

(O-2008-6) 55A
9/04/07

ORDINANCE NUMBER O- 19663 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 17 2007

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

WHEREAS, the City Council of the City of San Diego [City Council] on May 11, 1992 by Ordinance No. O-17767 approved and adopted the Redevelopment Plan for the Centre City Redevelopment Project [Project] and thereafter approved and adopted a First Amendment (November 28, 1994, Ordinance No. O-18119), a Second Amendment (January 9, 1995, Ordinance No. O-18145), a Third Amendment (November 8, 1999, Ordinance No. O-18708), a Fourth Amendment (November 8, 1999, Ordinance No. O-18710), a Fifth Amendment (November 22, 1999, Ordinance No. O-18720), a Sixth Amendment (September 12, 2000, Ordinance No. O-18843), a Seventh Amendment (December 9, 2002, Ordinance No. O-19132), an Eighth Amendment (April 12, 2004, Ordinance No. O-19270), a Ninth Amendment (April 12, 2004, Ordinance No. O-19272), and a Tenth Amendment (April 3, 2006, Ordinance No. O-19472); and

WHEREAS, it is desirable and in the public interest to further amend and modify the Redevelopment Plan for the Centre City Redevelopment Project to provide for the Plan's conformance with the adopted Downtown Community Plan; and

WHEREAS, the Redevelopment Agency of the City of San Diego (Agency) has prepared and submitted to this City Council for review and approval a proposed Eleventh Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, a copy of which is on file in the Office of the City Clerk as Document No. OO- 19663; and

WHEREAS, a Progress Guide and General Plan for the City of San Diego and a new Downtown Community Plan have been prepared and adopted as a guide for the general development of the City and downtown San Diego; and

WHEREAS, the Planning Commission of the City of San Diego has submitted to the City Council its report and recommendation respecting the proposed Eleventh Amendment to the Redevelopment Plan, and has found that the Redevelopment Plan, as amended by the Eleventh Amendment, is consistent with the General Plan and Progress Guide of the City and the new Downtown Community Plan, 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 Eleventh Amendment to the Redevelopment Plan, which Report contains, among other things, the Planning Commission's report and recommendation and the Addendum to the Final Environmental Impact Report (Final EIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, which includes the proposed Eleventh Amendment to the Redevelopment Plan in its environmental assessment, and the City Council has duly considered and evaluated the Report of the Agency; and

WHEREAS, the Agency consulted with the Centre City Project Area Committee with respect to the Eleventh Amendment to the Redevelopment Plan, and the Project Area Committee submitted to the City Council its report and recommendation respecting the Eleventh Amendment to the Redevelopment Plan, which City Council has duly considered and evaluated; and

WHEREAS, the Agency and City Council have certified that the Addendum to the Final EIR was prepared and completed in compliance with the California Environmental Quality Act of 1970, and state and local regulations and guidelines adopted pursuant thereto, that the Agency and City Council have reviewed and considered the information contained in the Addendum to the Final EIR and that the Addendum to the Final EIR reflects the independent judgment and analysis of the Agency and City Council, and adopted findings with respect to the environmental impacts of the proposed Eleventh Amendment to the Redevelopment Plan, as required by law; 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, a joint public hearing was held by the City Council and the Agency to consider the proposed Eleventh Amendment to the Redevelopment Plan for the Centre City Redevelopment Project; and

WHEREAS, the City Council has considered all aspects of the proposed Eleventh Amendment to the Redevelopment Plan, and has received, considered and evaluated all written and oral evidence and testimony presented for or against all aspects of the proposed Eleventh 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 purpose and intent of this City Council with respect to the Project Area as affected by the Eleventh Amendment to the Redevelopment Plan are to:

- (1) Provide for the orderly development of the Project Area in accordance with the Progress Guide and General Plan for the City of San Diego and the Downtown Community Plan, in a manner which upgrades the quality of life in downtown San Diego;
- (2) Eliminate environmental deficiencies including, among others, small lot subdivision patterns where appropriate, and inadequate utilization of land;
- (3) Plan, design, develop and redevelop portions of the Project Area, which are stagnant or improperly utilized;
- (4) Provide for development in which a full range of activities and uses may occur where an attractive urban living and working environment exists for the use and enjoyment of all San Diegans;
- (5) Strengthen the economic base of downtown and stimulate new residential and commercial development and employment and economic growth; and
- (6) Comprehensively implement redevelopment, taking into consideration and being supportive of the objectives of the Project Area.

