

**REDEVELOPMENT PLAN  
FOR THE  
GRANTVILLE  
REDEVELOPMENT PROJECT**

Approved by:  
Grantville Redevelopment Advisory Committee  
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Approved by:  
City of San Diego Planning Commission  
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## TABLE OF CONTENTS

<b>ARTICLE I</b>	<b>PAGE</b>
<b>INTRODUCTION</b> .....	1
SEC. 100 Legal Foundation .....	1
SEC. 110 Project Objectives .....	2
<b>ARTICLE II</b>	
<b>GENERAL DEFINITIONS</b> .....	3
SEC. 200 Definitions .....	3
<b>ARTICLE III</b>	
<b>PROJECT AREA BOUNDARIES AND LEGAL DESCRIPTION</b> .....	4
SEC. 300. Description of Project Area .....	4
<b>ARTICLE IV</b>	
<b>PROPOSED REDEVELOPMENT ACTIVITIES</b> .....	4
SEC. 400 General Redevelopment Actions .....	4
SEC. 410 Acquisition of Property.....	5
SEC. 420 Demolition, Clearance, Public Improvements, Building and Site Preparation .....	7
SEC. 430 Rehabilitation and Moving of Structures.....	7
SEC. 440 Participation by Property Owners and Preferences for Business Occupants .....	8
SEC. 450 Disposition and Redevelopment of Property for Uses in Accordance With This Plan .....	9
SEC. 460 Relocation and Assistance of Occupants Displaced as a Result of Agency Programs or Projects.....	11
SEC. 470 Provision for Low and Moderate Income Housing .....	13
SEC. 480 Participation of Area Planning Committees and Other Appropriate Community Organizations.....	13
SEC. 490 Other Actions as Appropriate .....	14
<b>ARTICLE V</b>	
<b>USES PERMITTED AND PLANNING CONSIDERATIONS</b> .....	15
SEC. 500 Land Use and Plan Development Considerations .....	15
SEC. 510 General Controls and Limitations.....	17
SEC. 520 Circulation, Transit and Parking.....	19
SEC. 530 Building Permits .....	20

SEC. 540 Buildings of Architectural and Historic Significance.....21

**ARTICLE VI**

**METHODS FOR FINANCING THE PROJECT** .....21  
SEC. 600 General Description of the Proposed Financing Methods .....21  
SEC. 610 Tax Increment .....22  
SEC. 620 Bonds, Advances and Indebtedness.....23

**ARTICLE VII**

**ACTIONS BY THE CITY** .....24

**ARTICLE VIII**

**ADMINISTRATION AND ENFORCEMENT OF THE PLAN**.....25

**ARTICLE IX**

**DURATION OF THIS PLAN**.....25

**ARTICLE X**

**PROCEDURE FOR AMENDMENT** .....26

**EXHIBITS**

**EXHIBIT No. 1** Grantville Redevelopment Project Area Map (Redevelopment Plan Map)  
**EXHIBIT No. 2** Grantville Redevelopment Project Area Geographic Description  
(Legal Description of Project Area Boundaries)  
**EXHIBIT No. 3** Proposed Public Improvements and Facilities Projects  
**EXHIBIT No. 4** Planned Land Use Map  
**EXHIBIT No. 5** Diagram Illustrating Limitations on Type, Size and Height of Buildings  
**EXHIBIT No. 6** Diagram Illustrating Approximate Amount of Building Space, including  
Open Space



