

SO
6/20/06

(O-2006-130)

ORDINANCE NUMBER O- 19503 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 27 2006

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

WHEREAS, the City Council of the City of San Diego [City Council] on November 30, 1993, by Ordinance No. O-18018 approved and adopted the Redevelopment Plan for the College Community Redevelopment Project [Project or Project Area] and thereafter approved and adopted a First Amendment (November 28, 1994, Ordinance No. O-18121) and a Second Amendment (November 22, 1999, Ordinance No. O-18722); and

WHEREAS, adoption and implementation of the Redevelopment Plan has fostered the elimination of some blight in the Project; 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, it is desirable and in the public interest to further amend and modify the Redevelopment Plan for the College Community Redevelopment Project to provide for the extension of the Agency's eminent domain power within the Project Area for an additional 12 years, the removal and exclusion of three parcels from the Project Area that contain newer developments and are no longer necessary for the effective redevelopment of the Project, and the

amendment of land use language in the Redevelopment Plan to refer to the other plans and documents pertaining to specific land use/development restrictions; and

WHEREAS, the Agency has prepared and submitted to this City Council for review and approval a proposed Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project, a copy of which is attached to this Ordinance as Attachment A and on file in the Office of the City Clerk as Document No. 00-19503; and

WHEREAS, the Planning Commission of the City of San Diego has submitted to the City Council its report and recommendation on the approval and adoption of the proposed Third Amendment to the Redevelopment Plan, and has found that the Redevelopment Plan, as amended by the Third Amendment is consistent with the General Plan and the Progress Guide of the City, 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 Third Amendment to the Redevelopment Plan [Report], which Report contains, among other things, the Planning Commission's report and recommendation and the Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project, and the City Council has duly considered and evaluated the Report of the Agency; and

WHEREAS, the Agency consulted with the College Community Project Area Committee [PAC] and the College Area Community Council [CACC] with respect to the Third Amendment to the Redevelopment Plan, and the PAC and the CACC submitted to the City Council their respective reports and recommendations respecting the Third Amendment to the Redevelopment Plan, which the City Council has duly considered and evaluated; and

WHEREAS, the Agency and Council certified the College Community Redevelopment Project Final Environmental Impact Report [FEIR] prepared for the Project in November 1993, pursuant to the California Environmental Quality Act of 1970, and State and local regulations and guidelines adopted pursuant thereto; and

WHEREAS, based upon the preparation of an Initial Study for the proposed Third Amendment, the Agency and City have determined that no new effects could occur and no mitigation measures are required, the proposed Third Amendment is the same project analyzed in the FEIR, and no new environmental documentation is required per State CEQA Guidelines Section 15168(c)(2) and CEQA Section 21166; and

WHEREAS, there has been presented to the City Council information and data as a result of studies, surveys and analyses about conditions in the Project Area; and

WHEREAS, after due notice as provided by the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) [CRL], a joint public hearing was held by the City Council and the Agency to consider the proposed Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project; and

WHEREAS, the City Council has considered all aspects of the proposed Third Amendment to the Redevelopment Plan, and has received, considered and evaluated all written and oral evidence and testimony presented for and against all aspects of the proposed Third Amendment to the Redevelopment Plan; 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 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 continue to be the following goals and objectives with respect to the Project Area:

- (1) The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, specific plans, this Plan and local codes and ordinances;
- (2) The mitigation of traffic and parking congestion within the Project Area and the surrounding neighborhoods through the provision of high quality housing and retail services in a pedestrian-oriented development directly adjacent to the San Diego State University campus;
- (3) The provision of a living environment adjacent to the University which will attract University students who now commute to campus creating traffic and parking congestion or reside in single-family homes in neighborhoods adjacent to the campus which are ill-suited for student housing purposes;
- (4) The achievement of an environment reflecting a high level of concern for architecture, landscape, urban design, and land use principles appropriate for attainment of the objectives of this Plan;
- (5) The creation of development of local job opportunities and the preservation of the area's existing employment base;
- (6) The replanning, redesign, and development of areas which are stagnant or improperly utilized; and

(7) The expansion of the community's supply of housing (inside or outside the Project Area), including opportunities for very low, low- and moderate-income households.

Section 3. The Third Amendment to the Redevelopment Plan for the Project, having been duly reviewed and considered, it hereby approved and adopted, and the City Clerk is hereby directed to file a copy of said Third Amendment to the Redevelopment Plan, a copy of which is on file in the Office of the City Clerk as Document No. 00-19503. The Redevelopment Plan adopted by Ordinance No. O-18018, as heretofore amended, and as amended by the Third Amendment is incorporated herein by this reference and is made a part hereof as if fully set out herein.

Section 4. The Redevelopment Plan adopted by Ordinance No. O-18018, as heretofore amended, and as amended by the Third Amendment is hereby designated as the official redevelopment plan for the Project Area.

Section 5. The City Council hereby finds and determines, based on substantial evidence in the record, including, but not limited to, any evidence specified after each of the findings, the "Report to City Council for the College Community Redevelopment Project" which was prepared for the October 12, 1993 joint public hearing (which is incorporated herein by this reference and made a part hereof as if fully set out herein), the Agency's Report and any and all documents referenced therein (which are incorporated herein by this reference and made a part hereof as if fully set out herein), oral and written staff reports, and evidence and testimony received at the joint public hearing on the adoption of the Third Amendment, that:

(1) The Project Area remains a blighted area, the redevelopment of which 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 facts set forth in Section III of the Report regarding the physical and economic blighting conditions which remain in the Project Area.

(2) The Redevelopment Plan, as amended by the Third Amendment, will redevelop the Project in conformity with the CRL and in the interests of the public peace, health, safety and welfare.

The basis of this finding includes, but is not limited to, the fact that the Five Year Implementation Plan contained in the Report sets out the Agency's proposed projects for the five years covered by the Five Year Implementation Plan and an explanation of how those projects will alleviate blighting conditions in the Project Area. The proposed projects will serve as a catalyst for further private and public investment within the Project Area and provide housing opportunities for very low, low and moderate income individuals and will remove deficient structures and incompatible land uses from the Core Sub-Area. The proposed projects will replace a mix of incompatible and haphazard residential, office, and community-serving land uses in the Core, 55th Street and Alvarado Road Sub-Areas and provide a new focus for housing and mixed-use activity, as well as providing space for community-serving activities. The proposed projects will result in the relocation of up to five Religious Centers, and provide improved, appropriately designed sites for administering their services. The public improvements that will be funded through the projects will correct a number of current parking and vehicular transportation problems, provide improved access through and within the Project Area and

College Community, and visually improve the image of the community and Project Area. The proposed projects will improve housing opportunities for students and relieve the ill suited residential or "mini-dorm" problems that exist in the community surrounding the Project Area. The Third Amendment will not change the proposed projects. In order to maintain its success, the 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, as a result, the Agency has prepared the Third Amendment.