Section 2. The Eleventh Amendment to the Redevelopment Plan for the Project, having been duly reviewed and considered, is hereby approved and adopted, and the City Clerk is hereby directed to file a copy of said Eleventh Amendment to the Redevelopment Plan with minutes of this meeting. Said Eleventh Amendment to the Redevelopment Plan, a copy of which

is on file in the Office of the City Clerk as Document No. OO- 19663, is incorporated herein by reference and made a part hereof as if fully set out herein.

Section 3. Ordinance No. O-17767 and the Redevelopment Plan adopted pursuant thereto as the official Redevelopment Plan for the Centre City Redevelopment Project, as amended by Ordinance No. O-18119, Ordinance No. O-18145, Ordinance No. O-18708, Ordinance No. O-18710, Ordinance No. O-18720, Ordinance No. O-18843, Ordinance No. O-19132, Ordinance No. O-19270, Ordinance No. O-19272, and Ordinance No. O-19472, are amended as set forth in the Eleventh Amendment to the Redevelopment Plan, so that the Redevelopment Plan adopted by Ordinance No. O-17767, as heretofore amended, and as amended by the Eleventh Amendment to the Redevelopment Plan, is hereby designated as the official redevelopment plan for the Project Area.

Section 4. The City Council hereby finds and determines that:

- (1) The Project Area was and is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law;
- (2) The carrying out of the Eleventh Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, will promote the public peace, health, safety, and welfare of the City of San Diego and will effectuate the purposes and policies of the California Community Redevelopment Law;
- (3) The adoption and carrying out of the Eleventh Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, is economically sound and feasible;

- (4) The Eleventh Amendment to the Redevelopment Plan, and the Redevelopment Plan as so amended, is consistent with the Progress Guide and General Plan of the City of San Diego and the Downtown Community Plan, including but not limited to, the City's housing element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code;
- (5) There are no noncontiguous areas of the Project Area;
- (6) Inclusion within the Project Area of any lands, buildings, or improvements which are not detrimental to the public health, safety or welfare is necessary for effective redevelopment of the area of which they are a part; any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the California Community Redevelopment Law without other substantial justification for its inclusion;
- (7) The elimination of blight and the redevelopment of the Project Area cannot be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency.
- (8) The Project Area is predominately urbanized, as defined by subdivision (b) of Section 33320.1 of the California Community Redevelopment Law; and
- (9) The time limitation and the limitation on the number of dollars to be allocated to the Agency that are contained in the Redevelopment Plan, as amended, are reasonably related to the proposed to the proposed projects to be implemented in

the Project Area and to the ability of the Agency to eliminate blight within the Project Area; and

- (10) The Redevelopment Plan as amended by Eleventh Amendment will redevelop the Project Area in conformity with the California Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare of the City of San Diego.

Section 5. In order to implement and facilitate the effectuation of the Redevelopment Plan, as amended, it will be necessary for the City Council to take certain official actions with reference, among other things, to change in zoning and other public actions, and accordingly, the City Council hereby:

- (1) Pledges its 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 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 provisions of the Redevelopment Plan, as amended, to effectuate the Redevelopment Plan; and
- (3) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, as amended, and declares its intention 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 6. 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 7. The City Clerk is hereby directed to record with the County Recorder of San Diego County a description of the land within the Project Area and a statement that 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.

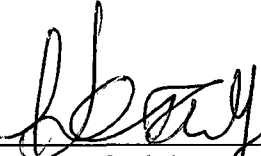
Section 8: The Development Services Department of the City of San Diego is hereby directed in accordance with the Redevelopment Plan, as amended, to advise all applicants for building permits within the Project Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

Section 9. Ordinance No. O-17767, as amended by Ordinance No. O-18119, Ordinance No. O-18145, Ordinance No. O-18708, Ordinance No. O-18710, Ordinance No. O-18720, Ordinance No. O-18843 Ordinance No. O-19132, Ordinance No. O-19270, Ordinance No. O-19272, and Ordinance No. O-19472, shall remain in full force and effect except to the extent they are changed by this amending Ordinance.

