states that "the project tax revenue generated by the Project Area represents approximately 1% or less of the total projected taxing agency revenue in every case and will not have a significant adverse financial impact to the taxing agencies."

Redevelopment within North Bay is justified to remove physical and economic blighting conditions. The establishment and use of redevelopment encourages and facilitates new investment to occur within a project area which could generate more tax revenue to the other taxing entities than if no redevelopment project were in place. As presented in Section VI of the Report to City Council, the program is projecting 2,100 new residential units and approximately 1.0 million square feet of commercial, office and industrial space.

Question (pg 2): According to the City Manager's report over the 45 year life of the Plan, other affected taxing entities, including the City itself, would receive just a fraction of what they might otherwise receive in tax increment. This is "robbing Peter to pay Paul."

Response: Pursuant to California Community Redevelopment Law, the Project can collect tax increment through project year 45 to repay outstanding debt. As stated in the response to the prior question, with the formation of a redevelopment project area, the affected taxing entities continue to receive their full distribution of the property tax revenues through the established base value. As the property tax revenue increases over the base, the Redevelopment Agency does receive a higher distribution of the tax

increment (over the base) in order to reinvest back into the project area. Section XIV of the Report to Council for the North Bay Redevelopment Project outlines the distribution of tax increment to the taxing agencies.

The establishment and use of redevelopment encourages and facilitates new investment to occur within a project area which could generate more tax revenue to the other taxing entities than if no redevelopment project were in place. The program is projecting 2,100 new residential units and approximately 1.0 million square feet of commercial, office and industrial space. Without the special powers of redevelopment, proposed redevelopment project area will continue to languish and economic and physical blighting conditions will continue to exist.

Question (pg 3): How does the City Manager propose that redevelopment money be spent to revitalize the North Bay Redevelopment Area?

Response: How the tax increment monies are spent within a redevelopment area is a policy decision made by the Redevelopment Agency with input from the community and agency staff. The Redevelopment Agency can spend money on the public improvements identified in the Report to the City Council, as well as, facilitating private development investment and projects as also discussed in the Report to the City Council.

As indicated before, the City and other taxing entities will continue to receive their full distribution of the property tax revenue up to the established base year assessment value. As the property tax revenue increases over the base, the Redevelopment Agency does receive a higher distribution of the tax increment (over the base) in order to reinvest back into the project area.

The theory behind redevelopment and the concept of tax increment revenue and tax increment sharing between the Agency and various taxing entities has been explained to the North Bay Project Area Committee, the City Council/Redevelopment Agency and community groups within the area.

Question (pg 3): You address the fast track schedule and public notice for adoption of North Bay Redevelopment Plan.

Response: The Project has been the subject of seven (6) Planning Commission reports and three City Manager reports. This includes three workshops before the City Planning Commission.

The Project Area Committee (PAC) for North Bay has conducted fifteen (15) meetings on the proposed project since November, 1997. This does not include the numerous meetings with all seven (7) of the community planning groups and several merchant

groups / chambers of commerce that constitute or represent all or a portion of the North Bay Revitalization Area. At the April 2, 1998 Planning Commission hearing regarding adoption of the North Bay Redevelopment Project, the North Bay PAC chair stated that it was the PAC's intention to insure that the redevelopment plan was adopted by the City so as to meet the time frame that was devised in early calendar 1997.

With respect to the recommendation and action of the Planning Commission of April 2, 1998, the Commissioners unanimously recommended approval of the redevelopment plan to the City Council. This action / Commission resolution (which is included with Section XII of the Final Report to the City Council regarding the Report and Recommendation of the Planning Commission) was taken subsequent to the comprehensive March 12, 1998, Planning Commission workshop that was conducted regarding all the actions proposed within the North Bay area. Input from the Commissioners at this workshop was incorporated into the final plans that were considered and voted upon by the Commissioners on April 2nd.

As to the schedule not allowing time for staff to take the redevelopment project to the affected community planning groups, staff has met at least once with each community planning group. Staff has addressed most of the seven (7) community planning groups two times or more on this subject. In addition, the thirty-member Project Area Committee (PAC) for North Bay includes a representative from each of the community planning groups within the North Bay Project Area. When the North Bay PAC voted in favor of adopting the North Bay Redevelopment Plan (by a 13-2 vote) on February 25, 1998, none of the community planning group representatives voted against adoption of the plan.

Regarding the time allotted to review and comment of the North Bay Program EIR, the process followed was in compliance with the time frame mandated by CEQA. Prior to and during the public review period, staff (and the EIR consultant) met with each group that requested a presentation regarding the EIR. The comments of each entity or individual that were received during the public review period has been responded to in the final EIR document. Neither staff or the EIR consultant has rejected any project alternatives or comments that have been provided.