(3) The adoption and carrying out of the Redevelopment Plan, as amended by the Third Amendment, is economically sound and feasible.

The basis of this finding includes, but is not limited to, the information contained in the Agency's Resolution approving the proposed Third Amendment and Report and Section V of the Report which describes how the Redevelopment Plan, as amended by the Third Amendment, is economically sound and feasible. Section V of the Report provides, in part,

"The anticipated costs to implement a program of revitalization in the amended Project Area will require significant participation from the Agency as it implements activities that promote and achieve the stated goals and objectives of the Plan. Economic feasibility of the amended Plan has been determined based upon a comparative cash flow analysis of the anticipated costs for implementation of the proposed redevelopment program to the resulting projected resources projected over the remaining life of the Project. The economic feasibility summarized on Table 7 was created to represent one scenario of economic feasibility. At the discretion of the Agency, other funding sources discussed

above may also represent viable funding alternatives for economic feasibility of the Plan.”

(4) The Redevelopment Plan, as amended by the Third Amendment, is consistent with 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.

This finding is based in part on the Report and recommendation of the Planning Commission.

(5) The carrying out of the Redevelopment Plan, as amended by the Third Amendment, will promote the public peace, health, safety and welfare of the City of San Diego, and will effectuate the purposes and policies of the CRL.

The basis of this finding includes, but is not limited to, the fact that under the Third Amendment the Agency will be able to continue to address and eliminate blighting conditions in the Project Area.

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

This finding is based upon, without limitation, the fact that the Project Area goals and objectives (among others) listed above in Section 2 may not be able to be achieved without the condemnation of real property as described in Section III.B of the Report. In addition, the Agency has adopted and included in the Report as Section VII a method or plan of relocation,

which provides for relocation and the provision of relocation assistance pursuant to all applicable State and federal laws.

(7) 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 Third 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 or plan of relocation adopted by the Agency and contained in the Report in Section VII, 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, and the provisions of the Redevelopment Plan, as amended by the Third Amendment.

(8) 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 CRL 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 CRL Sections 33334.5, 33413 and 33413.5.

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 method or plan of relocation included in the Report as Section VII, and the Redevelopment Plan, as amended by the Third Amendment.

(9) There are no non-contiguous areas of the Project Area.

(10) 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 assistance of the Agency.

This finding is based upon, but not limited to, Section III of the Report.

(11) 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 method or plan of relocation included in the Report as Section VII.

Section 6. All written and oral objections to the Third 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 hereby overruled.

Section 7. In order to continue to implement and facilitate the effectuation of the Redevelopment Plan as amended, it will be necessary for the City Council to continue 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 continued 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 continue 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 provision of the Redevelopment Plan; and

(3) Stands ready to continue to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, as amended, and declares its intention to continue 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 8. 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 9. If any part of this Ordinance or the Third 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 Third Amendment, and this Council hereby declares that it

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

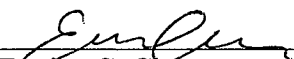
Section 10. The City Clerk is hereby directed to record with the County Recorder of San Diego County a description of the land within the Project Area, as amended, and a statement that the proceedings for the redevelopment of the Project Area are continuing under the California Community Redevelopment Law. The Agency is hereby directed to effectuate recordation in compliance with the provisions of Section 27295 of the Government Code.

Section 11. The City Clerk is hereby directed to transmit a copy of this Ordinance, a legal description of the land detached from the Project Area, and a map of the land detached from the Project Area to the parties listed in Section 33457 of the CRL. Such transmittal shall be completed within 30 days following adoption of this Ordinance.

Section 12. 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

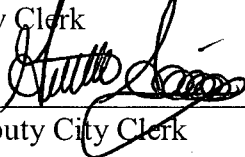
By


Eunice C. Chan
Deputy City Attorney

ECC:nda
05/08/06
Or.Dept: Redev.Agency
O-2006-130
MMS#3174
Comp. R-2006-959
RA-2006-126
RA-2006-127

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 20 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6-27-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**FINAL COLLEGE COMMUNITY
REDEVELOPMENT PLAN**

REDEVELOPMENT AGENCY

OF THE

CITY OF SAN DIEGO

ADOPTED NOVEMBER 30, 1993
AMENDED NOVEMBER 28, 1994
AMENDED NOVEMBER 22, 1999
AMENDED _____, 2006

Proposed 2006 Amendment
05/10/2006

FINAL COLLEGE COMMUNITY REDEVELOPMENT PLAN

CITY COUNCIL ORDINANCE
NUMBER 0-18018, NOVEMBER 30, 1993

Susan Golding, Mayor
Ton Behi, Deputy Mayor
Judy McCarty
John Hartley
Ron Roberts
Valerie Stallings
George Stevens
Abbe Wolfsheimer
Juan Vargas

COLLEGE COMMUNITY PROJECT AREA COMMITTEE

Alice Buck, Chairperson
Erich Aragon, Vice Chairperson
Michael Ashworth
Bess Baer
Brain Bennett
E. James Boggus
Thomas Branch
Richard Lowden
Anthony Navoy
Anne Rizzo
Russell Roybal
Robert Trovaten
Harold B. Webber

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- ATTACHMENT NO. 2 - PROJECT AREA MAP
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- ATTACHMENT NO. 4 - LAND USE MAP

REDEVELOPMENT PLAN
FOR THE
COLLEGE COMMUNITY REDEVELOPMENT PROJECT

ARTICLE 1

INTRODUCTION

SEC. 100 Legal Foundation

100.1 This Redevelopment Plan (the "Plan") for the College Community Redevelopment Project (the "Project") consists of the Text, the Legal Description of the Project Area boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), the description of Publicly-Owned Facilities (Attachment No. 3), and the Land Use Map (Attachment No. 4). The Plan was prepared by the Redevelopment Agency of the City of San Diego (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Sections 33000, et seq.), the California Constitution, and all applicable local laws and ordinances. The area covered by this Plan is referred to as the College Community Redevelopment Project Area or the "Project Area".

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 of February 26, 1979, as amended, and the College Area Community Plan adopted by Resolution No. R-272273 of the City Council on May 2, 1989, as amended by Resolution No. R-282800 of the City Council on October 12, 1993.

100.3 This plan is based upon Preliminary Plan formulated and adopted by the Planning Commission of the City of San Diego (the "planning Commission") on August 6, 1992, by Resolution No. 1009PC.