Section 10. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 11. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Huston Carlyle
Chief Deputy City Attorney

HC:SRE:cfq:pev
07/23/07
Or.Dept:CCDC
O-2008-6
MMS#5116
Redevelopment:Companion RA-2008-17

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 04 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9.17.07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

ELEVENTH AMENDMENT TO THE
REDEVELOPMENT PLAN
FOR THE
CENTRE CITY REDEVELOPMENT PROJECT

A Merger and Expansion
of the
COLUMBIA REDEVELOPMENT PROJECT
MARINA REDEVELOPMENT PROJECT
GASLAMP QUARTER REDEVELOPMENT PROJECT

Prepared by the
REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

Adopted on May 11, 1992 (O-17767)
Amended on November 28, 1994 (O-18119)
Amended on January 9, 1995 (O-18145)
Amended on November 8, 1999 (O-18708)
Amended on November 8, 1999 (O-18710)
Amended on November 22, 1999 (O-18720)
Amended on September 12, 2000 (O-18843)
Amended on December 9, 2002 (O-19132)
Amended on April 12, 2004 (O-19270 & O-19271)
Amended on April 3, 2006 (O-19471)
Amended on April 7, 2006 (O-19479)
Amended on September 4, 2007 (O-19663)

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REDEVELOPMENT PLAN
FOR THE
CENTRE CITY REDEVELOPMENT PROJECT

ARTICLE I

INTRODUCTION

SEC. 100 Legal Foundation

100.1 The City Council of the City of San Diego (the "City Council") on December 29, 1976 by Ordinance No. 11976 (New Series) approved and adopted the Redevelopment Plan for the Columbia Redevelopment Project (the "Columbia Project"), and thereafter approved and adopted a First Amendment (August 4, 1980, Ordinance No. 0-15306 (New Series)), Second Amendment (July 23, 1985, Ordinance No. 0-16476 (New Series)), Third Amendment (July 23, 1985, Ordinance No. 0-16477 (New Series)), Fourth Amendment (June 30, 1986, Ordinance No. 0-16682 (New Series)), Fifth Amendment (October 24, 1988, Ordinance No. 0-17168 (New Series)), and Sixth Amendment (March 20, 1989, Ordinance No. 0-17268 (New Series)).

100.2 The City Council on December 29, 1976 by Ordinance No. 11977 (New Series) approved and adopted the Redevelopment Plan for the Marina Redevelopment Project (the "Marina Project"), and thereafter approved and adopted a First Amendment (August 4, 1980, Ordinance No. 0-15307 (New Series)), Second Amendment (September 23, 1985, Ordinance No. 0-16508 (New Series)), Third Amendment (June 10, 1986, Ordinance No. 0-16668 (New Series)), Fourth Amendment (April 20, 1987, Ordinance No. 0-16847 (New Series)), and Fifth Amendment (August 1, 1988, Ordinance No. 0-17124 (New Series)) to the Redevelopment Plan for the Marina Project.

100.3 The City Council on July 26, 1982 by Ordinance No. 0-15781 (New Series) approved and adopted the Redevelopment Plan for the Gaslamp Quarter Redevelopment Project (the "Gaslamp Quarter Project"), and thereafter approved and adopted a First Amendment (January 22, 1985, Ordinance No. 0-16360 (New Series)) to the Redevelopment Plan for the Gaslamp Quarter Project.

100.4 This Redevelopment Plan (the "Plan") for the Centre City Redevelopment Project (the "Project") is a compilation and continuation of the Redevelopment Plans for the merged Columbia, Marina and Gaslamp Quarter Projects, and also applies to the area added to the merged Projects by the Merger and Expansion Amendments to the Columbia, Marina and Gaslamp Quarter Redevelopment Projects approved and adopted by the City Council on May 11, 1992, by Ordinance No. 0-17767 (New Series) (the "Merger and Expansion Amendments"). For purposes of this Plan, the area formerly covered by the separate Columbia Project is referred to as the Columbia Sub Area, the area formerly covered by the separate Marina Project is referred to as the Marina Sub Area, the area formerly covered by the separate Gaslamp Quarter Project is referred to as the Gaslamp Quarter Sub Area, and the area added by the Merger and Expansion Amendments is referred to as the Expansion Sub Area. The entire area covered by this Plan is referred to as the Centre City Redevelopment Project Area or the "Project Area."