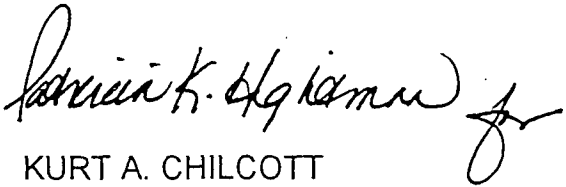
With respect to certain impacts which cannot be fully mitigated (as addressed in the EIR), many of these impacts currently exist (prior to plan adoption) and can only be mitigated through adoption and implementation of the redevelopment plan.

With respect to public input regarding the proposed redevelopment plan, each meeting of the City Council, Planning Commission, Project Area Committee and affected community planning group has been properly noticed. The subject of this plan has been included in numerous community newsletters and newspapers of City-wide distribution. City staff has prepared and conducted two public mailings to each

resident, tenant, property and business owner within the Project Area within the past year. In addition, a full one-page notice has appeared in the City's publication of general circulation (the Daily Transcript) for four consecutive weeks prior to the scheduled April 7, 1998 City Council / Redevelopment Agency joint public meeting to receive testimony on the proposed redevelopment plan. Both the Daily Transcript and the San Diego Union have featured major articles on the proposed plan within the past ten (10) days. Thorough compliance with the notification process mandated by California Community Redevelopment Law has been met.

If you have any questions, please contact me at (619) 236-6550.

Sincerely,



KURT A. CHILCOTT
Deputy Executive Director

KAC;ras

Attachments

cc: Mayor Susan Golding and Members of the City Council
Mark Steele, Chairman, Planning Commission
Casey Gwinn, City Attorney

Hempflrey, J.C.
OFFICE COPY

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| To | Ron Smith | | From | Allison Mimeo | |
| Co./Dept. | | | Co. | | |
| Phone # | | | Phone # | 236 2095 | |
| Fax # | 66512 | | Fax # | | |

RESOLUTION NUMBER R- 87493

ADOPTED ON 11-25-97

WHEREAS, Government Code section 65302(c) requires all cities and counties within the State of California to include a Housing Element in their General Plans and to prepare an Update to their Housing Element every five (5) years; and

WHEREAS, the City of San Diego's most recent Housing Element Update was adopted by the Council of The City of San Diego on March 21, 1995, and approved by the California Department of Housing and Community Development on April 21, 1997; and

WHEREAS, the adequacy of the City's March 21, 1995, adopted Housing Element Update was challenged in Superior Court, State of California, County of San Diego, on the basis that it does not comply with Government Code section 65583(c)(1) which requires an identification of adequate sites for emergency shelters and transitional housing and an action plan to make those sites available; and

WHEREAS, on October 30, 1995, the Court issued an order requiring the City to amend its March 21, 1995, adopted Housing Element Update, pursuant to Government Code section 65583(c)(1), within one hundred twenty (120) days of the court order; and

WHEREAS, the City Council adopted an amendment to the Housing Element on January 30, 1996, and such amendment was approved by the California Department of Housing and Community Development on February 15, 1996; and

WHEREAS, plaintiffs again challenged the Housing Element, alleging that it still failed to comply with Government Code section 65583(c)(1); and

WHEREAS, on April 18, 1996, the court issued its final judgment, concluding that the City had not complied with Government Code section 65583(c)(1) and gave the City sixty (60) days to amend its Housing Element again to bring it into compliance; and

WHEREAS, the City appealed this decision to the Court of Appeal; and

WHEREAS, on June 17, 1997, the Fourth District Court of Appeal affirmed the trial court's ruling with the provision that the City's five year action plan need not fulfill the entire unmet housing needs of the homeless population but instead simply needed to meet the City's quantified objectives as identified in the Housing Element; and

WHEREAS, the City filed a petition of review with the California Supreme Court; and

WHEREAS, the California Supreme Court has notified the City that its petition for review has been denied; NOW, THEREFORE,

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

1. That the amendment to the Housing Element is adopted as an amendment to the City's Progress Guide and General Plan with the following specific changes to the amended document:

A. Policies under Housing for the Homeless on pages 142 and 143 shall be amended as follows:

(1) The following sentence shall be deleted:

~~The City shall examine alternatives for providing increased flexibility for providers in obtaining land use approvals and providing for geographic parity throughout the City, while retaining opportunity for the assessment of impacts on applicable zones.~~

(2) The following new policies shall be added as Policies 30 and 31:

30. The City will amend its development regulations for emergency shelters and transitional housing so as to reduce the amount of time involved in the required decision-making process.

31. The City will amend its development regulations to remove the 1/4 mile separation requirement for emergency shelters and transitional housing facilities.

B. The following shall be added to the description of the City's programs for the Homeless on page 151:

The City shall facilitate the location of emergency shelter and transitional housing facilities by reducing the amount and time involved in the decision-making process. Also, the City will amend its development regulations to remove the 1/4 mile separation requirement for emergency shelters and transitional housing facilities.