100.4 This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Project Area. The Plan presents a process and basic framework within which specific redevelopment activities will be presented and priorities established. The Plan contains some provisions that are based upon the Redevelopment Law in effect on the adoption date of the Plan. This shall not be construed to limit the powers or duties of the Agency under the Redevelopment Law, which powers and duties shall be governed by the Redevelopment Law in effect at the applicable time, for the action taken, obligation incurred and/or requirement imposed.

SEC. 110 Project Objectives

- B. "City" means the City of San Diego, California;
- C. "City Council" means the City Council of the City of San Diego;
- D. "Plan" means the Redevelopment Plan for the College Community Redevelopment Project;
- E. "Planning Commission" means the Planning Commission of the City of San Diego, California.
- F. "Project" means the College Community Redevelopment Project;
- G. "Project Area" means the area included within the boundaries of the College Community Redevelopment Project;
- H. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health & Safety Code, Sections 33000, et seq.);
- I. "State" means the State of California

ARTICLE III

PROJECT AREA BOUNDARIES

SEC. 300 Description of Project Area

The boundaries of the Project Area are described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment No. 1 and incorporated herein by reference, and are shown on the "Project Area Map" attached hereto as Attachment No. 2 and incorporated herein by reference.

ARTICLE IV

PROPOSED REDEVELOPMENT ACTIVITIES

SEC. 400 General Redevelopment Actions

To obtain the objectives of the Plan as set forth in Section 110, the Agency proposes the following implementing actions:

- A. Acquisition of property;
- B. Rehabilitation and moving of certain structures;

- B. "City" means the City of San Diego, California;
- C. "City Council" means the City Council of the City of San Diego;
- D. "Plan" means the Redevelopment Plan for the College Community Redevelopment Project;
- E. "Planning Commission" means the Planning Commission of the City of San Diego, California.
- F. "Project" means the College Community Redevelopment Project;
- G. "Project Area" means the area included within the boundaries of the College Community Redevelopment Project;
- H. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health & Safety Code, Sections 33000, et seq.);
- I. "State" means the State of California

ARTICLE III

PROJECT AREA BOUNDARIES

SEC. 300 Description of Project Area

The boundaries of the Project Area are described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment No. 1 and incorporated herein by reference, and are shown on the "Project Area Map" attached hereto as Attachment No. 2 and incorporated herein by reference.

ARTICLE IV

PROPOSED REDEVELOPMENT ACTIVITIES

SEC. 400 General Redevelopment Actions

To obtain the objectives of the Plan as set forth in Section 110, the Agency proposes the following implementing actions:

- A. Acquisition of property;
- B. Rehabilitation and moving of certain structures;

- C. Participation by owners and tenants;
- D. Demolition, clearance, site preparation and construction of buildings, an public improvements.
- E. Relocation assistance to displaced residential non-residential occupants;
- F. Disposition of property for uses in accordance with this Plan;
- G. Provision for low- and moderate-income housing;
- H. Development of transportation concepts an related facilities;
- I. Other actions as appropriate.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now and hereafter permitted by law.

SEC. 410 Acquisition of Property

410.1 Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area, by gift, devise, exchange, purchase, eminent domain or any other means authorized by law.

410.2 It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute the Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area. However, the Agency shall not exercise the power of eminent domain to acquire any parcel of real property within the Project Area for which proceedings in eminent domain have not commenced within twelve (12) years after the effective date of the ordinance approving and adopting the 3rd Amendment to this Plan. on _____ 2005.

410.3 The Agency is not authorized by law to acquire real property owned by public bodies which do not consent to such acquisition.

410.4 The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than fee.

410.5 Without the consent of an owner, the Agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape, or use of it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or

refuses to agree to participate in the Plan pursuant to Sections 3339, 33345, 33380, and 33381 of the Redevelopment Law.

410.6 Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

SEC. 420 Rehabilitation and Moving of Structures

420.1 The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area. The Agency is also authorized and directed to advise, encourage and assist in the rehabilitation of property in the Project Area not owned or acquired by the Agency.

420.2 As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building, or any structure or building which can be rehabilitated, to a location within or outside the Project Area.

SEC. 430 Participation by Owners and Tenants

430.1 In accordance with this Plan and the rules for preference for businesses to reenter the Project Area adopted by the pursuant to this Plan and the Redevelopment Law, the Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the Plan.

430.2 In accordance with this Plan and the rules for owner participation adopted by the Agency pursuant to this Plan and the Redevelopment Law, persons who are owners of residential, business and other types of real property in the Project shall be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements, or by new development by retaining all or a portion of their properties, by acquiring and developing adjacent or other properties in the Project Area, or by selling their properties to the Agency and purchasing and developing other properties in the Project Area.

430.3 In the event an owner-participant fails or refuses to maintain, or rehabilitate or newly develop his real property pursuant to this Plan and a participation agreement (as defined in Section 430.8), the real property or any interest therein may be acquired by the Agency.

430.4 If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants.

430.5 In addition to opportunities for participation by individual persons and firms, participation by individual persons and firms, participation to the extent it is

feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations or other joint ventures.

430.6 The Agency shall promulgate and, as appropriate, amend rules for owner participation and the extension of preferences for businesses to reenter within the redeveloped Project Area.

430.7 Participation opportunities are necessarily subject to and limited by factors such as the following:

- A. The elimination and/or modification of some land uses;
- B. The construction, realignment, widening or abandonment of some streets and public rights-of-way;
- C. The ability of participants to finance proposed improvements;
- D. The need to change the size of individual parcels in the Project Area to accommodate development contemplated by this Plan;
- E. The construction or expansion of public facilities;
- F. Change in orientation and character of portions of the Project Area;
- G. The preservation and/or rehabilitation of existing buildings which have historical and/or architectural qualities that will enhance the Project.

430.8 The Agency may require that, as a condition to participation in redevelopment, each participant who has submitted an acceptable proposal to the agency shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop or use and maintain the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property are necessary to make the provisions of this Plan applicable to their properties.

430.9 Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

SEC. 440 Demolition, Clearance, Public Improvements, Building and Site Preparation

440.1 The Agency is authorized to demolish and clear buildings, structures and other improvements from any real property in the Project Area as necessary to carry out the objectives of this plan.

440.2 To the extent and in the manner permitted by law, the Agency is authorized to install and construct, or to cause to be installed and constructed, the public improvements and public utilities (within or outside the Project Area) necessary to carry out the Plan. Such public improvements include, but are not limited to, over-or underpasses, bridges, streets, curbs, gutters, sidewalks, streetlights, water distribution systems. Sewers, storm drains, traffic signals, electrical distribution systems. Parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, street furnishings and transportation facilities.