100.5 This Plan consists of the Text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), and the Description of Publicly-Owned Facilities (Attachment No. 3). The Plan, as compiled and revised by the Merger and Expansion Amendments, 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 & Safety Code Sections 33000, et seq.), the California Constitution, and all applicable local laws and ordinances.

100.6 The proposed redevelopment of the Project Area as described in this Plan conforms to the Progress Guide and General Plan for the City of San Diego adopted by Resolution No. 222918 of the City Council on February 26, 1979, as amended, and the Centre City Community Plan adopted by Resolution No. R-279876 of the City Council on April 28, 1992.

100.7 This Plan, as compiled and revised by the Merger and Expansion Amendments, is based upon a Preliminary Redevelopment Plan formulated and adopted by the Planning Commission of the City of San Diego (the "Planning Commission") on September 13, 1990, by Resolution No. 0750-PC.

100.8 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 is partially a compilation and revision of three (3) existing Redevelopment Plans, for the Columbia, Marina and Gaslamp Quarter Sub Areas. This Plan shall be construed so that any actions taken, obligations incurred and/or requirements imposed under and in compliance with the three (3) Redevelopment Plans when they were individually in effect shall be valid in all respects. 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

110.1 The objectives of this Project are to:

A. Provide for development in which a full range of activities and uses may occur and where a living and working environment exists for the use and enjoyment of all San Diegans;

B. Provide an environment where a socially balanced community can work and live by providing jobs and housing compatible with a modern urban center;

C. Eliminate blighting influences, including incompatible and obnoxious land uses, obsolete and deficient structures, and inadequate or surplus streets and rights-of-way;

D. Eliminate environmental deficiencies, including among others small and irregular lot and block subdivision, economic and social deficiencies and inadequate utilization of land and public facilities;

E. Preserve historical and architecturally significant structures and sites;

F. Provide for the orderly development of a portion of the Centre City in accordance with the General Plan for the City of San Diego and the Downtown Community Plan;

G. Upgrade the quality of life in downtown San Diego;

H. Establish and implement design standards (except for Tidelands) that assure development of outstanding architectural and environmental quality with special regard to the spatial relationship of open areas to building structures (private and public), variety of building size, bulk and siting, activity areas, pedestrian spaces, circulation systems, and other design elements which provide unity, integrity and quality to the entire area;

I. Coordinate the location of neighborhood/community-based facilities such as parks, plazas, commercial recreational uses, open spaces, recreational centers and other community facilities which serve the needs of the entire downtown area;

J. Coordinate the upgrading of sewer, water and storm drains and other community facilities that serve the needs of the entire downtown area;

K. Accommodate parking needs in a manner which will reduce the negative impact of parking needs on the environmental quality of the area;

L. Provide strong physical linkages in order to create attractive vehicular and pedestrian connections between major downtown activities and the San Diego waterfront; and

M. Strengthen and encourage retail, entertainment, business, cultural, social and other commercial functions including, but not limited to, the establishment of a safe, healthy and attractive environment in which business, commercial, cultural and social services activities can thrive and residents live;

N. Expand and improve the supply of low- and moderate-income housing;

O. Promote housing that is compatible with the character of the area;

P. Provide for maximum participation in the redevelopment and restoration process by property owners and tenants;

Q. Preserve the historic structures within historic districts, enhance these areas with compatible new development and uses, and promote the districts and the distinct heritage of each.

R. Provide a variety of differently sized parcels to encourage development of a type to implement the objectives of the Plan. It is acknowledged that infill and "fine grain texture" development are goals of this Plan. To this end, and when consistent with any implementation strategy for the area, the Agency will endeavor to include multiple owners or developers in each block. "Fine grain texture" means development which emphasizes the traditional fifty-foot rhythm of frontage development;

S. Develop a strong financial/commercial core surrounded by mixed-use and residential neighborhoods which have the amenity and commercial services necessary to support a vibrant urban downtown;

T. Make downtown San Diego the dominant regional center for music, theater, dance and the visual arts, for dining out and for entertainment and public festivals;

