

ORDINANCE NUMBER O- 19330 (NEW SERIES)

ADOPTED ON NOV 22 2004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, APPROVING AND ADOPTING THE FIRST AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE SOUTHCREST REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Plan [Redevelopment Plan] for the Southcrest Redevelopment Project [Project or Project Area] was adopted on April 14, 1986, by the City Council of the City of San Diego [City Council]; and

WHEREAS, adoption and implementation of the Redevelopment Plan has fostered the elimination of blight in the Project Area; and

WHEREAS, to maintain its success, the Redevelopment Agency of the City of San Diego [Agency] needs to continue to have the ability to undertake essential actions to alleviate blight and facilitate continued and effective redevelopment in the Project; and

WHEREAS, to that end, the Agency has formulated and prepared the proposed First Amendment to the Redevelopment Plan [First Amendment] for the Project Area; and

WHEREAS, there is no requirement for the formation of a Project Area Committee [PAC] for the review of the proposed First Amendment and no such PAC recommendation is required prior to the adoption of the proposed First Amendment; and

WHEREAS, the City has previously certified an Addendum to An Environmental Impact Report (No. 84-0721) for the proposed First Amendment providing for certain land use designations and the replacement of the Southcrest Redevelopment Plan Land Use Map [Addendum] pursuant to the California Environmental Quality Act [CEQA] (Public Resources Code Section 21000 *et seq.*), and the State and Agency Guidelines implementing CEQA; and

WHEREAS, the Planning Commission on September 30, 2004, voted to support the adoption of the proposed First Amendment; and

WHEREAS, the Agency submitted the proposed First Amendment to the City Council, together with a Report to the City Council; and

WHEREAS, the Agency adopted a resolution recommending that the City Council approve and adopt the proposed First Amendment; and

WHEREAS, the City Council has considered the First Amendment, the Agency's Report to the City Council, and other recommendations of the Agency, has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for and against any and all aspects of the proposed First Amendment; 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 City Council hereby finds and determines that all of the foregoing recitals are true and correct.

Section 2. The purposes and intent of the City Council continues to be the achievement of the following goals and objectives with respect to the Project Area:

1. To eliminate and prevent the spread of blight and deterioration.
2. To encourage the cooperation and participation of residents, business people, public agencies and community organizations.
3. To reconstitute the community as a viable mixed-use area with compatible land use patterns.
4. To encourage new and continuing private investment.

5. To achieve an environment with a high level of concern for urban design and land use principles.
6. To resolve parking and vehicular traffic problems and produce an acceptable level of service on Project Area arteries.
7. To encourage the development of a commercial environment.
8. To promote local job opportunities, preserving the area's existing employment base, and provide vocational training for community residents.
9. To create a balanced mix of new housing stock, including new very low, low and moderate income housing as well as encouraging rehabilitation of existing dwelling units.
10. To provide a basis for and coordinate the location and programming of public service facilities.
11. To encourage the preservation and enhancement of the distinctive character of the community and promote the development of the community's cultural and ethnic qualities.
12. To provide an environment conducive to the health, safety and well being of community residents.
13. To provide relocation assistance when necessary to area residents and businesses.
14. To coordinate revitalization efforts with other programs developed by the City of San Diego.

Section 3. The City Council hereby approves and adopts the proposed First Amendment for the Southcrest Redevelopment Project. The proposed First Amendment together with the Redevelopment Plan, copies of which are on file with the City Clerk as Document No. D-_____, are incorporated in this Ordinance by reference and made a part hereof, and as

so incorporated are collectively hereby designated, approved, and adopted as the official Redevelopment Plan for the Project Area.

Section 4. The City Council hereby finds and determines, based on substantial evidence in the record any evidence specified after each of the following findings, the Agency's report to the City Council and all documents referenced therein which are hereby incorporated by reference, any oral and written staff reports, and any evidence and/or testimony received at the joint public hearing on the adoption of the proposed First Amendment, that:

a. Blighting conditions prevail within the Project 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.*).

b. The Redevelopment Plan, as amended by the proposed First Amendment, 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 contained within the Third Implementation Plan for FY2004-2009 for the Project. Reference is made to the Third Implementation Plan for more specific information regarding the Agency's proposed programs and projects. The Third Implementation Plan adopted May 2004 and attached to the Agency's report to the City Council as Appendix IV is hereby incorporated by reference.

c. The adoption and carrying out of the Redevelopment Plan, as amended by the proposed First Amendment, is economically sound and feasible. This finding is based upon, but not limited to the Redevelopment Plan and the documents prepared in connection with the adoption of the Redevelopment Plan.

d. The Redevelopment Plan, as amended by the proposed First Amendment, is consistent with the General Plan of the City of San Diego, including, but not limited to, 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 Redevelopment Plan and the Report to the City Council.

e. The carrying out of the Redevelopment Plan, as amended by the proposed First Amendment, will promote the public peace, health, safety and welfare of the City, and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based upon, but not limited to, the fact that under the proposed First Amendment the Agency will be able to continue to address and correct blighting conditions in the Project Area, for the purposes (among others) of providing new affordable housing and new neighborhood serving commercial establishments.

f. The Agency has a feasible method or 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 by the First Amendment, results in temporary or permanent displacement of any occupants of housing facilities in the Project Area. This finding is based upon, but not limited to, the Method of Relocation for the Project previously adopted by the Agency on July 27, 2004, 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 and Real Property Acquisition Law, the State Guidelines adopted and promulgated pursuant thereto, the Method of Relocation, any rules and/or regulations for the implementation of the California Relocation

Assistance and Real Property Acquisition Law adopted by the Agency, and the provisions of the Redevelopment Plan, as amended by the First Amendment.

g. 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. Moreover, 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, 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 provisions of Community Redevelopment Law sections 33334.5, 33413 and 33413.5. This finding is 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 Method of Relocation, any rules and/or regulations for the implementation of the California Relocation Assistance and Real Property Acquisition Law adopted by the Agency, and the Redevelopment Plan, as amended by the First Amendment.

h. 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. The basis of this finding includes, but is not limited to, the Redevelopment Plan, the documents prepared in connection with the adoption of the Redevelopment Plan, and the Report to the City Council.

j. The 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 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 Method of Relocation for the Project Area and the Agency's Relocation Rules and Regulations adopted April 3, 1990, and amended March 3, 1998, Document No. D-03356.

Section 5. All written and oral objections to the First Amendment, if any, filed with and presented to the City Council and any written responses thereto, have been considered by the City Council at the time and in the manner required by law, and such written and oral objections are overruled.

Section 6. In order to implement and/or facilitate the implementation of the First Amendment hereby approved, this City Council 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 First Amendment.

Section 7. The City Clerk is directed to send a certified copy of this ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan, as amended by the First Amendment.

Section 8. If any part of this Ordinance or the First Amendment 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 First Amendment, and this Council declares that it would


have passed the remainder of the Ordinance or approved the remainder of the First Amendment as if such invalid portion had been deleted.

Section 9. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be published once in the newspaper of general circulation of the City of San Diego.

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 thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Sung L. Phillips
Deputy City Attorney

SLP:ai
10/22/04
Or.Dept:SEDC
O-2005-57