440.3 To the extent and in the manner permitted by law, the Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. The Agency is also authorized (to such extent in such manner permitted by law) to construct foundations, platforms and other structural forms necessary for buildings to be used for residential, commercial, public and other uses provided in this Plan.

SEC. 450 Relocation Assistance to Displaced Residential and Non-Residential Occupants

450.1 The Agency shall assist all persons (including individuals and families), business concerns and others displaced by the Project finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons (including individuals and families), business concerns and other if any, displaced from their respective places of residence or business by the Project, the Agency shall assist such persons and business concerns in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonable convenient locations, and otherwise suitable to their respective needs.

450.2 The Agency shall make relocation payments to persons (including individuals and families), business concerns and other displaced by the Project, for moving expenses and direct losses of personal property, for which reimbursement or compensation is not otherwise made, and shall make such additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Sections 7260, et seq), the guidelines of the California Department of Housing and Community Development promulgated pursuant thereto, and the Agency rules and regulations adopted Plan. Real property acquired by the Agency may be conveyed by the Agency without charge to the City and where beneficial to the Project, without charge to any other public body. Property acquired by the Agency for rehabilitation and resale shall be offered for resale within one year after completion of rehabilitation or annual report concerning such property shall be published by the Agency as required by law.

450.3 No persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by the displaced person or family at rents comparable to those at the time of their displacement. The housing units shall be suitable to the needs of the displaced persons or families and

must be decent, safe, sanitary, and otherwise standard dwellings. If insufficient suitable housing units are available in the City for the use by the persons and families of low and moderate income displaced by the Project, the Agency may, to the extent of that deficiency, direct or cause the development, rehabilitation or construction of housing units within the City, both inside and outside the Project Area. Permanent housing facilities shall be made available within three (3) years from the time occupants are displaced and pending the development of permanent housing facilities there shall be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

450.4 Whenever all or any portion of the Project Area is developed by low-or moderate-income dwelling units, the Agency shall require by contract, or other appropriate means, that such dwelling units shall be made available for rent or purchase to the persons and families of low or moderate income displaced by the Project. Such persons and families shall be given priority in renting or purchasing such dwelling units; provided, however, failure to give such priority shall not affect the validity of title to the real property upon which such dwelling units have been developed.

SEC. 460 Disposition and Redevelopment of Property for Uses in Accordance with This Plan

406.1 For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

460.2 To the extent and in the manner permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

460.3 All real property acquired by the Agency in the Project Area shall be sold or leased for development for prices which shall not be less than fair value for the uses in accordance with this Plan. Real property acquired by the Agency may be conveyed by the Agency without charge to the City and where beneficial to the Project, without charge to any other public body. Property offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

460.4 Pursuant to the provisions of this Plan and the rules adopted by the Agency, the Agency may offer real property acquired by the Agency in the Project Area for purchase and development by owner participants.

460.5 The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention or use of property for speculative purposes and to insure that developments are carried out pursuant to this Plan.

460.6 All purchasers or lessees of property acquired from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

460.7 To provide adequate safeguards to ensure that the provisions of this Plan will be carried out to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by appropriate documentation. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

460.8 The leases, deeds, contracts, agreements and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent equitable servitudes, or any other provision necessary to carry out this Plan.

460.9 All property in the Project is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area. All property sold, leased, conveyed or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases or contracts for the sale, lease, sublease or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as are required by law.

460.10 To the extent and in the manner now or hereafter permitted by law, the Agency is authorized to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without the Project Area, if the City Council determines that the buildings, facilities, structures, or other improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located, and that no other reasonable means of financing which buildings, facilities, structures, or other improvements are available to the community. The Agency may enter into contracts, pursuant to this Section 460.10 and the obligation of the Agency under such contract, lease or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Redevelopment Law and under Section 710 of this Plan, or out of any other available funds. The acquisition of property and installation or construction of each facility referred to in the "Description of Publicly Owned Facilities," attached hereto as Attachment No. 3 and incorporated herein by reference, is provided for in this Plan.

460.11 All development plans (whether public or private) shall be submitted to the Agency for Approval and architectural review. All development in the Project Area

must conform to this Plan and all applicable federal, state and local laws, and must receive the approval of the appropriate public agencies.

460.12 During the period of development in the Project, the Agency shall insure that the Provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with disposition and development documents and time schedules.

460.13 For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property.

SEC. 470 Provision for Low- and Moderate-Income Housing

470.1 To the extent and in the manner provided by the Redevelopment Law: (1) at least thirty percent (30%), of all new or rehabilitated dwelling units developed by the Agency shall be available at affordable housing cost to persons and families of low or moderate income; and of such thirty percent (30%), not less than fifty percent (50%) thereof shall be available at affordable housing cost to, and occupied by, very low-income households; and (2) at least fifteen percent (15%) of all new or rehabilitated dwelling units developed within the Project Area by public or private entities or persons other than the Agency shall be available at affordable housing cost to persons and families of low or moderate income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be available at affordable housing cost to very low-income households. The requirements set forth in this Section 470.1 shall apply independently of the requirements of Section 470.2 and in the aggregated to housing made available pursuant to clauses (1) and (2), respectively, of the first sentence hereof, and not to each individual case of rehabilitation, development or construction of dwelling units.

470.2 To the extent and in the manner provided by Sections 33413 and 33413.5 Redevelopment Law, whenever dwelling units housing persons and families of low and moderate income are destroyed or removed from the low-and moderate-income housing market as a part of the Project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four (4) years of the destruction or removal, rehabilitate, develop or construct or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs within the Project area and/or the City. Seventy-five (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing cost in the same income level of very low-income households, lower income households, and persons and families of low and moderate income as the persons displaced from those destroyed and removed units.

470.3 The Agency shall require that the aggregate number of replacement dwelling units and other dwelling units rehabilitated, developed or constructed pursuant to Sections 470.1 and 470.2 remain available at affordable housing cost to persons and

families of low income, moderate income and very low income households respectively, for the longest feasible time, as determined by the Agency but for not less than the period of the land use controls established in Section 1000 of this Plan, except to the extent longer periods of time may be required by other provisions of law.

470.4 Subject to any limitations and exceptions authorized by law and exercised by the Agency, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Section 33670 of the Redevelopment Law for the Project shall be deposited by the Agency into a Low- and Moderate-Income Housing Fund established pursuant to Section 33334.3 of the Redevelopment Law. The Agency shall use the moneys in the fund as required by the Redevelopment Law.

SEC. 480 Development of Transportation Concepts and Facilities

480.1 Since Transportation is essential to the Project, the Agency in cooperation with the City, and (as appropriate) with redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

480.2 Satellite parking sites may be established on property near freeway egress/ingress and other peripheral location near the Project Area for parking purposes.