U. Provide for development in which a full range of activities and uses may occur where an attractive urban living and working environment exists for the use and enjoyment of all San Diegans;

V. Substantially increase the number of people living downtown and provide a range of housing to meet the needs of an economically and socially balanced population;

W. Encourage the strengthening of arts and culture;

X. Encourage the rehabilitation and upgrading of historical and architecturally significant structures and sites;

Y. Assure for each person in downtown access to quality health, mental health and social and educational services in the context of a dignified, safe and secure environment;

Z. Strengthen the economic base of downtown through the installation of needed public improvements, including transit and parking facilities, to stimulate new commercial, residential, employment and economic growth, and to improve the circulation of people and vehicles;

AA. Create an urban open space system that is designed to take advantage of San Diego's climate and setting that offers both formal and informal gathering places, active recreational and quiet areas for downtown workers, residents and visitors;

BB. Provide land uses to support and encourage a comprehensive multi-modal transportation system in balance with the utilization and aesthetic needs of downtown;

CC. Emphasize the development and use of efficient mass transit, especially for daily commuters, in conjunction with the minimization of reliance on automobiles and long-term downtown parking facilities;

DD. Minimize the conflict between pedestrians and automobile traffic;

EE. Establish and implement focused plans for each neighborhood containing design standards (except for Tidelands) which assure development of outstanding architectural and environmental quality with special regard to the spatial relationship of open areas to building structures (private and public), variety of building size, bulk and siting, activity areas, pedestrian spaces, circulation systems, freeway ramps and other design elements which provide unity, integrity and quality to the entire downtown area. The objectives to create focused neighborhood plans where appropriate are as follows:

- (1) To articulate steps to enhance the neighborhood's unique personality in both built form and social content in order to create identifiable neighborhoods;
- (2) To create a clear vision statement regarding the identity and aspirations of the neighborhoods;
- (3) To clarify and enhance the Downtown Community Plan;

ARTICLE II
GENERAL DEFINITIONS

SEC. 200 Definitions

The following definitions are used in this Plan unless otherwise indicated by the text:

A. "Agency" means the Redevelopment Agency of the City of San Diego, California;

B. "Centre City Planned District Ordinance" means the Planned District Ordinance No. 0-17764 (New Series) adopted by the City Council on May 11, 1992, as heretofore and hereafter amended;

C. "City" means the City of San Diego, California;

D. "City Council" means the City Council of the City of San Diego;

E. "Downtown Community Plan" means the Community Plan as adopted by the City Council on February 28, 2006, as heretofore and hereafter amended;

F. "Gaslamp Quarter Planned District Ordinance" means the Planned District Ordinance No. 0-11870 adopted by the City Council on July 14, 1976, and which applies to the Gaslamp Quarter Sub Area, as heretofore and hereafter amended;

G. "Gaslamp Quarter Urban Design Manual" means the Gaslamp Quarter Urban Design and Development Manual adopted by Resolution No. 216357 of the City Council on June 30, 1976, and which applies to the Gaslamp Quarter Sub Area, as heretofore and hereafter amended;

H. "Marina Planned District Ordinance" means the Planned District Ordinance No. 0-17123 adopted by the City Council on August 1, 1988, and which applies to the Marina Sub Area, as heretofore and hereafter amended;

I. "Marina Urban Design Plan" means the Marina Urban Design Plan and Development Guidelines adopted by Resolution No. R-1626 of the Agency on July 20, 1988, and which applies to the Marina Sub Area, as heretofore and hereafter amended;

J. "Plan" means the Redevelopment Plan for the Centre City Redevelopment Project;

K. "Planning Commission" means the Planning Commission of the City of San Diego, California;

L. "Port District" means the San Diego Unified Port District;

M. "Port Master Plan" means the Port Master Plan adopted by Resolution No. 80-74 of the Port District on March 18, 1980, as heretofore and hereafter amended;

N. "Project" means the Centre City Redevelopment Project;

O. "Project Area" means the area included within the boundaries of the Centre City Redevelopment Project.

P. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health & Safety Code, Sections 33000, et seq.);

Q. "State" means the State of California;

R. "Tidelands" means filled and unfilled tidelands and submerged lands of San Diego Bay which are owned and controlled by the Port District pursuant to Calif.Stats. 1962, 1st Ex. Sess., c.67, as amended.

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, and public improvements;
- E. Relocation assistance to displaced residential and 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 and related facilities;
- I. Create focused plans as provided in Section 550 of this Plan.
- J. 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 or 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 adoption of the ordinance adopting the Eighth Amendment to this Plan. This time limitation may be extended by amendment of this Plan.

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 a 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 or 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 33339, 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 Agency 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 Area 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, after receiving public input, 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 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 shall be required to join in the recordation of such documents as 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, acknowledging however, that Article VI of this Plan is controlling as to Tidelands.

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 and in such manner permitted by law) to construct foundations, platforms and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial, 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 in 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 others, 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 reasonably 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 others 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 pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

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 low- and moderate-income persons and families to be displaced from the Project Area, the City Council shall assure that sufficient land be made available for suitable housing for rental or purchase by low- and moderate-income persons and families. If insufficient suitable housing units are available in the City for 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 with 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

460.1 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. Neither all nor any portion of any property shall be resold by the Agency to the person from whom such property was obtained at a price lower than that for which it was purchased by the Agency.

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 acquired by the Agency for rehabilitation and resale shall be 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 and 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 nonsegregation 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 such buildings, facilities, structures, or other improvements are available to the community. The Agency may enter into contracts, leases and agreements with the City or other public body or entity 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, except for Tidelands, (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 aggregate 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 of the Redevelopment Law, whenever dwelling units housing persons and families of low or 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. When dwelling units are destroyed or removed after September 1, 1989, seventy-five percent (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 or 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 a longer period 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. As to the merged redevelopment projects, the Agency shall use the moneys in the fund to assist in the construction or rehabilitation of housing units which will be available to, or occupied by, persons and

families of low or moderate income and very low-income households for a period of not less than thirty (30) years. For the purposes of the preceding sentence, "construction and rehabilitation" shall include acquisition of land, improvements to land; the acquisition, rehabilitation, or construction of structures; or the provision of subsidies necessary to provide housing for persons and families of low or moderate income and very low-income households.

470.5 The Agency shall assure to the extent practicable that housing for very low-, lower- and moderate-income households and market rate housing is distributed throughout the Project Area in a way which will create balanced neighborhoods in all residential areas.

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 other entities, may explore concepts and develop facilities to increase transportation efficiency.

480.2 Satellite parking sites may be established on property near freeway egress/ingress and other peripheral locations 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 without 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 (except the Port District) 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 (except the Port District) 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 which, in the Agency's determination, are necessary and appropriate 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 shall 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 payments (in lieu of property taxes) to taxing agencies for whose 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 "Project Area Map," attached hereto as Attachment No. 2 and incorporated herein by reference, sets forth the proposed public rights-of-way 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 as they now exist or are hereafter amended. Without limiting the foregoing, development in the Columbia and Expansion Sub Areas shall comply with the regulations and standards contained in the Centre City Planned District Ordinance, development in the Marina Sub Area shall comply with the regulations and standards contained in the Marina Planned District Ordinance and the Marina Urban Design Plan, development in the Gaslamp Quarter Sub Area shall comply with the regulations and standards contained in the Gaslamp Quarter Planned District Ordinance and the Gaslamp Quarter Urban Design Manual.

500.2 The land uses permitted in the Project Area as further refined by the regulations, standards and exceptions in the applicable Planned District Ordinance as referred to in Section 500.1, shall be those set forth in the Downtown Community Plan as it exists on the effective date of the ordinance approving the 10th Amendment to the Redevelopment Plan for the Centre City Project Area, or as thereafter amended.

500.3 The street layout in the Project Area, as illustrated on the Project Area Map (Attachment No. 2), 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 General Plan of the City of San Diego, the Downtown Community Plan, and the objectives of this Plan, and any focused plan for the area, 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 The Tidelands, as illustrated on the Project Area Map (Attachment No. 2), shall be developed in accordance with the Port Master Plan.

500.6 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 except Tidelands which are controlled pursuant to Article VI. 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.