## ARTICLE I

### INTRODUCTION

#### SEC. 100 LEGAL FOUNDATION

**100.1** This is the Redevelopment Plan (the "Plan") for the Grantville Redevelopment Project (the "Project") in the City of San Diego (the "City"), County of San Diego. This Plan consists of text (§§100-1000), the Redevelopment Plan Map (attached as Exhibit No. 1), the Legal Description of Project Area Boundaries (attached as Exhibit No. 2), the Proposed Public Improvements and Facilities Projects (attached as Exhibit No. 3), the map Illustrating Planned Land Uses (attached as Exhibit No. 4), the Diagram Illustrating Limitations on Type, Size, and Height of Buildings (attached as Exhibit No. 5), and the Diagram Illustrating Approximate Amount of Building, including Open Space (attached as Exhibit No. 6). This Plan was prepared by The Community Redevelopment Agency of the City of San Diego (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health & Safety Code §§33000 et seq.) (the "Redevelopment Law"), the California Constitution, and all applicable local codes and ordinances. The area covered by this Plan is referred to as the Grantville Redevelopment Project Area or the "Project Area." The Project Area includes all properties within the Project boundary shown on the Redevelopment Plan Map.

**100.2** The Proposed redevelopment of the Project Area as described in this Plan is consistent with the General Plan for the City of San Diego adopted by Resolution No. 276563 of the City Council on February 26, 1979, as amended, and the Navajo Community Plan adopted by the City Council on December 7, 1982 by Resolution No. R-257606 and amended by the City Council on August 5, 2002 by Resolution No. R-296956 and the Tierrasanta Community Plan adopted by the City Council on July 27, 1982 by Resolution No. R-256890 and amended by the City Council on February 15, 1991 by Resolution No. R-277366. All land use in the Project Area shall be controlled by the applicable Community Plans as they exist or are amended or supplemented from time to time. In the event of a conflict between the Redevelopment Plan and the Community Plans pertaining to permitted land use, the applicable Community Plan shall prevail.

**100.3** This Plan is based upon a Preliminary Plan formulated and adopted by the Planning Commission of the City of San Diego on August 5, 2004 by Resolution No. 3550 - PC.

**100.4** This Plan describes particular Agency powers, duties and obligations in implementing and furthering the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Project Area. This Plan presents a process and basic framework within which specific redevelopment activities will be presented and priorities established. This 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 the Grantville Redevelopment Project are as follows:

1. Eliminate and prevent the spread of blight and deterioration, as well as redevelop the proposed Redevelopment Project Area in accordance with the General Plan, applicable community plans, this Plan, and local codes and ordinances as these documents exist or may be amended in the future;
2. Improve the flow of traffic through the development of a circulation network that will provide for less congested access to the Mission Gorge corridor and Grantville industrial area, without adversely affecting surrounding residential communities and facilitate traffic and pedestrian enhancements that adequately support land uses, while improving the safety and viability of the Project Area and the surrounding communities. This should include comprehensive coordination of the multiple municipal agencies that have responsibility for planning and land use, traffic control, and funding;
3. Improve public infrastructure and undertake other public improvements in, and of benefit to, the Project Area including: preparation of a comprehensive Public Facilities Financing Plan to address short and long term infrastructure improvements; storm drain improvements (particularly to properties affected by the Alvarado Creek and San Diego River); widening, reducing or otherwise modifying existing roadways or creating additional streets, walkways, and paths for proper pedestrian, bicycle and/or vehicular circulation; and undergrounding electrical distribution lines and telephone lines along major streets;
4. Alleviate the shortage of commercial and industrial parking while avoiding negative impacts on residential neighborhoods by implementing a coordinated and comprehensive plan for the proportional distribution and proper configuration of parking spaces and facilities for existing and future uses;
5. Create an attractive and pleasant environment within the Project Area through streetscape enhancements, revitalization of incompatible uses and obsolete buildings and other viable measures;
6. Enhance economic growth within the Project Area by continuing ongoing efforts to revitalize commercial and industrial areas, particularly the commercial corridor along Mission Gorge Road;
7. Expand employment opportunities in the Project Area for adjacent residents by encouraging the development of professional enterprises and improving accessibility of employment centers within and outside the Project Area;
8. Explore opportunities in the Project Area for development of mixed residential and commercial uses particularly transit-oriented residential development to take advantage of nearby multi-modal transit system.