480.3 The Agency shall review all design plans in order to determine that easements, rights-of-way, station locations and development linkages can be effectuated both internally and externally of the Project Area in order to assure continuous and utmost efficiency in development.

SEC. 490 Other Actions As Appropriate

490.1 Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

490.2 The Agency, by law, is not authorized to acquire real property owned by public bodies with the consent of such public bodies. The Agency, however will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall impose on all public bodies the planning and design controls contained in the Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. Any public body which owns property in the Project Area will be afforded all the privileges of owner participation if such public body is willing to enter into a participation agreement with the Agency. Public bodies will also be given a reasonable preference to reenter into the redeveloped Project Area. All plans for development of property in the project Area by a public body shall be subject to Agency approval. The Agency is authorized to assist in the

development of publicly owned buildings, facilities, structures or other improvements as provided in Section 460.10 of this Plan.

490.3 Pursuant to Section 33401 of the Redevelopment Law, the Agency may pay to any taxing agency (other than the City) with territory located within the Project Area any amounts of money to alleviate any financial burden or detriment caused to any such taxing agency by the Project.

490.4 During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management, maintenance and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease be pursuant to such policies as the Agency may adopt.

490.5 Pursuant to Section 33401 of the Redevelopment Law, the Agency is authorized, but not required, in any year during which it owns property in the Project Area to make payment (in lieu of property taxes) to taxing agency for those benefit a tax would have been levied upon such property had it not been exempt by reason of the Agency's ownership.

ARTICLE V

USES PERMITTED AND PLANNING CONSIDERATIONS

SEC. 500 Land Use and Plan Development Considerations

500.1 The "Land Use Map," attached hereto as Attachment No. 4 and incorporated herein by reference, sets forth the proposed public rights-of-way and land uses to be permitted in the Project Area. Except as inconsistent with the Plan, all development shall conform to the requirements of applicable state statutes, and local codes, and plans as they now exist or are hereafter amended.

500.2 The land uses permitted in each Sub-Area of the Project Area as illustrated on the Land Use Map (Attachment No. 4), shall be as provided in this Section 500.2.

- A. Alvarado Road Sub-Area: University-serving commercial/office uses will be permitted in the Alvarado Road Sub-Area. Such uses may include office space, research and development facilities, and ancillary retail space.
- B. Lot A Sub-Area: Permitted uses in the Lot A Sub-Area shall be hotel and related conference space, retail, office and other supporting uses.
- C. Core Sub-Area: High-density residential uses and local-serving commercial uses shall be permitted in the core Sub-Area. Residential development shall be permitted at high densities of 45 to 75 dwelling units

per acre and very high densities of 75 to 110 dwelling units per acre. Non-residential development shall be permitted to the extent consistent with the College Area Community Plan as it reads and as it may be amended from time to time. ~~for approximately 300,000-400,000 square feet of retail and office uses and space as needed for campus religious centers.~~

- D. 55th Street Sub-Area: High-density residential uses shall be permitted at 55th Street Sub-Area. ~~Development will include medium-medium to medium-high densities of 15 to 45 dwelling units per acre.~~ Such uses may also include a nominal amount of ancillary local-serving retail space.
- E. Montezuma School Sub-Area: Institutional development shall be permitted in the Montezuma School Sub-Area which can include office space, a public library, a day care center or a public elementary school.

500.3 The street layout in the Project Area, as illustrated on the Land Use Map (Attachment No. 4) shall remain substantially in its existing configuration. Streets and alleys may be widened, altered, realigned, abandoned, depressed, decked or closed as necessary for proper development of the Project. Additional public streets, rights-of-way and easements may be created in the Project as needed for development. Any changes in the existing street layout shall be in accordance with the Progress Guide and General Plan, the College Area Community Plan, and the objectives of this Plan, shall be effectuated in the manner prescribed by state and local law, and shall be guided by the following criteria:

- A. A balancing of the needs of any proposed and potential new, rehabilitated, or remodeled developments for adequate pedestrian and vehicular access, vehicular parking and delivery loading docks with the similar needs of existing developments permitted to remain.
- B. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
- C. The potential need to serve not only the Project Area and new or existing developments but to also serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

500.4 The air rights over public rights-of-way may be used for private uses, buildings, platforms, decks and other uses subject to Agency approval. The public rights-of-way may further be used for transportation systems, vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

500.5 In any area of the Project, the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal,

employee, philanthropic and charitable institutions, and facilities of other similar associations or organizations.

SEC. 510 General Controls and Limitations

510.1 All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated or otherwise changed, except in conformance with the provisions of this Plan

510.2 All new construction and/or rehabilitation of existing structures within the Project Area shall comply with all applicable state and local laws in effect from time to time, including limitation, the Building, Electrical, Heating, and Ventilating Housing and Plumbing Codes of the City and the City Zoning Ordinance.

510.3 ~~Except as set forth in this Plan,~~ The type, size and height of buildings shall be limited by applicable state statutes, and local codes, plans, and ordinances that may be amended from time to time. ~~In general, the type, size and height of buildings shall be as follows:~~

~~A. — A range of mid- and high-rise structures shall be permitted within the Alvarado Road Sub Area and the Lot A Sub Area with maximum heights of eight (8) stories in the Alvarado Road in the Alvarado Road Sub Area and maximum heights of twelve (12) stories in the Lot A Sub Area;~~

~~— B. — A range of low-, mid- and high-rise structures shall be permitted within the Core Sub Area, with maximum heights of four (4) stories on the south side of Montezuma Road, including the portion of College Avenue south of Montezuma Road; five (5) stories along the North side of Montezuma Road, 55th Street, Campus Plaza Drive, and College Avenue north of Montezuma Road; and eight (8) stories along Hardy Avenue and Lindo Paseo;~~

~~— C. — A range of mid- and high-rise structures shall be permitted within the 55th Street Sub Area, with a maximum heights of four (4) stories ; and~~

~~— D. — A range of low- and mid-rise structures shall be permitted within the Montezuma School Sub-area, with maximum heights of three (3) stories adjacent to Montezuma Road and two (2) stories for the balance of the property.~~

510.4 The number of buildings in the Project Area shall ~~not exceed one hundred fifty (150). The approximate number of dwelling units in the Project Area will be three thousand one hundred (3,100).~~ be consistent with the General College Area Community Plan.

510.5 All signs shall conform to City ordinances, plans and manuals, as they now exist or are hereafter amended. Design of all signing is subject to Agency approval prior to installation.

510.6 The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to this Plan, provided that such use is generally compatible with the developments and uses in the Project. The owner of such property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

510.7 Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan.

510.8 In all areas sufficient space shall be maintained between buildings to provide adequate light, air and privacy. Open space within the Project Area shall also include neighborhood parks, community parks and the San Diego State University campus area.