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 and ordinances. In general, and as further refined by the regulations, standards and exceptions in the applicable Planned District Ordinance as referred to in Section 500.1, the type, size and height of buildings shall be as follows:

- A. A mix of land uses throughout the Project Area, including, but not limited to: cultural, civic and governmental, parks and public facilities, sporting facilities, visitor attractions, residential, employment (office, commercial, retail, hotel, research & development, warehousing & distribution, light industrial, manufacturing) educational, medical, storage, parking and entertainment, transportation and communication services; and
- B. A range of low-, mid- and high-rise structures shall be allowed within the Project Area.

510.4 The owner and/or developer of each new building to be developed in applicable portions of the Project Area shall comply with procedures established by the City of San Diego Airport Approach Overlay Zone (and any successor or amendment thereto) for structures which exceed thirty (30) feet in height, and shall be required to obtain and submit to the Agency and City a Federal Aviation Administration (F.A.A.) Determination of No Hazard to Air Navigation prior to issuance of a building permit.

510.5 The number of buildings in the Project Area shall not exceed two thousand two hundred (2,200). The approximate number of dwelling units in the Project Area will be fifty-three thousand (53,000).

510.6 All signs shall conform to City ordinances as they now exist or are hereafter amended, and to any focused plan for the area. Design of all signing is subject to Agency approval prior to installation.

510.7 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.

510.8 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.

510.9 Open space within the Project Area includes: the King Promenade, the Embarcadero Marina Parks (North and South), Pantoja Park, and the Park at the Park, in addition to a number of smaller parks (such as Amici Park, Children's Park, Horton Plaza Park and others). Together, these parks total approximately 42 acres. Additional new parks, plazas and open space will be provided by extension of the King Promenade, the North Embarcadero Bayfront Esplanade, the County Administration Center Waterfront Parks, and through the creation of a variety of smaller parks throughout the Project Area. These new parks total approximately 75 acres.

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

510.11 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.

510.12 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.

510.13 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 in violation of the requirements of the Downtown Community Plan and the applicable Planned District Ordinance, and any focused plan for the area.

510.14 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.

510.15 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 (except Tidelands) 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 considerations 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, except for Tidelands controlled pursuant to Article VI.

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; and

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 Except on Tidelands, 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 Historic 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.

SEC. 550 Implementation Strategies

After adoption of this Plan, and from time to time during the period of the Plan, the Agency shall proceed with reasonable diligence to identify specific strategies obtained through public input for implementation, which may include more specific plans and programs, and which shall include geographical and topical focus areas. The Agency shall emphasize the use of implementing actions, including those set forth in Section 400 of this Plan, in the identified topical and geographical areas as necessary and appropriate to make the most efficient use of its resources, and so that the impact of its activities stimulate private redevelopment.

SEC. 560 Navy Broadway Complex

The Navy Broadway Complex and other Navy property is located within the boundaries of the Project Area. Redevelopment of the Navy Broadway Complex, bounded by Broadway to the north, Pacific Highway to the east, and Harbor Drive to the west and south, is expected to be developed in accordance with the Navy's development plan and urban design guidelines as specified in a development agreement with the City of San Diego, or as otherwise provided by law.

ARTICLE VI

PORT DISTRICT TIDELANDS

SEC. 600 Proposed Redevelopment and Use and Planning

600.1 Notwithstanding any other provision in this Plan, including without limitation Articles pertaining to proposed redevelopment activities and uses permitted and planning considerations, all of the Tidelands (filled and unfilled) and the submerged lands owned and controlled by the Port District, a public corporation, pursuant to Calif. Stats.1962, 1st Ex. Sess., c.67, as amended, shall be developed and used in accordance with the Port Master Plan. It is recognized that the procedures and exercise of authority by the California Coastal Commission, together with the statute establishing the Commission, could foreseeably cause delay or denial of implementation of the Port Master Plan or particular projects contemplated by the Port Master Plan. The Port District shall have the unfettered right to use and develop its lands at its sole discretion in accordance with the Port Master Plan which from time to time may be hereafter amended. This right of the Port District is deemed adequate and in conformance with this Plan, as well as consistent with its provisions, objectives and intent as long as the Port District acts in accordance with Calif. Stats. 1962, 1st Ex. Sess., c.67, as amended, commonly known as the San Diego Unified Port District Act, the tideland trust and the California Coastal Act of 1976. Said lands of the Port District shall be and remain under the exclusive jurisdiction and control of the Port District and the Agency shall not impose or attempt to impose any restrictions or regulations, including without limitation, any relating to proposed redevelopment activities, uses permitted and planning considerations, building, zoning or architectural (sign, design, schematic, landscaping site plan) controls, with regard to said lands of the Port District, so long as said lands are developed and used in accordance with the Port Master Plan as it may be amended. Port District lands and their proposed planned development are not included in the Project Area for the benefit of any other property or property owner, whether such property or owner is or is not within the Project Area, and such owner shall not rely on the fact that the Project Area includes Port District lands or on the planned development for said land or that said planned development will ever occur or otherwise.

