

ORDINANCE NUMBER O- 19270 (NEW SERIES)

ADOPTED ON APR 12 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING AND ADOPTING THE EIGHTH  
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE  
CENTRE CITY REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of San Diego [City Council] on September 14, 1992, by Ordinance No. O-17831 (New Series) approved and adopted the Redevelopment Plan [Redevelopment Plan] for the Centre City Redevelopment Project [Project], as amended by Ordinance No. 0-18119 (New Series) adopted on November 28, 1994 by the City Council, by Ordinance No. 0-18145 (New Series) adopted on January 9, 1995 by the City Council, by Ordinance No. 0-18708 (New Series) adopted on November 8, 1999 by the City Council, by Ordinance No. 0-18710 (New Series) adopted on November 8, 1999 by the City Council, by Ordinance No. 0-18720 (New Series) adopted on November 22, 1999 by the City Council, by Ordinance No. 0-18843 (New Series) adopted on September 12, 2000 by the City Council and Ordinance No. 0-19132 (New Series) adopted on December 9, 2002 by the City Council; and

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] has prepared and submitted to the City Council for review and approval, a proposed Eighth Amendment to the Redevelopment Plan for the Project [Eighth Amendment], a copy of which is on file in the office of the City Clerk as Document No. 00-19270, accompanied by a Report to City Council on the proposed Eighth Amendment to the Redevelopment Plan; and

WHEREAS, the Planning Commission of the City of San Diego has submitted its report and recommendation, finding the proposed Eighth Amendment to the Redevelopment Plan to be

in conformity with the City's General Plan and recommending approval and adoption of the proposed Eighth Amendment; and

WHEREAS, the Project Area Committee for the Project has recommended approval and adoption of the proposed Eighth Amendment; and

WHEREAS, the Centre City Advisory Committee for the Project has recommended approval and adoption of the proposed Eighth Amendment; and

WHEREAS, the Centre City Development Corporation has recommended approval and adoption of the proposed Eighth Amendment; and

WHEREAS, the Agency and the City Council have certified and approved an Environmental Secondary Study pertaining to the Eighth Amendment pursuant to the Redevelopment Agency Procedures for Implementation of the California Environmental Quality Act, the California Environmental Quality Act of 1970, and the adopted State and local regulations and guidelines, and adopted findings with respect to the environmental impacts of the Eighth Amendment as required by law; and

WHEREAS, after due notice, a joint public hearing was held by the City Council and the Agency on the proposed Eighth Amendment; 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 the purposes and intent of the City Council with respect to the Eighth Amendment to the Project are to extend the time limit for authorization of the use of eminent

domain for an additional twelve years to achieve the purposes of and carry out the Redevelopment Plan.

Section 2. That the City 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.

The basis of this finding includes, but is not limited to, the following facts: the facts set forth in Section III of the Report to Council regarding the physical and economic blighting conditions which remain in the Project area and the facts set forth in Section III of the original Report to Council which accompanied the Redevelopment Plan in May of 1992 [Original Report to Council].

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.

The basis of this finding includes, but is not limited to, the specific programs and projects described in the Five-Year Implementation Plan (Section VI of the Report to Council) for July 1999-June 2004, which show that the purposes of the Community Redevelopment Law would be attained by programs and projects of redevelopment activities proposed by the Agency for the Project area.

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

The basis of this finding includes, but is not limited to the method of financing for the Redevelopment Plan, as described in Section IV of the Original Report to Council.

D. The Redevelopment Plan, as amended, conforms to 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.

The basis of this finding includes, but is not limited to, the report and recommendation of the Planning Commission included as Section VI of the Report to Council.

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.

The basis of this finding includes, but is not limited to, the fact that under the Eighth Amendment, the Agency will be able to continue to address and correct blighting conditions in the Project area, for the purposes (among others) set forth in Section I of the Report to Council.

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.