510.9 The Agency shall require that all utilities be placed underground when physically and economically feasible, as determined by the Agency.

510.10 No use or structure, which by reason of appearance, traffic, smoke, glare, noise, odor or similar factors would be incompatible with the surrounding areas or structures, shall be permitted in any part of the Project Area. Within the Project Area, except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration for any purpose connected therewith within 500 feet of the surface.

510.11 After rehabilitation and/or development pursuant to the Plan, no parcel, including any parcel retained by a conforming owner or participant, shall be resubdivided without Agency approval.

510.12 The Executive Director of the Agency, or his or her designee, is authorized to permit a variation from the limits, restrictions and controls established by the Plan. In order to permit such variation, the Executive Director, or his or her designee, must determine that:

A. The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships which would make development inconsistent with the general purpose and intent of the Plan; or

B. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions and controls; and

C. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area or contrary to the objectives of the Plan or the College Area Community Plan.

510.13 No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety or welfare, and to assure compliance with the purposes of the Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinance.

510.14 There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area.

SEC. 520 Submission of Schematic Plans

520.1 Every public and private developer of land within the Project Area shall submit to the Agency complete schematic plans showing the Proposed development and all important aspects relating to the Project and any significant consideration involving the surrounding area, especially vistas and sun, light and wind factors.

SEC. 530 Building Permits

530.1 No permits shall be issued for the construction of any new building or any addition to or rehabilitation of an existing building in the Project Area until the application for such permit has been processed in the manner provided. Any permit that is issued hereunder must be in conformance with the provisions and intent of this plan.

530.2 Upon receipt of such an application, the City shall request the Agency to review the application to determine what effect, if any, the issuance thereof would have upon the Plan for the Project. Within forty-five (45) days thereafter, the Agency shall notify the City of its approval or disapproval, taking into consideration the following:

A. Whether the applicant has entered into an agreement with the Agency for the development of said improvements and has previously submitted architectural, landscape and site plans to the Agency; and

B. Whether the proposed improvements would be compatible with the standards and other requirements set forth in the Plan.

C. Whether modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of the Plan.

530.3 The City shall withhold the issuance of the permit if the proposed improvements do not meet the requirements of the Plan as determined by the Agency.

530.4 No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired or rehabilitated except in accordance with architectural, landscape and site plans submitted to and approved in writing by the Agency.

SEC. 540 Historical Preservation

540.1 Historical buildings shall be considered for restoration and rehabilitation in conformance with the Plan, if feasible. Historical buildings shall be referred to the Historical Site Board for evaluation as appropriate.

ARTICLE VI

SAN DIEGO STATE UNIVERSITY

SEC. 600 Planning Objectives

600.1 The objectives of the redevelopment program focus on developing an urban village adjacent to San Diego State University which will provide housing adjacent to the University campus for students, in order to minimize student dispersal into established family neighborhoods, create a mixed-use activity center along College Avenue that becomes focal point for student life, and develop strong pedestrian character with the Core Sub-Area so that walking, biking, and the use of transit is encouraged.

600.2 Throughout the Project Area, all new multi-family development projects, including student housing, should provide a variety of on-site recreational facilities which may include, but are not limited to, swimming pools, spas, gyms, tennis courts, picnic areas and barbecues.

600.3 Throughout the Project Area, the pedestrian environment is to be upgraded through landscaping, building facade enhancement, provision of street furniture and a high level of maintenance of both private property and adjacent sidewalk areas.

600.4 Redevelopment activities in each of the five (5) Sub-Areas shall be implemented in accordance with the College Area Community Plan, as amended, which shall provide guidelines for development.

ARTICLE VII

METHODS OF FINANCING THE PROJECT

SEC. 700 General Description of the Proposed Financing Methods

700.1 The Agency is authorized to finance the Project with financial assistance from the City, State and federal government of the United States of America, property tax increments, special assessment districts, sales and transient occupancy tax funds,

donations, interest income, Agency bonds, loans from private financial institutions, the lease of Agency-owned property, sale of Agency-owned property and/or any other available sources.

700.2 As available, funds from the City's capital improvement program derived from gas tax funds from the state and county may be used for street improvements and public transit facilities. The Agency may enter into joint powers authorities and other mechanisms for cooperative development of public facilities or arrange for other public entities to provide the facilities.

700.3 It is estimated that the total Project cost to the Agency will not exceed revenues derived from the Project or obtained by the Agency on behalf of the Project. Revenues will be received from the sale of land. The remaining balance will come from the following: tax increments, revenue from the lease of Agency-owned lands and buildings, participation agreements, repayment of loans and interest earned thereon, capital improvement funds from the City, sales and transit occupancy tax funds, and other special use taxes and other sources with are now or may become available to the Agency.

700.4 Any other loans, grants or financial assistance from the United States, or any other public or private source will be utilized if available.

SEC. 710 Tax Increment

710.1 The Project assessed valuation base for the Project Area will be established in accordance with state law as described herein. Any tax increments will be used to defray Project expenses to the extent allowable from the tax increment itself or from the sale of tax allocation bonds and/or notes.

710.2 All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, the County of San Diego, the City of San Diego, any district or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan shall be divided as follows:

1. That portion of taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of that property by the taxing agency, last equalized prior to the effective date of the ordinance, shall be allocated to and when collected shall be paid to the respective taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in the Project on the effective date of the ordinance but to which that territory has been annexed or otherwise included after that effective date, the assessment roll of the county of San Diego last equalized on the effective date of the ordinance shall be used in

determining the assessed valuation of the taxable property in the Project on the effective date); and

2. Except as provided in paragraph 3. Below, that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of the interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise incurred by the Agency to finance or refinance, in whole or in part, the project. Unless an until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph 1. Hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid to the respective taxing agencies. When the loans advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid to the respective taxing agencies as taxes on all other property are paid.
3. That portion of the taxes in excess of the amount identified in paragraph 1. Above which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to and when collected shall be paid into, the fund of that taxing agency. This paragraph shall only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989.

710.3 The portion of taxes mentioned in paragraph 2. Of Section 710.2 above, are hereby irrevocably pledged for the payment of the principal of the interest on the advance of monies, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project in whole or in part, subject to the following restriction: The Agency shall not pay indebtedness receive property taxes pursuant to Section 710.2 after November 20, 2043, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

710.4 The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

710.5 The total number of dollars of taxes which may be divided and allocated to the Agency for the Project pursuant to Section 710.2 shall not exceed Three Hundred Seven Million Dollars (\$307,000,000), except by amendment of this Plan.