9. Focus on the retention and expansion of neighborhood supporting businesses in the Project Area. Ensure the continued viability of the commercial and industrial districts in the face of growing competition from contemporary developments;
10. Ensure that the appearance and character of industrial uses are compatible with the character of the surrounding commercial and residential areas;
11. Address urban runoff and industrial pollution issues to minimize negative impacts on sensitive environmental resources and to optimize the environmental assets of the Project Area such as the San Diego River and Mission Trails Regional Park;
12. Expand community serving recreational opportunities in the Project Area through rehabilitation and expansion of existing park and recreation facilities as well as adding park and recreation facilities and integrating environmentally sensitive recreation activities along the San Diego River, particularly for residents in and near the Project Area and in coordination with nearby school facilities;
13. Support habitat conservation and restoration along the San Diego River in coordination with developed plans for the area and in concert with other related municipal and private entity activities;
14. Improve and/or develop public facility assets and amenities such as schools, community centers, libraries, senior centers, and other community-serving facilities; and
15. Protect the heritage of the Project Area through the preservation of historical sites.

## **ARTICLE II**

### **GENERAL DEFINITIONS**

#### **SEC. 200 DEFINITIONS**

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

1. "Affected Taxing Entities" means any governmental taxing entity (sometimes referred to as "taxing agency") that levies property taxes on all or a portion of property located within the Project Area in the fiscal year prior to the adoption of the Plan.
2. "Agency" means The Redevelopment Agency of the City of San Diego, California.
3. "City" means the City of San Diego, California.
4. "City Council" means the City Council of the City of San Diego, California.
5. "County" means the County of San Diego, California.
6. "Plan" means the Redevelopment Plan for the Grantville Redevelopment Project.

7. "Planning Commission" means the Planning Commission of the City of San Diego, California.
8. "Project" means the Grantville Redevelopment Project.
9. "Project Area" means the area included within the boundaries of the Grantville Redevelopment Project.
10. "Redevelopment Law" means the Community Redevelopment Law of the State of California (§§33000 et seq. of the California Health & Safety Code).
11. "State" means the State of California.

### **ARTICLE III**

#### **PROJECT AREA BOUNDARIES AND LEGAL DESCRIPTION**

##### **SEC. 300 DESCRIPTION OF PROJECT AREA**

**300.1** The boundaries of the Project Area are shown on the "Redevelopment Plan Map," attached hereto as Exhibit No. 1 and described in the "Legal Description of Project Area Boundaries," attached hereto as Exhibit No. 2.

### **ARTICLE IV**

#### **PROPOSED REDEVELOPMENT ACTIVITIES**

##### **SEC. 400 GENERAL REDEVELOPMENT ACTIONS**

**400.1** To accomplish the objectives of this Plan as set forth in §110, the Agency proposes to implement this Plan by:

1. Providing for participation in the redevelopment process by owners and tenants located in the Project Area and reasonable preferences for business occupants to re-enter into business in the redeveloped Project Area, subject to the limitations and requirements provided by law and established Owner Participation Rules;
2. Acquisition and disposition of property acquired for use in accordance with this Plan;
3. Management of property under the ownership and control of the Agency;
4. Providing relocation assistance to displaced occupants of acquired property;

5. Demolition or removal of buildings and improvements, and in appropriate cases, rehabilitation of structures and improvements or development of vacant land by present owners, their successors, and the Agency for uses in accordance with this Plan;
6. Acquisition, installation, construction, reconstruction, redesign or reuse of streets, public transit facilities, park and recreation facilities, traffic controls public parking and other public facilities and improvements;
7. Rehabilitation, development or construction of commercial, industrial, residential or other uses in accordance with this Plan;
8. Financing of the construction of commercial, industrial and residential buildings and the permanent mortgage financing of commercial, industrial and residential buildings, to the extent permitted by applicable State and local laws, to increase the residential and commercial base of the City and the number of temporary and permanent jobs within the Project Area;
9. Comply with City ordinances and rules, including the balanced community guidelines, and provide for low- and moderate-income housing, including where applicable very low-income housing, ensuring there is infrastructure in place to support the new housing;
10. Redevelopment of land by private enterprise, non-profit organizations, and public agencies for uses in accordance with this Plan; and
11. Other actions as appropriate.

**400.2** 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, lease, 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 this Plan, for the power of eminent domain to be employed by the Agency to acquire property in the Project Area, subject to the limitations set forth in this Section and applicable law. The Agency shall make every reasonable effort to acquire real property by negotiation.

**410.3** 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 this Plan. This time limitation may be extended only by amendment of this Plan, unless otherwise provided for by law.

**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 property less than a fee.

**410.5** Property already devoted to a public use may be acquired by the Agency through eminent domain, but the Agency is not authorized to acquire property owned by a public body that does not consent to such acquisition.

**410.6** 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 this Plan and the owner fails or refuses to agree to participate in this Plan pursuant to §§ 33339, 33380, 33381, and the Agency's Owner Participation Rules adopted pursuant to §33345.

**410.7** The Agency may not acquire any real property through the exercise of eminent domain unless the Agency determines that one or more of the following conditions have been met:

1. The property contains one or more buildings that are substandard as demonstrated by a structural inspection of the property.
2. The building must be removed or parcel acquired in order to eliminate an environmental deficiency, or to provide for rights-of-way, schools, public safety facilities, protective services, community centers and recreational facilities and other public infrastructure.
3. The building must be removed or parcel acquired in order to eliminate uses incompatible with surrounding uses designated by this Plan.
4. The building must be removed or parcel acquired in order to eliminate impediments to land development through assembly of land into parcels of reasonable size and shape, served by an improved street system and public utilities.
5. The building must be removed or parcel acquired in order to effect a change in land use as provided for in this plan.

**410.8** Where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means.

**SEC. 420 DEMOLITION, CLEARANCE, PUBLIC IMPROVEMENTS, BUILDING AND SITE PREPARATION**

**420.1** The Agency is authorized to demolish and clear buildings, structures and other improvements from any real property in the Project Area owned or acquired by the Agency as necessary to carry out the purposes and objectives of this Plan. However, dwelling units housing persons and families of low- or moderate-income shall not be removed or destroyed until the conditions set forth in the Agency's Plan and Method of Relocation (as described in Section 460 hereunder) have been satisfied.

**420.2** 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 facilities and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements and facilities 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, and as set forth in attached Exhibit No. 3, "Proposed Public Improvements and Facilities Projects," which is incorporated herein by this reference.

**420.3** 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 or acquired 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. 430 REHABILITATION AND MOVING OF STRUCTURES**

**430.1** The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area owned or acquired by the Agency. 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.

**430.2** To the extent funds are available, the Agency may establish a program under which it loans funds at low interest or market rate to owners or tenants for the purpose of rehabilitating commercial, residential, and industrial buildings and structures within the Project Area.

**430.3** As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any structure or building from real property owned or acquired by the Agency.

**SEC. 440 PARTICIPATION BY PROPERTY OWNERS AND PREFERENCES FOR BUSINESS OCCUPANTS**

**440.1** The Agency desires participation in the redevelopment of the Project Area by as many property owners as is feasible. In accordance with this Plan and the “Rules Governing Participation by Property Owners and Preferences for Business Occupants to Re-enter Into Business Within the Grantville Redevelopment Project Area” adopted by the Agency pursuant to this Plan and the Redevelopment Law, as amended and/or supplemented from time to time (“Owner Participation Rules”), the Agency shall extend reasonable preferences to persons who are owners of residential, business and other types of real property in the Project Area. Property Owners shall be given the opportunity to continue in, or if the property has been acquired by the Agency, to relocate within the Project Area if they otherwise meet the requirements prescribed in this Plan, and to the extent that such opportunities to participate exist. The participation anticipated herein may include, but shall not be limited to: redevelopment by rehabilitation; retention of improvements; re-entry into business in redeveloped areas; or new development, by retaining all or a portion of their properties; acquiring and developing adjacent or other properties in the Project Area; or selling their properties to the Agency and purchasing and developing other properties in the Project Area.

**440.2** The Agency desires continuation of or re-entry in business in the redevelopment of the Project Area by as many business occupants as is feasible. In accordance with this Plan and the Owner Participation Rules, the Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to re-enter into business within the redeveloped area if they otherwise meet the requirements prescribed by this Plan and the Owner Participation Rules.

**440.3** Participation and business continuation and/or re-entry is desired in the redevelopment of the Project Area by as many property owners and business occupants as is feasible. Participation opportunities shall necessarily be subject to and limited by factors described in the Owner Participation Rules, including, but not limited to, the following:

- A. Elimination and/or modification of some land uses;
- B. Construction, realignment, widening, or abandonment of some streets and public rights-of-way or portions thereof;
- C. Ability of participants to finance proposed acquisition and development in accordance with the Plan;
- D. Need to change the size of individual parcels in the Project Area to accommodate development contemplated by this Plan;
- E. Construction or expansion of public facilities;
- F. Change in orientation and character of portions of the Project Area;

- G. Preservation and/or rehabilitation of existing buildings, which have historical and/or architectural qualities that will enhance the Project.

**440.4** The Agency shall promulgate and, as appropriate, amend the Owner Participation Rules.

**440.5** If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants and to determine a solution by consideration of such factors as length of time in the area, accommodation by as many property owners and business occupants as possible, ability to perform, and conformity with the intent and purposes of this Plan.

**440.6** In addition to opportunities for participation by individual persons and firms, to the extent it is feasible, opportunities for participation shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations or other joint ventures as described in the Owner Participation Rules.

**440.7** 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 this 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.

**440.8** In the event a participant fails or refuses to maintain, or rehabilitate or newly develop their real property pursuant to this Plan and an owner participation agreement, the real property or any interest therein may be acquired by the Agency and the Agency may then choose to select a previously submitted redevelopment proposal for the property at issue or request submission of new proposals. In the event the Agency requests new proposals, reasonable preference shall be given to property owners and business occupants within the Project Area.

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

**SEC. 450 DISPOSITION AND REDEVELOPMENT OF PROPERTY FOR USES IN ACCORDANCE WITH THIS PLAN**

**450.1** 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.

**450.2** 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.

**450.3** All real property acquired, in whole or in part, directly or indirectly, by the Agency in the Project Area with tax increment monies, shall be sold or leased for development for consideration

which shall not be less than fair market value for the highest and best use in accordance with this Plan; or for consideration not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the sale or lease. Real property acquired by the Agency may be conveyed without charge by the Agency 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 (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

**450.4** Pursuant to the provisions of this Plan and the Owner Participation 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.

**450.5** Pursuant to the provisions of §33444.6 of the Redevelopment Law, as part of an agreement that provides for the development or rehabilitation of property in the Project Area to be used for industrial or manufacturing purposes, the Agency may assist with the financing of facilities or capital equipment, including, but not necessarily limited to, pollution control devices. Prior to entering into such an agreement for development that will be assisted, the Agency shall find, after public hearing, that the assistance is necessary for the economic feasibility of the development and that the assistance cannot be obtained on economically feasible terms in the private market.

**450.6** 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.

**450.7** 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.

**450.8** 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.

**450.9** 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.

**450.10** All property in the Project is hereby subject to the restriction that there shall be no discrimination or segregation based upon age, race, color, creed, religion, sex, sexual orientation, marital status, disability, 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 documents including but not limited to an Owner Participation Agreement or Disposition and Development Agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases or contracts for the sale, lease, sublease or other transfer of land in the

Project Area shall contain such nondiscrimination and non-segregation clauses as are required by law, including but not limited to the clauses required by §33436 of the Redevelopment Law.

**450.11** 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, and that the payment of funds involved will assist in the elimination of one or more blighting conditions inside the Project Area or will provide housing for low- or moderate-income persons, and is consistent with the implementation plan adopted pursuant to §33490 of the Redevelopment Law. The Agency may enter into contracts, leases and agreements with the City or other public body or entity pursuant to Section 33445 of the Redevelopment Law, 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 §33670 of the Redevelopment Law and under § 610.2 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 "Proposed Public Improvements and Facilities Projects," attached hereto as Exhibit No. 4 and incorporated herein by reference, is provided for in this Plan.

**450.12** All development plans (whether public or private) shall be submitted to the Agency. 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.

**450.13** 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.

**450.14** 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. 460 RELOCATION AND ASSISTANCE OF OCCUPANTS DISPLACED AS A RESULT OF AGENCY PROGRAMS OR PROJECTS**

**460.1** The Agency shall assist all eligible persons (including individuals and families), business concerns and others displaced as a direct result of programs or projects undertaken by the Agency with monetary and advisory relocation assistance consistent with the California Relocation Assistance and Real Property Acquisition Law (Government Code, Sections 7260, et seq.), the State Guidelines adopted and promulgated pursuant thereto, the Relocation Rules and Regulations adopted by the Agency, the Plan and Method of Relocation adopted by the Agency specifically for this Project, and the provisions of this Plan.

**460.2** The Agency shall implement a relocation assistance advisory program which satisfies the requirements of applicable laws as described in the Plan and Method of Relocation. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all persons displaced from their places of business are assisted in reestablishing with a minimum of delay and loss of earnings (if reasonably possible), and (b) in the event that displacement involves housing, all persons and families displaced from their dwellings are relocated into housing meeting the criteria for comparable replacement housing contained in the State Guidelines and the Agency Relocation Rules and Regulations. No eligible person shall be required to move from his/her dwelling unless within a reasonable period of time prior to displacement a comparable replacement dwelling or, in the case of a temporary move, an adequate replacement dwelling is available to such person.

**460.3** The Agency shall make relocation payments to or on behalf of eligible displaced persons (including individuals and families) and businesses in accordance with applicable laws and Agency rules and regulations adopted pursuant thereto, as set forth in the Plan and Method of Relocation. The obligations for relocation payments are in addition to any acquisition payments made pursuant to the Agency's real property acquisition guidelines, which are set forth in the Agency Relocation Rules and Regulations.

**460.4** In the event that displacement involves housing, 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 Agency shall assure that sufficient land be made available for suitable housing for rental or purchase by low- and moderate-income persons and families. Additionally, 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, expend funds or take such other actions as necessary to provide, rehabilitate or construct, or cause the provision, rehabilitation or construction of housing units within the City as provided in the Agency's adopted Plan and Method of Relocation. 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.

**460.5** Whenever all or any portion of the Project Area is developed with low- or moderate-income housing units, the Agency shall require by contract, or other appropriate means, that such housing 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 housing; provided, however, failure to give such priority shall not affect the validity of title to the real property upon which such housing units have been developed.

**SEC. 470 PROVISION FOR LOW AND MODERATE INCOME HOUSING**

**470.1** The Agency may, inside or outside the Project Area, acquire land, improve sites, or construct or rehabilitate structures in order to provide housing for persons and families of low- or moderate-income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing.

**470.2** The Agency shall comply with all of the low and moderate income housing requirements of the Redevelopment Law which are applicable to this Plan, including but not limited to applicable expenditure, replacement, and inclusionary housing requirements, and in connection therewith, the Agency shall have all of the powers and authorization to act as may, from time to time, be provided by the Redevelopment Law and other applicable law.

