

ORDINANCE NUMBER O- 18881 (NEW SERIES)

ADOPTED ON NOV 14 2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND ADOPTING THE THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CITY HEIGHTS REDEVELOPMENT PROJECT.

WHEREAS, the Council of the City of San Diego [the Council] on May 11, 1992, by Ordinance No. O-17768 (New Series), approved and adopted the Redevelopment Plan for the City Heights Redevelopment Project [the Project]; and

WHEREAS, the Council on November 28, 1994, by Ordinance No. O-18120 (New Series), approved and adopted a special amendment to the Redevelopment Plan pertaining to certain time limits required by Assembly Bill 1290 (Chapter 942 of the California Statutes of 1993); and

WHEREAS, the Council on April 16, 1996, by Ordinance No. O-18291 (New Series), approved and adopted an additional amendment to the Redevelopment Plan, referred to as the "First Amendment"; and

WHEREAS, the Redevelopment Agency of the City of San Diego [the Agency] has prepared and submitted to the Council for review and approval, a proposed amendment to the Redevelopment Plan, denominated the Third Amendment to the Redevelopment Plan for the City Heights Redevelopment Project [the Third Amendment], a copy of which is on file in the office of the City Clerk as Document No. OO-18881, accompanied by a Report to City Council on the Proposed Third Amendment to the Redevelopment Plan; and

WHEREAS, the Planning Commission of the City of San Diego has submitted its report and recommendation on the approval and adoption of the proposed Third Amendment; and

WHEREAS, the Project Area Committee for the Project has submitted its report and recommendation on approval and adoption of the proposed Third Amendment; and

WHEREAS, the Agency and the Council have certified the Final Environmental Impact Reports prepared for the Project and prepared for the 1998 Update to the Mid-City Communities Plan and the Finding of No Significant Impact/Mitigated Negative Declaration for the First Amendment to the Redevelopment Plan pursuant to the California Environmental Quality Act of 1970, and State and local regulations and guidelines adopted pursuant thereto, including the Secondary Study and adopted findings with respect to the environmental impacts of the Third Amendment as required by law; and

WHEREAS, after due notice, a joint public hearing was held by the Council, and the Agency on the proposed Third Amendment; and

WHEREAS, at the joint public hearing, this Council heard and passed upon all oral and written objections by overruling such objections; and

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

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

Section 1. That Section 100.2 of Section 100, Introduction, of the Redevelopment Plan for the City Heights Redevelopment Project, adopted on May 11, 1992, by Ordinance No. O-17768 (New Series), on file in the office of the City Clerk as Document No. OO-18881, as amended by Ordinance No. O-18120 (New Series) adopted on November 28, 1994, as amended by Ordinance No. O-18291 (New Series) adopted on April 16, 1996 is amended to read as follows:

- C. (Sec. 100.2) The proposed redevelopment of the Project Area as described in this Plan conforms to the progress Guide and General Plan for the City

of San Diego adopted by Resolution No. 222918 of the City Council on February 26, 1979, as amended, and the Mid-City Communities Plan adopted by Resolution No. 290607 of the City Council on August 4, 1998.

Section 2. That the first full paragraph of Section 603 of Section 600, Proposed Development, of the Redevelopment Plan for the City Heights Redevelopment Project, adopted on May 11, 1992, by Ordinance No. O-17768 (New Series), on file in the office of the City Clerk as Document No. OO-18881, as amended by Ordinance No. O-18120 (New Series) adopted on November 28, 1994, as amended by Ordinance No. O-18291 (New Series) adopted on April 16, 1996 is amended to read as follows:

The Agency may purchase, lease, obtain option upon or otherwise acquire any interest in real property located in the Project Area by gift, devise, exchange, purchase, or any other means authorized by law, including the use of eminent domain for purposes of redevelopment on all of the following properties: 1) with the exception of all properties fronting on Poplar Street, all properties designated as Commercial, Commercial Transitional and Industrial on the Land Use Map, as illustrated in Amended Exhibit D, and, 2) in residentially zoned areas which are located within the ten (10) square blocks encompassed by University Avenue, Landis Street, Chamoune Avenue, and 43rd Street, which are reserved for the City Heights Urban Village, as illustrated in Exhibit H, and, 3) in residentially zoned areas which are located within the four (4) square blocks in the Interstate 15 Corridor Area and are encompassed by University Avenue, Central Avenue, Orange Avenue and Marlborough Avenue, as illustrated in Exhibit I, and, 4) in residentially zoned areas which are located within the four (4) square blocks in the Interstate 15 Corridor Area and are encompassed by University Avenue, 40th

Street, Orange Avenue and 38th Street, as illustrated in Exhibit I and, 5) in residentially zoned areas which are located within the square block in the Interstate 15 Corridor Area and are encompassed by University Avenue, 39th Street, Wightman Street and 40th Street, as illustrated in Exhibit I, and, 6) in residentially designated areas which are located within the square block in the Interstate 15 Corridor Area and are encompassed by University Avenue, Central Avenue, Wightman Street and 41st Street, as illustrated in Exhibit I. For all other residentially designated properties within the Project Area eminent domain shall only be allowed for: 1) public projects, 2) removal of chronic code violations, based upon findings of fact made by the Redevelopment Agency at a noticed public hearing, which findings shall be conclusive, 3) removal of chronic crime problems, based upon findings of fact made by the Redevelopment Agency at a noticed public hearing, which findings shall be conclusive, and 4) preservation of significant cultural and historical resources as determined by the San Diego Historical Sites Board. The Agency may further, to the greatest extent allowed by law, purchase, lease, obtain option upon or acquire any interest in real property within a survey area or for purposes of redevelopment by any means authorized by law. Any eminent domain proceedings must commence within twelve (12) years of the effective date of the ordinance approving and adopting this Plan Amendment No. Three. Such time limitation may be extended only by amendment of this Plan.

Section 3. That the Redevelopment Plan for the City Heights Redevelopment Project, adopted on May 11, 1992, by Ordinance No. O-17768 (New Series), on file in the office of the City Clerk as Document No. OO-18881, as amended by Ordinance No. O-18120 (New Series)

adopted on November 28, 1994, as amended by Ordinance No. O-18291 (New Series) adopted on April 16, 1996 is amended by adding Exhibits H and I to the Redevelopment Plan.

Section 4. That Exhibit D, Land Use Map, of the Redevelopment Plan for the City Heights Redevelopment Project, adopted on May 11, 1992, by Ordinance No. O-17768 (New Series), on file in the office of the City Clerk as Document No. OO-18881, as amended by Ordinance No. O-18120 (New Series) adopted on November 28, 1994, as amended by Ordinance No. O-18291 (New Series) adopted on April 16, 1996 is amended by substituting the Amended Exhibit D attached to this Third Amendment for the existing Amended Exhibit D.

Section 5. That the Council finds and determines that:

A. The Project Area was and is a blighted area, the redevelopment of which was and is necessary to effectuate the public purposes declared in the California Community Redevelopment Law;

B. The Redevelopment Plan, as amended, will redevelop the Project Area in conformity with the California Community Redevelopment Law in the interest of the public peace, health, safety and welfare;

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

D. The Redevelopment Plan, as amended, conforms to the Progress Guide and General Plan of the City of San Diego, 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 I of Title 7 of the Government Code;

E. The carrying out of the Redevelopment Plan, as 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;

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

G. In the event any families and persons residing within the Project Area are displaced by redevelopment activities:

1. The Agency has a feasible method and plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the Project Area;

2. There will be provided in the entire 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 of and available to such displaced families and persons and reasonably accessible to their place of employment;

3. 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.

H. 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; any such 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;

I. 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;

J. The Project Area is predominantly urbanized, as defined by subdivision (b) of Section 33320.1 of the California Community Redevelopment Law;

K. 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 6. 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 7. That this Ordinance shall be in full force and effect on the thirtieth 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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