SEC. 720 Bonds, Advances, and Indebtedness

720.1 The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

720.2 The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest of such advances, funds and indebtedness may be paid from tax increments or any other funds available to the Agency.

720.3 Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

720.4 The bonds and other obligations of the Agency are not a debt of the City or the State, nor shall any of its political subdivisions be liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

720.5 No loan, advance or other indebtedness to finance, in whole or in part, the Project and which is to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2 shall be repaid beyond November 30, 2043, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

720.6 The amount of bonded indebtedness of the Agency to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2, which may be outstanding at any one time, shall not exceed Seventy-Six Million Two Hundred Thousand Dollars (\$76,200,000), except by amendment of this Plan.

ARTICLE VIII

ACTIONS BY THE CITY

SEC. 800 Actions by the City

800.1 The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Action by the City shall include, but not be limited to, the following:

A. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way, and for other necessary modifications of the streets, the street layout and other public rights-of-way in the project. Such action by the City shall include causing the abandonment and relocation by public utility companies of their operations in the public rights-of-way as appropriate to carry out this Plan and as required by law.

B. Institution and completion of proceedings necessary for changes and improvements in private and public-owned public utilities within or affecting the Project.

C. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

D. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of program for continued maintenance by owners of all real property, both public and private, within the Project throughout the duration of this Plan.

E. Encourage the provision of a variety of housing types, both in terms of income and construction, using federal and state assistance as appropriate.

F. Encourage historic preservation, including the use of federal and state assistance.

G. Performance of the above, and of all other functions and services relating to public health, safety and physical development which will permit the redevelopment of the Project to be commenced and carried to completion without unnecessary delays.

H. The undertaking and completing of any other proceedings necessary to carry out the Project.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT OF THE PLAN

SEC. 900 Administration and Enforcement of the Plan

900.1 The administration and enforcement of this Plan, or other documents formulated pursuant to this Plan, shall be performed by the Agency and/or the City.

900.2 The provisions of this Plan or other documents formulated pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project may be enforced by such owners.

ARTICLE X

LENGTH OF THIS PLAN

SEC. 1000 Length of This Plan

1000.1 Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for the period ending on November 30, 2033; except that provisions in documents providing for the payment of loans, advances or other indebtedness may be made effective for any longer time needed for the purpose of repaying in full such loans, advances or other indebtedness, but not beyond November 30, 2043 for loans, advances or other indebtedness to be repaid from the division and allocation of taxes to be Agency pursuant to Section 710.2.

1000.2 The Agency shall, in accordance with the Redevelopment Law, conduct a biennial public hearing to evaluate the progress of the Plan for the Project and hear the testimony of all interested parties.

ARTICLE XI

PROCEDURE FOR AMENDMENT

SEC. 1100 Procedure for Amendment

1100.1 This plan may be amended by means of the procedure established in the Redevelopment Law or by any other procedure hereinafter established by law.

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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

WHEREAS, the City Council of the City of San Diego [City Council] on November 30, 1993, by Ordinance No. O-18018 approved and adopted the Redevelopment Plan for the College Community Redevelopment Project [Project or Project Area] and thereafter approved and adopted a First Amendment (November 28, 1994, Ordinance No. O-18121) and a Second Amendment (November 22, 1999, Ordinance No. O-18722); and

WHEREAS, adoption and implementation of the Redevelopment Plan has fostered the elimination of some blight in the Project; 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, it is desirable and in the public interest to further amend and modify the Redevelopment Plan for the College Community Redevelopment Project to provide for the extension of the Agency's eminent domain power within the Project Area for an additional 12 years, the removal and exclusion of three parcels from the Project Area that contain newer developments and are no longer necessary for the effective redevelopment of the Project, and the

amendment of land use language in the Redevelopment Plan to refer to the other plans and documents pertaining to specific land use/development restrictions; and

WHEREAS, the Agency has prepared and submitted to this City Council for review and approval a proposed Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project, a copy of which is attached to this Ordinance as Attachment A and on file in the Office of the City Clerk as Document No. 19503; and

WHEREAS, the Planning Commission of the City of San Diego has submitted to the City Council its report and recommendation on the approval and adoption of the proposed Third Amendment to the Redevelopment Plan, and has found that the Redevelopment Plan, as amended by the Third Amendment is consistent with the General Plan and the Progress Guide of the City, 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 Third Amendment to the Redevelopment Plan [Report], which Report contains, among other things, the Planning Commission's report and recommendation and the Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project, and the City Council has duly considered and evaluated the Report of the Agency; and

WHEREAS, the Agency consulted with the College Community Project Area Committee [PAC] and the College Area Community Council [CACC] with respect to the Third Amendment to the Redevelopment Plan, and the PAC and the CACC submitted to the City Council their respective reports and recommendations respecting the Third Amendment to the Redevelopment Plan, which the City Council has duly considered and evaluated; and

WHEREAS, the Agency and Council certified the College Community Redevelopment Project Final Environmental Impact Report [FEIR] prepared for the Project in November 1993, pursuant to the California Environmental Quality Act of 1970, and State and local regulations and guidelines adopted pursuant thereto; and

WHEREAS, based upon the preparation of an Initial Study for the proposed Third Amendment, the Agency and City have determined that no new effects could occur and no mitigation measures are required, the proposed Third Amendment is the same project analyzed in the FEIR, and no new environmental documentation is required per State CEQA Guidelines Section 15168(c)(2) and CEQA Section 21166; and

WHEREAS, there has been presented to the City Council information and data as a result of studies, surveys and analyses about conditions in the Project Area; and

WHEREAS, after due notice as provided by the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) [CRL], a joint public hearing was held by the City Council and the Agency to consider the proposed Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project; and

WHEREAS, the City Council has considered all aspects of the proposed Third Amendment to the Redevelopment Plan, and has received, considered and evaluated all written and oral evidence and testimony presented for and against all aspects of the proposed Third Amendment to the Redevelopment Plan; 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 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 continue to be the following goals and objectives with respect to the Project Area:

- (1) The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, specific plans, this Plan and local codes and ordinances;
- (2) The mitigation of traffic and parking congestion within the Project Area and the surrounding neighborhoods through the provision of high quality housing and retail services in a pedestrian-oriented development directly adjacent to the San Diego State University campus;
- (3) The provision of a living environment adjacent to the University which will attract University students who now commute to campus creating traffic and parking congestion or reside in single-family homes in neighborhoods adjacent to the campus which are ill-suited for student housing purposes;
- (4) The achievement of an environment reflecting a high level of concern for architecture, landscape, urban design, and land use principles appropriate for attainment of the objectives of this Plan;
- (5) The creation of development of local job opportunities and the preservation of the area's existing employment base;
- (6) The replanning, redesign, and development of areas which are stagnant or improperly utilized; and

- (7) The expansion of the community's supply of housing (inside or outside the Project Area), including opportunities for very low, low- and moderate-income households.

