

ORDINANCE NUMBER O- 19174

ADOPTED ON MAY 06 2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE
CROSSROADS 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 Crossroads Redevelopment Project [the Project]; and

WHEREAS, the Agency has prepared and referred to the Council of the City of San Diego [the Council] 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- 19174; and

WHEREAS, the boundaries of the area to be included in the Project [the Project Area] are described in the Redevelopment Plan; and

WHEREAS, Rules Governing the Participation of Property Owners and Preference for Business to Reenter in the Crossroads Redevelopment Project [the Rules], a copy of which is on file in the office of the Secretary to the Agency as Document No. 03614, have been prepared and adopted by the Agency; and

WHEREAS, the Planning Commission of the City of San Diego has submitted to the Council its report and recommendations with respect to the proposed Redevelopment Plan, and has found that the Redevelopment Plan conforms to the General Plan 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 includes, among other things: the reasons for selecting the Project Area; a description of the physical and economic conditions existing in the Project Area causing blight; an implementation plan that describes the goals and objectives of the Agency, specific projects and programs proposed for the first five years of the Redevelopment Plan; a description of the specific projects currently proposed by the Agency and a description of how these projects will improve or alleviate blighting conditions; an explanation of why the elimination of blight and redevelopment of the Project Area cannot reasonably be expected to be accomplished by private enterprise acting alone or by the use of financing alternatives other than tax increment financing; the proposed method of financing the redevelopment of the Project Area so that the City Council can determine the economic feasibility of the Redevelopment Plan; a description of how the specific projects and programs proposed will improve or alleviate blighting conditions; a Neighborhood Impact Report; a summary record of the PAC proceedings; an analysis of the Preliminary Plan; the Report and Recommendation of the City Planning Commission, including the report required by Government Code Section 65402; the report of the County Fiscal Officer and the Agency's analysis thereof, including a summary of consultations with affected taxing agencies; a plan and method for the relocation of persons and businesses who may be temporarily or permanently displaced from housing or business facilities as a result of the Redevelopment Plan; and the Final Project Environmental Impact Report [the Final PEIR], and the Council has duly considered and evaluated the Report of the Agency; and

WHEREAS, the Agency consulted with taxing agencies that levy taxes, or for which

taxes are levied, on property in the Project Area with respect to the proposed 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.*); and

WHEREAS, the Council has duly considered and evaluated the possible financial effects of the Project on the taxing entities, and, among other things, the report of the County Fiscal Officer and the record of the Agency's consultations with affected taxing agencies; and

WHEREAS, the Agency provided for consultations with the Crossroads Project Area Committee with respect to the proposed Redevelopment Plan, and the Project Area Committee has been given an opportunity to submit to the Council its report and recommendations respecting the proposed Redevelopment Plan; and

WHEREAS, by separate resolutions, the Agency and the Council have certified that the Final PEIR was prepared and completed in compliance with the California Environmental Quality Act of 1970 [CEQA] and state and local guidelines and regulations adopted pursuant thereto, and the Agency and the Council have reviewed and considered all the information contained therein, and adopted all necessary findings and determinations with respect to the environmental impacts of the Project as required by law, and adopted a Statement of Overriding Considerations and a Mitigation Monitoring Program, all pursuant to the requirements of CEQA and its implementing guidelines; 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 law, the Council and the Agency held a joint public hearing to consider the proposed Redevelopment Plan; and

WHEREAS, the City Council has considered all aspects of the Redevelopment Plan, the Agency's Report to the City Council, other recommendations of the Agency, the Report and recommendation of the Planning Commission, the economic feasibility of the Redevelopment Plan, and the Final PEIR; has provided an opportunity for all persons to be heard, has received and considered all evidence and testimony presented for and against all aspects of the Redevelopment Plan, including environmental impacts, and has adopted written findings responding to all written objections of an affected property owner or taxing agency; and