**470.3** Subject to any limitations and exceptions authorized by law and exercised by the Agency, not less than twenty percent (20%) of all taxes that are allocated pursuant to §33670 of the Redevelopment Law to the Agency for the Project shall be used by the Agency for the purposes of increasing, improving and preserving the community's supply of low- and moderate-income housing available at affordable housing cost, as defined by Health & Safety Code §50052.5, to persons and families of low- or moderate-income, as defined in Health & Safety Code §50093, and very low-income households, as defined in Health & Safety Code §50105. These funds shall be deposited by the Agency into a Low- and Moderate-Income Housing Fund established pursuant to §33334.3 of the Redevelopment Law, and held in such Fund until used. The Agency shall use the moneys in the fund as required and authorized by the Redevelopment Law.

**470.4** Assistance provided by the Agency to preserve the availability to lower income households of affordable housing units, which are assisted or subsidized by public entities and which are threatened with imminent conversion to market rates, may be credited and offset against the Agency's obligations under §33334.2 of the Redevelopment Law.

**470.5** 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, 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 at affordable housing costs, as defined by Health & Safety Code §50052.5, within the Project Area and/or the City. One hundred percent (100%) of the replacement dwelling units shall be available at affordable housing cost to persons in the same or a lower income category (low, very low or moderate), as the persons displaced from those destroyed or removed units.

**SEC 480 PARTICIPATION OF AREA PLANNING COMMITTEES AND OTHER APPROPRIATE COMMUNITY ORGANIZATIONS**

**480.1** The Agency shall encourage participation in the planning and review of Agency plans, policies, procedures, agreements and proposed projects and programs by the Area Planning Committees and other appropriate community organizations, provided and as long as said

organizations are in existence. The Agency shall provide an opportunity, within a reasonable time period, for the Area Planning Committees and other appropriate community organizations to review and comment on discretionary actions pertaining to the Project prior to their consideration by the Agency Board or City Council. These actions may include, but are not limited to the following:

- A. Adoption or amendment of design guidelines.
- B. Adoption or amendment of a transportation plan.
- C. Adoption of property rehabilitation standards.
- D. Approvals of public property development plans; and
- E. Approval of open space or landscaping plans for proposed development or redevelopment projects.

## **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** Nothing in this section shall limit the Agency's ability to provide opportunities for other organizations or bodies to review and comment on proposed discretionary actions pertaining to this Project of the Agency Board or City Council.

**490.3** 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 the planning and design controls contained in this 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 re-enter into the redeveloped Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval. The Agency is authorized to assist in the development of publicly owned buildings, facilities, structures or other improvements as provided in §504 of this Plan.

**490.4** Pursuant to § 33401 of the Redevelopment Law, the Agency is authorized, but not required, in any year during which it owns property in the Project Area that is tax exempt, to pay directly to any City, County, City and County, District, including but not limited to, a School District, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes that may not exceed the amount of money the public entity would have received if the property had not been tax exempt.

**490.5** 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. Any property acquired by the Agency shall be rented to the person or business occupying the premises at the time of acquisition, if such person or business desires, until a suitable location is available for relocation, if relocation is elected by such person or business. In the event the person or business is not relocating, such person or business shall occupy the premises for as long as is feasible prior to redevelopment. The Agency shall not charge a monthly rental to such person or business in excess of an amount equal to the average monthly rental or occupancy cost paid over the twelve (12) months preceding Agency acquisition.

## **ARTICLE V**

### **USES PERMITTED AND PLANNING CONSIDERATIONS**

#### **SEC. 500 LAND USE AND PLAN DEVELOPMENT CONSIDERATIONS**

**500.1** The Planned Land Use Map, attached hereto as Exhibit No. 4 and incorporated herein, illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplemented from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regard to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically amended or modified accordingly without the need for any formal plan amendment process.

**500.2** The land uses permitted in the Project Area as illustrated on Exhibit No.4 , shall be as provided in this Section 500.2.