600.2 That portion of the Marina Sub Area located south of the realignment of Harbor Drive between Union Street and Kettner Boulevard and north of the Tidelands may as an alternative to the uses otherwise permitted under this Plan, be developed under common ownership and control of the Port District, with uses and under a common plan pursuant to the Port Master Plan and consistent with the rights and procedures applicable to the Tidelands generally as set forth in this Article VI.

ARTICLE VII

METHODS FOR FINANCING THE PROJECT

SEC. 700 General Description of the Proposed Financing Methods

700.1 The Agency is authorized to finance this 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 source.

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, repayments of loans and interest earned thereon, capital improvement funds from the City, sales and transient occupancy tax funds, and other special use taxes and other sources which 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 each Sub 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 (consistent with Section 33677 of the Redevelopment Law) as follows:

1. That portion of the 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 as taxes by or for the 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 and 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 and 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 and 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. Taxes attributable to a Sub Area merged pursuant to the Merger and Expansion Amendments and allocated to the Agency pursuant to Section 710.2 shall be first used to comply with the terms of any bond resolution or other agreement pledging such taxes from the constituent Sub Area to any indebtedness incurred on account of the constituent Sub Area prior to the merger, subject to the following restrictions:

The Agency shall not pay indebtedness attributable to Project activities within the Columbia Sub Area or receive property taxes from the Columbia Sub Area pursuant to Health and Safety Code Section 33670 after December 29, 2027, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

The Agency shall not pay indebtedness attributable to Project activities within the Gaslamp Quarter Sub Area or receive property taxes from the Gaslamp Quarter Sub Area pursuant to Health and Safety Code Section 33670 after July 30, 2033, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

The Agency shall not pay indebtedness attributable to Project activities within the Marina Sub Area or receive property taxes from the Marina Sub Area pursuant to Health and Safety Code Section 33670 after December 29, 2027, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

The Agency shall not pay indebtedness attributable to Project activities within the Expansion Sub Area or receive property taxes from the Expansion Sub Area pursuant to Health and Safety Code Section 33670 after May 11, 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 Two Billion Eight Hundred Ninety-Four Million Dollars (\$2,894,000,000), 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 on 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 indebtedness to finance, in whole or in part, any Project activities within the Columbia Sub Area and to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2 shall be repaid beyond December 29, 2027, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

No loan, advance or indebtedness to finance, in whole or in part, any Project activities within the Gaslamp Quarter Sub Area and to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2 shall be repaid beyond July 30, 2033, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

No loan, advance or indebtedness to finance, in whole or in part, any Project activities within the Marina Sub Area and to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2 shall be repaid beyond December 29, 2027, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

No loan, advance or indebtedness to finance, in whole or in part, any Project activities within the Expansion Sub Area and to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2 shall be repaid beyond May 11, 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 One Billion Seventy-Three Million Dollars (\$1,073,000,000), 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 a 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 as follows:

For Project activities within the Columbia Sub Area for the period ending on December 29, 2017; 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 December 29, 2027 for loans, advances or other indebtedness to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2; and

For Project activities within the Gaslamp Quarter Sub Area for the period ending on July 30, 2023; 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 July 30, 2033 for loans, advances or other indebtedness to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2; and

For Project activities within the Marina Sub Area for the period ending on December 29, 2017; 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 December 29, 2027 for loans, advances or other indebtedness to be repaid from the division and allocation of taxes to the Agency pursuant to Section 710.2; and

For Project activities within the Expansion Sub Area for the period ending on May 11, 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 May 11, 2043 for loans, advances or other indebtedness to be repaid from the division and allocation of taxes to the 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.