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

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

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

A. Eliminate and prevent the spread of blight and deterioration, and redevelop the proposed Redevelopment Project Area in accordance with the General Plan, applicable community plans, the Redevelopment Plan, and local codes and ordinances;

B. Enhance economic growth within the Project Area by continuing ongoing efforts to revitalize commercial areas, particularly the commercial corridor along El Cajon Boulevard and University Avenue, and establishing one or more Business Improvement Districts;

C. Improve the flow of traffic, relieve congestion on residential streets located within the Project Area and otherwise enhance the quality of pedestrian and vehicular mobility, and improve transportation facilities, which support the vitality, safety and viability of the Project Area;

D. Alleviate the shortage of commercial and residential parking while avoiding negative impacts on residential neighborhoods resulting from the oversupply of parking by implementing a coordinated and comprehensive plan for the proportional distribution and proper configuration of parking spaces and facilities;

E. Expand employment opportunities for Project Area residents by encouraging the development of manufacturing enterprises and improving accessibility of employment centers within and outside the Project Area;

F. Improve public infrastructure and undertake other public improvements in, and of benefit to, the Project Area, such as undergrounding electrical distribution lines and telephone lines along major streets, widening, reducing or otherwise modifying existing roadways or creating additional streets for proper pedestrian and/or vehicular circulation;

G. Expand recreational opportunities of Project Area residents by developing facilities such as a sports field south of Chollas Lake and an urban resource-based park in the North Chollas Canyon area;

H. Preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

I.. Create an attractive and pleasant environment within the Project Area.

Section 2. The Redevelopment Plan for the Crossroads Redevelopment Project, a copy of

which is on file in the office of the City Clerk as Document No. 00-19174, is hereby approved and adopted. The Redevelopment Plan, including any amendments thereto as may be adopted from time to time, shall collectively be referred to as the Redevelopment Plan. The Redevelopment Plan, the map and legal description contained therein, and such other documents as are incorporated therein by reference, having been duly reviewed and considered, are hereby incorporated in this Ordinance by reference and made a part hereof, as if set forth in full herein.

Section 3. The Redevelopment Plan is hereby designated as the official Redevelopment Plan for the Project Area.

Section 4. Based on substantial evidence in the record, including, but not limited to, the Agency's Report to Council, and all documents referenced therein, oral and written staff reports, evidence and testimony received at the joint public hearing on adoption of the Redevelopment Plan, and written responses to written objections, the City Council finds and determines, as follows:

A. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*). This finding is based upon, but not limited to, the physical and economic conditions, described in the Report of the Agency to the Council, that were identified within, and characterize, the Project Area.

B. The Redevelopment Plan will redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon, but not limited to, the programs and projects of redevelopment activities described in the Report of the Agency to the Council

and proposed by the Agency, that will systematically address the conditions of blight within the Project Area and attain the purposes of the Community Redevelopment Law.

C. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based upon, but not limited to, the determination of financial feasibility contained in the Agency's Report to Council.

D. The Redevelopment Plan is consistent with the 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 applicable legal requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based upon, but not limited to, the report and recommendation of the Planning Commission.

E. The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the City, and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon, but not limited to, the purpose of the Redevelopment Plan to enable the Agency to address and correct conditions of blight in the Project Area and, by coordinating public and private actions, to stimulate development, contribute toward needed public improvements, improve economic and physical conditions in the Project Area, and increase employment opportunities in the Project Area and the City of San Diego.

F. The condemnation of real property, to the extent provided 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. This finding is based upon, but not limited to, the need to ensure that the provisions of the Redevelopment Plan will be carried out to eliminate and prevent the recurrence of blight, subject to the limitations contained in the Redevelopment Plan, which excludes the Agency from exercising the power of eminent domain to acquire single-family dwelling units that are located in areas zoned and designated for single-family residential uses; moreover, the law does not allow the Agency to acquire property without paying full compensation therefor.

G. The Agency has a feasible method or plan for the relocation of families and persons displaced from the Project Area. This finding is based upon, but not limited to, the Agency's comprehensive program for the relocation of persons, families, businesses or tenants displaced by Agency project activities.

H. 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. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Community Redevelopment Law Sections 33411 and 33411.1. 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 provisions of Community Redevelopment Law Sections 33334.5, 33413 and 33413.5. These findings are based upon, but not limited to, the fact that under the Plan, no person

or family will be required to move from any dwelling unit until suitable relocation housing is available for occupancy, and that such housing must meet the standards established in State law, regulations, the Relocation Plan, the Agency Relocation Rules and Regulations, and the Redevelopment Plan.

I.. All non-contiguous 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 pursuant to Section 33670 the Community Redevelopment Law from the area without other substantial justification for their inclusion. This finding is based upon, but not limited to, the physical and economic conditions, described in the Report of the Agency to the Council, that were identified within, and characterize, the Project Area.

J. Inclusion of any lands, buildings, or improvements which are not detrimental to public health, safety or welfare is necessary for the effective redevelopment of the area of which they are a part, and 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 the area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. The justification in part for inclusion of any such properties is that they are necessary to plan and carry out redevelopment of the Project Area as a uniform whole in order to effectuate redevelopment of the Project Area.

K. The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon, but not limited to, the analysis, contained in the Agency's Report to Council, of physical and economic

conditions in the Project Area, indicating that redevelopment is needed in order to provide the needed infrastructure, services and blight alleviation, and that private enterprise acting alone cannot accomplish the needed redevelopment given the economic infeasibility of the undertakings necessary to carry out such redevelopment.

L. The Project Area is predominantly urbanized as defined in subdivision (b) of Section 33320.1 of the Community Redevelopment Law. This finding is based upon, but not limited to, the fact that all property in the Project Area has been developed for urban uses and/or is an integral part of an area developed for urban uses.

M. The time limitations that are contained in the Redevelopment Plan 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. This finding is based in part upon the fact that the economic feasibility analysis of the Project Area, which is based upon the time limitations of the Redevelopment Plan, was determined on a cash flow basis that related annual resources with corresponding expenditures and redevelopment strategies at every stage and throughout the term of the Redevelopment Plan. The analysis projected the actual timing and costs of the various redevelopment activities from inception until termination of the Redevelopment Plan.

N. The City Council is satisfied that 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 the facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement. This finding is based in part upon the

Agency's assurances regarding displaced residents and relocation housing and the procedures involved in implementing the Agency's Relocation Plan for the Project Area and the Agency's Relocation Rules and Regulations.

Section 5. In order to implement and facilitate the implementation of the Redevelopment Plan hereby approved, it will be necessary for the Council to undertake and complete certain official actions with reference to, among other things, changes in zoning, the location and relocation of public facilities, and other public actions, and accordingly, the Council hereby:

A. Pledges its cooperation 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 provisions of the Redevelopment Plan, including the expenditure of money in accordance with the Provisions of 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 proceeding necessary to be carried out by the City of San Diego under the Provisions of the Redevelopment Plan.

Section 6. 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 Community Redevelopment Law.

Section 7. 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 8. Within thirty days following the effective date of this Ordinance, the City Clerk is hereby directed to transmit a copy of the description and statement recorded by the City Clerk pursuant to Section 6 of this Ordinance, a copy of this Ordinance, and a map or plat indicating 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 9. If any part of this Ordinance or the Redevelopment Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Redevelopment Plan as if such invalid portion thereof had been deleted.

Section 10. 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. This Ordinance shall take effect and be in force on the ninetieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By: 

Douglas K. Humphreys
Deputy City Attorney

DKH:smf
03/04/03
Or.Dept:Redev.
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Redev: RA-2003-126, RA-2003-127, RA-2003-128
Council:R-2003-1061, R-2003-1062