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ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE MAY 21 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRAL IMPERIAL REDEVELOPMENT PROJECT AND MAKING CERTAIN RELATED FINDINGS AND DETERMINATIONS.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement certain redevelopment activities as part of the Central Imperial Redevelopment Project [Redevelopment Project]; and

WHEREAS, the City Council of the City of San Diego [Council] adopted Ordinance No. O-17831 on September 14, 1992, which approved the Redevelopment Plan for the Central Imperial Redevelopment Project [Redevelopment Plan]; and

WHEREAS, the Council subsequently approved the following four amendments to the Redevelopment Plan: (i) the First Amendment on January 8, 1996; (ii) the Second Amendment on December 10, 1996; (iii) the Third Amendment on November 14, 2000; and (iv) the Fourth Amendment on October 21, 2003; and

WHEREAS, all references in this ordinance to the Redevelopment Plan shall include the four amendments thereto; and

WHEREAS, the Southeastern Economic Development Corporation, acting on behalf of the Agency, has caused the preparation of the proposed Fifth Amendment to the Redevelopment Plan [Fifth Amendment] and the Report to the Council for the Fifth Amendment [Council Report]; and

WHEREAS, the proposed Fifth Amendment reflects certain land use planning changes affecting the Redevelopment Project area, including the addition of a Village/Mixed Use Element to the Southeastern San Diego Community Plan and a Mixed Use Element to the Skyline-Paradise Hills Community Plan, thereby allowing mixed use and higher density residential development in three areas identified in the amendments as the Village Center at Market and Euclid, Imperial Crest and Encantada; and

WHEREAS, on April 2, 2009, after holding a public hearing and considering the Council Report, among other documents, the Planning Commission of the City of San Diego recommended that the Council approve the Fifth Amendment; and

WHEREAS, the Agency's board of directors and the Council held a duly noticed joint public hearing on MAY 12 2009, to consider the proposed Fifth Amendment and the Council Report, as well as associated planning documents; and

WHEREAS, the Agency's board of directors has certified that the Final Environmental Impact Report [Final EIR] for the proposed Fifth Amendment and associated planning documents was prepared and completed in compliance with the California Environmental Quality Act [CEQA] and state and local guidelines adopted pursuant thereto; and

WHEREAS, the Council has reviewed and considered the Final EIR and all environmental issues identified therein, in compliance with CEQA and state and local guidelines adopted pursuant thereto; and

WHEREAS, the Agency's board of directors has recommended that the Council approve the Council Report and the proposed Fifth Amendment; and

WHEREAS, the Council has approved the Council Report; and

WHEREAS, the Council has considered all aspects of the proposed Fifth Amendment, and has received, considered, and evaluated all written and oral evidence and testimony presented for or against the Fifth Amendment; and

WHEREAS, California Health and Safety Code section 33457.1, which is part of the California Community Redevelopment Law, states that, to the extent warranted by a proposed amendment to a redevelopment plan, the ordinance adopting an amendment to a redevelopment plan must set forth the findings required by California Health and Safety Code section 33367; and

WHEREAS, the Council made all of the findings required by California Health and Safety Code section 33367 in connection with the Council's original approval of the Redevelopment Plan, and the Council now intends to make and reaffirm all such findings in connection with the approval of the Fifth Amendment; NOW, THEREFORE,

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

Section 1. That, pursuant to California Health and Safety Code section 33367(a), the Council finds and determines that the purpose and intent of the Council with respect to the Fifth Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project are to:

- (i) promote revitalization of the Central Imperial community;
- (ii) provide incentives for the development of new commercial and residential facilities to better serve the community and to upgrade the physical appearances of commercial and residential areas within the Redevelopment Project area;
- (iii) provide incentives for development of underutilized parcels of land in the Redevelopment Project area;

- (iv) maintain the existing residential character of the Redevelopment Project area;
- (v) ensure maximum opportunity for employment of local residents in permanent jobs created by new business development and in temporary residential and business construction jobs;
- (vi) ensure that local people have the opportunity to establish new businesses or expand existing businesses in new commercial facilities, and are provided information on technical and financial programs offered by various organizations, including the SEDC Business Development Program; and
- (vii) support efforts to communicate and publicize to all businesses and residents current information on community revitalization efforts.

Section 2. That, pursuant to California Health and Safety Code section 33367(d), the Council finds and determines that:

- (i) The Redevelopment Project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law;
- (ii) The Redevelopment Plan, as amended by the Fifth Amendment, would redevelop the Redevelopment Project area in conformity with the California Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare;
- (iii) The adoption and carrying out of the Redevelopment Plan, as amended by the Fifth Amendment, is economically sound and feasible;

- (iv) The Redevelopment Plan, as amended by the Fifth Amendment, is consistent with the Progress Guide and General Plan, including, but not limited to, the community'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;
- (v) The carrying out of the Redevelopment Plan, as amended by the Fifth Amendment, would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of the California Community Redevelopment Law;
- (vi) The condemnation of real property, to the extent provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, as amended by the Fifth Amendment, and adequate provisions have been made for payment for property to be acquired as provided by law;
- (vii) The Agency has a feasible method or plan for the relocation of families and persons displaced from the Redevelopment Project area, to the extent the Redevelopment Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Redevelopment Project area;
- (viii) There are, or shall be provided, in the Redevelopment 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 Redevelopment 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;

- (ix) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to California Health and Safety Code 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 California Health and Safety Code sections 33334.5, 33413, and 33413.5;
- (x) All noncontiguous areas of the Redevelopment Project area are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from the area pursuant to California Health and Safety Code section 33670 without other substantial justification for their inclusion;
- (xi) The elimination of blight and the redevelopment of the Redevelopment Project area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency;
- (xii) The Redevelopment Project area is predominantly urbanized, as defined by California Health and Safety Code section 33320.1(b);
- (xiii) The time limitation and the limitation on the number of dollars to be allocated to the Agency that are contained in the Redevelopment Plan are reasonably related to the proposed projects to be implemented in the Redevelopment Project area and

to the ability of the Agency to eliminate blight within the Redevelopment Project area; and

- (xiv) The implementation of the Redevelopment Plan, as amended by the Fifth Amendment, will improve or alleviate the physical and economic conditions of blight in the Redevelopment Project area, as described in the Report to the Council for the Fifth Amendment.

Section 3. That, pursuant to California Health and Safety Code section 33367(e), the Council finds and determines that it is satisfied that permanent housing facilities will be available within three years from the time occupants of the Redevelopment 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.

Section 4. That the Fifth Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project is hereby approved and adopted; a copy of the Fifth Amendment is on file in the office of the City Clerk as Document No. OO-¹⁹⁸⁵⁹_____, and is incorporated herein by reference as though fully set forth herein, pursuant to California Health and Safety Code section 33367(b).

Section 5. That the Redevelopment Plan, as amended by the Fifth Amendment, is hereby designated as the official redevelopment plan for the Central Imperial Redevelopment Project, pursuant to California Health and Safety Code section 33367(c).

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

Section 7. 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 Council and the public a day prior to its final passage.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By Kevin Reisch
Kevin Reisch
Deputy City Attorney

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Or.Dept:Redev.Agency
O-2009-127

Companion to: O-2009-128
O-2009-129
R-2009-1040
R-2009-1041
R-2009-1042
R-2009-1043

MMS #8243

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 12 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.21.09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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