Although emergency shelter and transitional housing facilities will continue to be allowed wherever residential development is permitted, Maps 4 and 5 depict areas where the City encourages such uses to be located. Map 4 depicts industrial and commercial zones as being suitable for emergency shelters while Map 5 depicts higher density and multi-family zones as being suitable for transitional housing. These maps show more specific areas throughout the City which provide a significant number of adequate sites to meet the City's quantified objectives for emergency shelters and transitional housing.

C. The following text shall be deleted, as shown on page 151:

~~The vacant land and infill/redevelopment acreage noted in Table 26, page 96 constitutes potential sites for residential development within the City. Accordingly, these sites could potentially be utilized for emergency and transitional facilities. The sites are depicted by density category in Map 4 on page 137A, which shows Vacant Land in the City and Map 5 on page 137B which shows Infill/Redevelopment Land in the City.~~

D. The following maps shall be added at pages 153 and 155 respectively:

Map 4 entitled "Industrial and Commercial Zones Suitable for Emergency Shelters" and Map 5 entitled "Multi-Family and Commercial Zones Suitable for Transitional Housing"

E. The following sentence shall be modified as follows on page 157, describing the "Good Neighbor Plan":

If all issues cannot be resolved in advance of permit application, the applicant and neighborhood parties have the option of requesting mediation of issues through a dispute resolution program for which the applicant City would pay the associated costs up to \$500 per case, with an annual budget of \$10,000 for this service.

F. The following text describing the City's Inclement Weather Program at page 157 shall be deleted:

~~In terms of the City's Inclement Weather Program, the City's 1994/1995 and 1995/1996 Inclement Weather Programs are based on a plan that provides for the geographic distribution of emergency beds, thereby making this service more accessible citywide. These programs differs from the 1993/1994 program when it was administered from one facility, a municipal gym. Opened 24 hours from December, 1993 to March, 1994, the gym accommodated up to 500 persons. The goal of the current program is to provide additional shelter options, using dispersed sites, when persons are most vulnerable. This year's program operates from November 1, 1995 though March 31, 1996. It is weather driven in that it is activated when the temperature drops to 40 degrees with no rain and 50 degrees with rain. The program offers shelter through the expansion of existing shelter programs and a motel voucher system.~~

~~Information is available through a network of service providers and a toll free information line.~~

G. The following text describing the evolution of the City's winter shelter program is added at page 157:

The City's response to the need for shelter during the cold weather season has evolved over the past several years. During the 1993-94 winter, the City opened the Municipal Gym in Balboa Park on a 24 hour basis for homeless persons. The following two winters, the City operated a weather driven program in which several facilities were opened on an emergency basis during periods of particularly cold or inclement weather. During the 1996-97 winter, the City moved toward a seasonal shelter concept in which

a large vacant building was made available on a 24 hour basis for up to 700 persons nightly.

For the 1997-98 winter, the City is planning a series of dispersed 24 hour sites which would serve approximately 650 people and be targeted to specific homeless populations. One site would be specifically for homeless men and women; another would give priority to homeless veterans; and a third site would be designated for homeless women and children. These sites should generally be consistent with those depicted on Map 4.

H. The following text shall be added to the description of the City's programs for the Homeless on page 158:

HUD's Continuum of Care Homeless Assistance Program encourages the addressing of homeless needs comprehensively and in a coordinated manner. Consequently, the City's Housing Commission has coordinated the annual planning process for identifying gaps in service pursuant to the Continuum of Care concept. This coordination has resulted in a well integrated, seamless provision of services to the homeless, as outlined in the City's Supportive Housing Program. Each provider has a role to play and expertise to bring to bear.

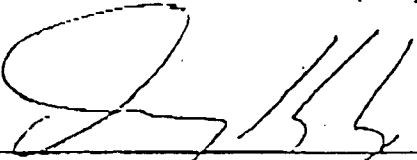
The Continuum of Care Program has resulted in approximately \$16.9 million being awarded to local providers and the Housing Commission for homeless services. The program has become the principal funding vehicle for transitional housing and case management assistance and has resulted in extensive collaboration among the provider community in order to maximize service delivery.

I. The following text has been added to the description of the City's programs to increase housing affordability opportunities at page 208:

3. **Supportive Housing Program** - This program is funded by the federal government and is designed to promote the development of supportive housing and supportive services to assist homeless persons in the transition to independent living. Supportive housing includes transitional beds, individual housing units, and community living environments. Supportive services include case management, therapy, child care, education, and job training.

2. That a copy of this amendment to the Housing Element be placed on file in the office of the City Clerk as Document No. RR- 289493

APPROVED: CASEY GWINN, City Attorney

By 

Douglas K. Humphreys
Deputy City Attorney

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