

ORDINANCE NUMBER O- 18843 (NEW SERIES)

ADOPTED ON SEP 12 2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND ADOPTING THE MARINA MIXED USE AMENDMENT (SIXTH AMENDMENT) TO THE REDEVELOPMENT PLAN FOR THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, the City Council of the City of San Diego (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)), a Second Amendment (January 9, 1995, Ordinance No. O-18145 (New Series)), a Third Amendment (November 8, 1999, Ordinance No. O-18708 (New Series)), a Fourth Amendment (November 8, 1999, Ordinance No. O-18710 (New Series)), and a Fifth Amendment (November 22, 1999, Ordinance No. O-18720 (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 provide for a residential and office/television studio mixed use development on the block bounded by First, Second, Island and J streets, if accomplished in accordance with a specific Marina Development Permit approved by the Redevelopment Agency of the City of San Diego (the "Agency"), 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 residential and office/television studio mixed use development, the Agency has prepared and submitted to this City Council for review and approval, a proposed Marina Mixed Use Amendment (Sixth Amendment) to the Redevelopment Plan for the Centre City Redevelopment Project (the "Marina Mixed Use Amendment"), a copy of which is on file in the office of the City Clerk as Document No. OO-18843; and

WHEREAS, a Progress Guide and General Plan for the City of San Diego and a Centre City Community Plan, 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 submitted to the City Council its report and recommendations respecting the proposed Marina Mixed Use Amendment to the Redevelopment Plan, and has found that the Redevelopment Plan, as amended by the Marina Mixed Use Amendment to the Redevelopment Plan, is consistent with the General Plan and Progress Guide of the City and the Centre City Community Plan, and the City Council has duly considered and evaluated the report, recommendations and findings of the Planning Commission; and

WHEREAS, the Agency submitted to the City Council the Report of the Agency on the proposed Marina Mixed Use Amendment to the Redevelopment Plan, which Report contains, among other things, the Planning Commission's report and recommendation, the Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (SEIR), and the Secondary Study and Final Mitigated Negative Declaration for the KUSI Mixed Use Development, which include the proposed Marina Mixed Use Amendment to the Redevelopment Plan in their environmental

assessment, and the City Council has duly considered and evaluated the Report of the Agency;
and

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

WHEREAS, the Agency and the City Council have certified that the Secondary Study and Final Mitigated Negative Declaration were 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 City Council have reviewed and considered the information contained in the MEIR, the SEIR, and the Secondary Study and Mitigated Negative Declaration, and that the Final Mitigated Negative Declaration (as with the MEIR and SEIR) reflect the independent judgment and analysis of the Agency and City Council, and adopted findings with respect to the environmental impacts of the proposed Marina Mixed Use Amendment to the Redevelopment Plan, as required by law; and

WHEREAS, there has been presented to the City 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 Marina Mixed Use 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 City Council and the Agency to consider the proposed Marina Mixed Use Amendment to the Redevelopment Plan for the Centre City Redevelopment Project; and

WHEREAS, the City Council has considered all aspects of the Marina Mixed Use Amendment to the Redevelopment Plan, and has received, considered and evaluated all written and oral evidence and testimony presented for or against all aspects of the Marina Mixed Use 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 this City Council with respect to the Project Area as affected by the Marina Mixed Use Amendment to the Redevelopment Plan, are to:

- (1) Provide for the orderly development of the Marina Sub Area 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 down-town San Diego;
- (2) Eliminate environmental deficiencies including, among others, small lot subdivision patterns where appropriate, and inadequate utilization of land;
- (3) Plan, design, develop and redevelop a portion of the Marina Sub Area which is stagnant or improperly utilized;

(4) 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;

(5) Strengthen the economic base of downtown, and stimulate new commercial, employment and economic growth; and

(6) Comprehensively implement redevelopment, taking into consideration and being supportive of the objectives of the Marina Sub Area.

Section 2. The Marina Mixed Use Amendment (Sixth 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 Marina Mixed Use Amendment to the Redevelopment Plan with minutes of this meeting. Said Marina Mixed Use Amendment to the Redevelopment Plan, a copy of which is on file in the office of the City Clerk as Document No. OO-18843, 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], Ordinance No. O-18145 [New Series], Ordinance No. O-18708 [New Series], Ordinance No. O-18710 [New Series], and Ordinance No. O-18720 [New Series], are amended as set forth in the Marina Mixed Use 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 Marina Mixed Use Amendment to the Redevelopment Plan, is hereby designated as the official redevelopment plan for the Project Area.

Section 4. The City Council hereby finds and determines that:

(1) The Project Area, including the portion thereof affected by the Marina Mixed Use 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 Marina Mixed Use 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 Marina Mixed Use Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, is economically sound and feasible;

(4) The Marina Mixed Use 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 Marina Mixed Use 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 Marina Mixed Use 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) There are no noncontiguous areas of the Project Area;

(8) 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;

(9) 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;

(10) The Project Area is predominately urbanized, as defined by subdivision (b) of Section 33320.1 of the California Community Redevelopment Law; and

(11) 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. In order to implement and facilitate the effectuation of the Redevelopment Plan, as amended, it will be necessary for the City Council to take certain official actions with reference, among other things, to changes in zoning and other public actions, and accordingly, the City 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 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 Redevelopment Plan, as amended, subject to the provisions of the Redevelopment Plan, as amended.

Section 7. 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 8. 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 9. Ordinance No. O-17767 [New Series], as amended by Ordinance No. O-18119 [New Series], Ordinance No. O-18145 [New Series], Ordinance No. O-18708 [New Series], Ordinance No. O-18710 [New Series], and Ordinance No. O-18720 [New Series], shall remain in full force and effect except to the extent they are changed by this amending Ordinance.

Section 10. 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 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 Elisa A. Cusato
Elisa A. Cusato
Deputy City Attorney

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Or.Dept:CCDC
Aud.Cert:N/A
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