Section 3. The Third Amendment to the Redevelopment Plan for the Project, having been duly reviewed and considered, it hereby approved and adopted, and the City Clerk is hereby directed to file a copy of said Third Amendment to the Redevelopment Plan, a copy of which is on file in the Office of the City Clerk as Document No. _____. The Redevelopment Plan adopted by Ordinance No. O-18018, as heretofore amended, and as amended by the Third Amendment is incorporated herein by this reference and is made a part hereof as if fully set out herein.

Section 4. The Redevelopment Plan adopted by Ordinance No. O-18018, as heretofore amended, and as amended by the Third Amendment is hereby designated as the official redevelopment plan for the Project Area.

Section 5. The City Council hereby finds and determines, based on substantial evidence in the record, including, but not limited to, any evidence specified after each of the findings, the "Report to City Council for the College Community Redevelopment Project" which was prepared for the October 12, 1993 joint public hearing (which is incorporated herein by this reference and made a part hereof as if fully set out herein), the Agency's Report and any and all documents referenced therein (which are incorporated herein by this reference and made a part hereof as if fully set out herein), oral and written staff reports, and evidence and testimony received at the joint public hearing on the adoption of the Third Amendment, that:

(1) The Project Area remains a blighted area, the redevelopment of which 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 facts set forth in Section III of the Report regarding the physical and economic blighting conditions which remain in the Project Area.

(2) The Redevelopment Plan, as amended by the Third Amendment, will redevelop the Project in conformity with the CRL and in the interests of the public peace, health, safety and welfare.

The basis of this finding includes, but is not limited to, the fact that the Five Year Implementation Plan contained in the Report sets out the Agency's proposed projects for the five years covered by the Five Year Implementation Plan and an explanation of how those projects will alleviate blighting conditions in the Project Area. The proposed projects will serve as a catalyst for further private and public investment within the Project Area and provide housing opportunities for very low, low and moderate income individuals and will remove deficient structures and incompatible land uses from the Core Sub-Area. The proposed projects will replace a mix of incompatible and haphazard residential, office, and community-serving land uses in the Core, 55th Street and Alvarado Road Sub-Areas and provide a new focus for housing and mixed-use activity, as well as providing space for community-serving activities. The proposed projects will result in the relocation of up to five Religious Centers, and provide improved, appropriately designed sites for administering their services. The public improvements that will be funded through the projects will correct a number of current parking and vehicular transportation problems, provide improved access through and within the Project Area and

College Community, and visually improve the image of the community and Project Area. The proposed projects will improve housing opportunities for students and relieve the ill suited residential or "mini-dorm" problems that exist in the community surrounding the Project Area. The Third Amendment will not change the proposed projects. In order to maintain its success, the 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, as a result, the Agency has prepared the Third Amendment.

(3) The adoption and carrying out of the Redevelopment Plan, as amended by the Third Amendment, is economically sound and feasible.

The basis of this finding includes, but is not limited to, the information contained in the Agency's Resolution approving the proposed Third Amendment and Report and Section V of the Report which describes how the Redevelopment Plan, as amended by the Third Amendment, is economically sound and feasible. Section V of the Report provides, in part,

"The anticipated costs to implement a program of revitalization in the amended Project Area will require significant participation from the Agency as it implements activities that promote and achieve the stated goals and objectives of the Plan. Economic feasibility of the amended Plan has been determined based upon a comparative cash flow analysis of the anticipated costs for implementation of the proposed redevelopment program to the resulting projected resources projected over the remaining life of the Project. The economic feasibility summarized on Table 7 was created to represent one scenario of economic feasibility. At the discretion of the Agency, other funding sources discussed

above may also represent viable funding alternatives for economic feasibility of the Plan.”

(4) The Redevelopment Plan, as amended by the Third Amendment, is consistent with 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.

This finding is based in part on the Report and recommendation of the Planning Commission.

(5) The carrying out of the Redevelopment Plan, as amended by the Third Amendment, will promote the public peace, health, safety and welfare of the City of San Diego, and will effectuate the purposes and policies of the CRL.

The basis of this finding includes, but is not limited to, the fact that under the Third Amendment the Agency will be able to continue to address and eliminate blighting conditions in the Project Area.

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

This finding is based upon, without limitation, the fact that the Project Area goals and objectives (among others) listed above in Section 2 may not be able to be achieved without the condemnation of real property as described in Section III.B of the Report. In addition, the Agency has adopted and included in the Report as Section VII a method or plan of relocation,

which provides for relocation and the provision of relocation assistance pursuant to all applicable State and federal laws.

(7) 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 Third 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 or plan of relocation adopted by the Agency and contained in the Report in Section VII, 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, and the provisions of the Redevelopment Plan, as amended by the Third Amendment.

(8) 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 CRL 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 CRL Sections 33334.5, 33413 and 33413.5.

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 method or plan of relocation included in the Report as Section VII, and the Redevelopment Plan, as amended by the Third Amendment.

(9) There are no non-contiguous areas of the Project Area.

(10) 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 assistance of the Agency.

This finding is based upon, but not limited to, Section III of the Report.

(11) 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 method or plan of relocation included in the Report as Section VII.

Section 6. All written and oral objections to the Third 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 hereby overruled.

Section 7. In order to continue to implement and facilitate the effectuation of the Redevelopment Plan as amended, it will be necessary for the City Council to continue 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 continued 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 continue 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 provision of the Redevelopment Plan; and

(3) Stands ready to continue to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, as amended, and declares its intention to continue 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 8. 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 9. If any part of this Ordinance or the Third 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 Third Amendment, and this Council hereby declares that it

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

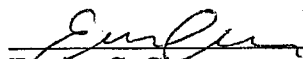
Section 10. The City Clerk is hereby directed to record with the County Recorder of San Diego County a description of the land within the Project Area, as amended, and a statement that the proceedings for the redevelopment of the Project Area are continuing under the California Community Redevelopment Law. The Agency is hereby directed to effectuate recordation in compliance with the provisions of Section 27295 of the Government Code.

Section 11. The City Clerk is hereby directed to transmit a copy of this Ordinance, a legal description of the land detached from the Project Area, and a map of the land detached from the Project Area to the parties listed in Section 33457 of the CRL. Such transmittal shall be completed within 30 days following adoption of this Ordinance.

Section 12. 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Eunice C. Chan
Deputy City Attorney

ECC:nda
05/08/06
Or.Dept: Redev.Agency
O-2006-130
MMS#3174
Comp. R-2006-959
RA-2006-126
RA-2006-127

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor