

ORDINANCE NUMBER O- 18708 (NEW SERIES)

ADOPTED ON NOV 0 8 1999

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO IMPLEMENTING GENERAL REDEVELOPMENT AND THE MEMORANDUM OF UNDERSTANDING REGARDING THE REDEVELOPMENT PROJECT AND PROPOSED BALLPARK BY APPROVING AND ADOPTING THE THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, on November 3, 1998, the electorate of the City of San Diego (the "City") approved Ordinance No. O-18613 (the "Ordinance") which authorized the City and the Redevelopment Agency of The City of San Diego (the "Agency") to enter into a Memorandum of Understanding Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project (the "MOU"), within the Centre City East (East Village) Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU has been executed by all parties thereto; and

WHEREAS, it is now fitting to consider such actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance and MOU, consistent with both the City's

and Agency's obligations under state law, and the discretion lawfully vested in the City Council acting on behalf of the City and Agency; and

WHEREAS, the City Council on May 11, 1992 by Ordinance No. O-17767 (New Series) approved and adopted the Redevelopment Plan for the Centre City Redevelopment Project [the Project] and thereafter approved and adopted a First Amendment (November 28, 1994, Ordinance No. O-18119 (New Series)), and Second Amendment (January 9, 1995, Ordinance No. O-18145 (New Series)); and

WHEREAS, it is desirable and in the public interest to further amend and modify the Redevelopment Plan for the Centre City Redevelopment Project to establish a Sports/Entertainment District therein and to make certain other related revisions to the Redevelopment Plan, which will result in substantial benefit to the public and will contribute to the revitalization of the blighted area through the increased economic vitality of the area; and

WHEREAS, in order to accomplish the establishment of the Sports/Entertainment District, and related revisions, the Redevelopment Agency of The City of San Diego [the Agency] has prepared and submitted to the Council for review and approval, a proposed Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project [the Third Amendment], a copy of which is on file in the office of the City Clerk as Document No. OO-18708, and

WHEREAS, a Progress Guide and General Plan for The City of San Diego and a Centre City Community Plan, including Amendments Pertaining to the Sports/Entertainment District and Related Matters, have been prepared and adopted as a guide for the general development of the City and downtown San Diego; and

WHEREAS, the Planning Commission of The City of San Diego has approved a Supplemental Preliminary Plan Pertaining to the Proposed Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, and has submitted to the Council its report and recommendations respecting the proposed Third Amendment to the Redevelopment Plan, and has found that the Redevelopment Plan, as amended by the Third Amendment to the Redevelopment Plan, is consistent with the General Plan and Progress Guide of the City and the Centre City Community Plan, including Amendments Pertaining to the Sports/Entertainment District and Related Matters, 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 Third Amendment to the Redevelopment Plan, which Report contains, among other things, the Planning Commission's report and recommendations, the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report [MEIR] for the Centre City Redevelopment Project (and Addressing the Centre City Community Plan and Related Documents) for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments [the Final Subsequent EIR] which includes the proposed Third Amendment to the Redevelopment Plan in its environmental assessment, 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 agencies which levy taxes, or for which taxes are levied, on property in the Project Area with respect to the Third Amendment to the Redevelopment Plan, and to the allocation of taxes pursuant to Section 33670 of the California Community Redevelopment Law (Health & Safety Code § 33000 et seq.); and

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

WHEREAS, the Agency and the Council have certified that the Final Subsequent EIR was prepared and completed in compliance with the California Environmental Quality Act of 1970, and State and local regulations and guidelines adopted pursuant thereto, that the Agency and Council have reviewed and considered the information contained in the MEIR and Final Subsequent EIR, and that the Final Subsequent EIR (as with the MEIR) reflects the independent judgment and analysis of the Agency and Council, and adopted findings with respect to the environmental impacts of the proposed Third Amendment to the Redevelopment Plan, 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 identified 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 that may be displaced as a result of carrying out the Proposed Third Amendment to the Redevelopment Plan, and the Centre City Redevelopment Project; and

WHEREAS, after due notice as provided by the California Community Redevelopment Law, a joint public hearing was held by the Council and the Agency to consider the proposed Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project; and

WHEREAS, the Council has considered all aspects of the Third Amendment to the Redevelopment Plan, and has received, considered and evaluated all written and oral evidence and

testimony prevented for or against all aspects of the Third Amendment to 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. The purposes and intent of the Council with respect to the Project Area as affected by the Third Amendment to the Redevelopment Plan, are to:

- (1) Provide for the orderly development of East Village in accordance with the Progress Guide and General Plan for The City of San Diego and the Centre City Community Plan, in a manner which upgrades the quality of life in downtown San Diego;
- (2) Eliminate blighting influences including incompatible and obnoxious land uses, obsolete and deficient structures and inadequate street rights-of way;
- (3) Eliminate environmental deficiencies including, among others, small and irregular lot and block subdivision patterns where appropriate, economic and social deficiencies and inadequate utilization of land and public facilities;
- (4) Plan, design, develop and redevelop areas of the East Village which are stagnant or improperly utilized;
- (5) Provide for development in which a full range of activities and uses may occur where an attractive urban living and working environment exists for the use and enjoyment of all San Diegans;

- (6) Strengthen the economic base of downtown through the installation of needed public improvements, including transit and parking facilities, to stimulate new commercial, residential, employment and economic growth, and to improve the circulation of people and vehicles;
- (7) Provide community facilities which serve the needs of urban residents including recreational facilities, parks and open space;
- (8) Create an urban open space system that is designed to take advantage of San Diego's climate and setting that offers both formal and informal gathering places, active recreational and quiet areas for downtown workers, residents and visitors;
- (9) Comprehensively implement redevelopment, taking into consideration and being supportive of the objectives of the Columbia, Marina and Gaslamp Quarter Sub Areas; and
- (10) Provide for unique, regionally-focused cultural, recreation and entertainment facilities such as a downtown ballpark and related ancillary development, and a sports arena, that attract residents throughout the San Diego area to downtown San Diego.

Section 2. The Third Amendment to the Redevelopment Plan for the Project having been duly reviewed and considered, is hereby approved and adopted, and the City Clerk is hereby directed to file said copy of the Third Amendment to the Redevelopment Plan with minutes of this meeting. Said Third Amendment to the Redevelopment Plan, a copy of which is on file in the office of the City Clerk as Document No. OO-18708, is incorporated herein by reference and made a part hereof as if fully set out herein.

Section 3. Ordinance No. O-17767 (New Series) and the Redevelopment Plan adopted pursuant thereto as the official Redevelopment Plan for the Centre City Redevelopment Project, as amended by Ordinance No. O-18119 (New Series), and Ordinance No. 18145 (New Series), are hereby amended as set forth in the Third Amendment to the Redevelopment Plan, so that the Redevelopment Plan adopted by Ordinance No. O-17767 (New Series), as heretofore amended, and as amended by the Third Amendment to the Redevelopment Plan, is hereby designated as the official redevelopment plan for the Project Area.

Section 4. The Council hereby finds and determines that:

- (1) The Project Area, including the portion thereof affected by the Third Amendment to the Redevelopment Plan, was and is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law;
- (2) The Third Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, will redevelop the Project Area in conformity with the California Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare;
- (3) The adoption and carrying out of the Third Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, is economically sound and feasible;
- (4) The Third Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, is consistent with the Progress Guide and General Plan of The City of San Diego and the Centre City Community Plan, 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 Government Code;

- (5) The carrying out of the Third Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, will promote the public peace, health, safety, and welfare of The City of San Diego and will effectuate the purposes and policies of the California Community Redevelopment Law;
- (6) The condemnation of real property, as provided for in the Redevelopment Plan, is necessary to the execution of the Third Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, and adequate provisions have been made for payment for property to be acquired as provided by law;
- (7) The Agency has a feasible method and plan for the relocation of families and persons displaced from the Project Area, to the extent the Third Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, results in the temporary or permanent displacement of any occupants of housing facilities in the Project Area;
- (8) (A) There are, or shall be 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;



- (B) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the California Community Redevelopment 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 California Community Redevelopment Law;
- (9) There are no noncontiguous areas of the Project Area;
- (10) 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 area of which they are a part; 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 California Community Redevelopment Law without other substantial justification for its inclusion;
- (11) The elimination of blight and the redevelopment of the Project Area cannot be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency;
- (12) The Project Area is predominately urbanized, as defined by subdivision (b) of Section 33320.1 of the California Community Redevelopment Law; and
- (13) The time limitation and the limitation on the number of dollars to be allocated to the Agency that are contained in the Redevelopment Plan, as amended, are

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. The Council is satisfied that if any families or persons are displaced by the Centre City Redevelopment Project, permanent housing facilities will be available within three (3) years 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.

Section 6. In order to implement and facilitate the effectuation of the Redevelopment Plan, as amended, 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:

- (1) Pledges its cooperation in helping to carry out the Redevelopment Plan, as amended; and
- (2) 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, as amended, including the expenditure of money in accordance with the provisions of the Redevelopment Plan, as amended, to effectuate the Redevelopment Plan; and
- (3) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, as amended, 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, as amended.

Section 7. 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, as amended, subject to the provisions of the Redevelopment Plan, as amended.

Section 8. 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 the proceedings for the redevelopment of the Project Area are continuing under the California Community Redevelopment Law. The Agency is hereby directed to effectuate recordation in compliance with the provisions of Section 27295 of the Government Code.

Section 9. The Department of Building Inspection of The City of San Diego is hereby directed in accordance with the Redevelopment Plan, as amended, 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. 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 description and map or plan 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. Ordinance No. O-17767 (New Series), as heretofore amended by Ordinance No. O-18119 (New Series) and Ordinance No. O-18145 (New Series), shall remain in full force and effect except to the extent they are changed by this amending Ordinance.

Section 12. That the City Council has certified the Final Subsequent Environmental Impact Report ("FSEIR") pursuant to the California Environmental Quality Act and adopted Findings of Fact and Statement of Overriding Considerations for the above amendments. The City Council incorporates by reference, as if fully set forth herein, the FSEIR, the Resolution certifying the FSEIR, and the Findings of Fact and Statement of Overriding Consideration for the above amendments.

Section 13. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

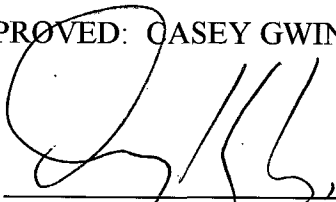
Section 14. The effective date of this Ordinance shall be ninety (90) days after adoption of this Ordinance. This Ordinance and the Third Amendment to the Redevelopment Plan shall terminate and be of no further force and effect, if at all, on the date of adoption of a resolution by the Council abandoning its efforts to develop a baseball park within the Sports/Entertainment District of East Village as authorized by Ordinance No. O-18613. If this Ordinance and the Third Amendment to the Redevelopment Plan are so terminated, then all provisions of the Redevelopment Plan for the Centre City Redevelopment Project in effect upon the effective date of the this Ordinance and the Third Amendment to the Redevelopment Plan shall be automatically reinstated. If the City commences construction of a baseball park within the Sports/Entertainment District as authorized by Ordinance No. O-18613 prior to termination of this Ordinance and the Third Amendment to the Redevelopment Plan as provided above, then the termination provision

above shall be null and void and this Ordinance and the Third Amendment to the Redevelopment Plan (and the provisions of the Redevelopment Plan as amended thereby) shall remain in full force and effect. Notwithstanding the termination of the this Ordinance and the Third Amendment to the Redevelopment Plan, if applicable, properties with respect to which development rights have vested due to the issuance of building permits or other such entitlements during the period in which the Third Amendment to the Redevelopment Plan is effective, may continue to be implemented in accordance with the terms and conditions of such entitlements.

BE IT FURTHER ORDAINED, that the City Council has certified the Final Subsequent Environmental Impact Report ("FSEIR") pursuant to the California Environmental Quality Act and adopted Findings of Fact and Statement of Overriding Considerations for the above amendments. The City Council incorporates by reference, as if fully set forth herein, the FSEIR, the Resolution certifying the FSEIR, and the Findings of Fact and Statement of Overriding Consideration for the above amendments.

APPROVED: CASEY GWINN, City Attorney

By



Douglas K. Humphreys  
Deputy City Attorney

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