The basis of this finding includes, but is not limited to, the fact that the following Project area goals and objectives (among others) may not be able to be achieved without the condemnation of Property: (1) creation of viable housing options within Centre City that span a range of incomes, including housing for the homeless and formerly homeless; (2) creation of

public facilities which serve both the immediate neighborhood and the community at large; (3) abating of nuisances and providing for future development; and (4) increasing residential stability as a result of improved neighborhood conditions and an improved housing stock which meets the needs of a broad spectrum of incomes. In addition, the Agency has adopted and included in the Report to Council as Section V, a Plan and Method of Relocation for the Centre City Redevelopment Project which provides for relocation and the provision of relocation assistance pursuant to all applicable State and Federal laws.

G. The Agency has a feasible method and plan for the relocation of families and persons displaced from the Project area in the event that the implementation of the Redevelopment Plan, as amended, results in the temporary or permanent displacement of any occupants of housing facilities in the Project area.

This finding is based upon, but not limited to, the Plan and Method of Relocation for the Centre City Redevelopment Project adopted by the Agency and contained in the Report to Council in Section V, and the Agency's commitment, in the event of such displacement, to provide persons, families, business owners and tenants so displaced with monetary and advisory relocation assistance consistent with the California Relocation Assistance Law (Government Code section 7260 *et. seq.*), the State Guidelines adopted and promulgated pursuant thereto, the Plan and Method of Relocation, the Rules and Regulations for Implementation of California Relocation Assistance Law adopted by the Agency on April 30, 1990, as amended [Agency Relocation Rules and Regulations], and the provisions of the Redevelopment Plan, as amended.

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 such displaced families and persons and reasonably accessible to their place of employment.

Moreover, 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.

These findings are based upon, but not limited to, the fact that no person or family will be required to move from any dwelling unit until suitable relocation housing is available for occupancy, and the fact that such housing must meet the standards established in State law, State Guidelines, the Plan and Method of Relocation, the Agency Relocation Rules and Regulations, and the Redevelopment Plan, as amended.

I. The elimination of blight and the redevelopment of the Project area can not be reasonably 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, Section II. D. of the Original Report to Council.

J. This City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project area are displaced and that, pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the City of San Diego at the time of their displacement.

This finding is based in part on the Agency's assurances regarding displaced residents and relocation housing and the procedures involved in implementing the Agency's Plan and Method of Relocation for the Project area and the Agency Relocation Rules and Regulations.

Section 3. That all written and oral objections to the Eighth Amendment to the Redevelopment Plan are overruled.

Section 4. The Eighth 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 Eighth Amendment to the Redevelopment Plan with minutes of this meeting. Said Eighth Amendment to the Redevelopment Plan, a copy of which is on file in the office of the City Clerk as Document No. 00-19270, is incorporated herein by reference and made a part hereof as if fully set out herein.


Section 5. Ordinance No. 0-17767 (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. 0-18119 (New Series), Ordinance No. 0-18145 (New Series), Ordinance No. 0-18708 (New Series), Ordinance No. 0-18710 (New Series), Ordinance No. 0-18720 (New Series), Ordinance No. 0-18843 (New Series) and Ordinance No. 0-19132 (New Series) are hereby amended as set forth in the Eighth Amendment to the Redevelopment Plan, so that the Redevelopment Plan adopted pursuant to Ordinance No. 0-17767 (New Series), as heretofore amended, and as amended by the Eighth Amendment to the Redevelopment Plan, is hereby designated as the official redevelopment plan for the Project area.

Section 6. That the City Clerk is directed to send a certified copy of this ordinance to the Agency and the Agency is vested with the responsibility for carrying out the Redevelopment Plan, as amended, subject to the provisions of the Redevelopment Plan, as amended.

Section 7. That a fall 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 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By  \_\_\_\_\_  
for Douglas K. Humphreys  
Deputy City Attorney

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Or.Dept: CCDC  
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