**A. Commercial/Retail/Office**

Areas shown on the Planned Land Use Map as Commercial shall be maintained, developed, or used for Commercial uses, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

**B. Industrial**

Areas shown on the Planned Land Use Map as Industrial shall be maintained, developed or used for Industrial uses, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

C. Residential

Areas shown on the Planned Land Use Map as Residential shall be maintained, developed or used for single or multiple family housing, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

D. Public/ Parking/Open Space

Areas shown on the Planned Land Use Map as Public shall be used for public facilities, including school sites, training facilities and other public services.

Areas shown on the Planned Land Use Map as Open Space shall be used for parkland and other recreational facilities or used for Open Space uses, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

The Agency may, at the request of the public body owning a site, and after public hearing, re-designate the site for a use other than Public provided that:

1. After a review of the environmental effects of the proposed use and the proposed development concept, the Agency finds that the change in use is consistent with the goals of the Redevelopment Plan;
2. The change in use shall be subject to all required City approvals and shall conform to the applicable Community Plan as it may be amended from time to time in the future.
3. The Agency may permit appropriately designed and properly located residential and mixed use development within Commercial and Industrial areas, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future, provided that the proposed use shall conform to the following criteria:
  - A. Promote community revitalization;
  - B. Promote the objectives of the Plan;
  - C. Be compatible with and appropriate for the Commercial and Industrial uses in the vicinity;
  - D. Include amenities which are appropriate to the size and type of housing units proposed; and
  - E. Meet design and location criteria required by the Agency.

**500.3** The street layout in the Project Area is illustrated on the Redevelopment Plan Map (Exhibit No. 1) and shall remain substantially in its existing configuration. Streets and alleys may be widened, altered, realigned, abandoned, depressed, decked or closed as necessary for proper redevelopment of the Project. Additional public streets, rights-of-way and easements may be created

in the Project Area as needed for development and circulation. Any changes in the existing street layout shall conform to the Progress Guide and General Plan, the applicable Community Plan, and the objectives of this Plan. Such changes shall be effectuated in the manner prescribed by State and local law, and shall be guided by the following criteria:

- A. A balancing of 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 also areas outside the Project Area by providing convenient and efficient vehicular access and movement.

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

**500.5** In any area of the Project, the Agency is authorized to permit the establishment, alteration or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal, employee, religious and charitable institutions, and facilities of other similar associations or organizations. All such uses shall conform, so far as possible, to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable restrictions upon such uses as are necessary to protect the development and use of the Project Area. The Agency shall give special consideration to participation in such projects by qualified nonprofit organizations which have a special understanding of the needs and concerns of the community.

## **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 and all applicable State laws and City ordinances and regulations. All new construction and/or rehabilitation of existing structures within the Project Area shall comply with all applicable State and local laws in effect from time to time, including without limitation, the Building, Electrical, Heating and Ventilating, Housing and Plumbing Codes of the City and the City Zoning Ordinance.

**510.2** Except as set forth in this Plan, the type, size and height of buildings shall be limited by applicable federal, State and local statutes, codes, ordinances and regulations and as generally diagramed in Exhibit No. 5 attached hereto and incorporated herein by this reference.

**510.3** In addition to, and subject to the limits of restrictions and controls established by this Plan and such applicable statutes, codes and ordinances, the Agency is authorized to establish land use, heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area (collectively, the “Design for Development”). Among the purposes of the Design for Development is to: (a) duly consider good design, open space and other amenities to enhance the aesthetic quality of the Project; (b) ensure that new commercial, industrial and residential development shall be consistent with the scale and character of the existing development of the surrounding areas and that every conscious attempt shall be made to achieve balance and compatibility in design between old and new buildings; (c) generally, to elevate the quality and character of future Project Area development and create an attractive and pleasant environment by restricting land use and development standards within the parameters set by the General Plan and all other applicable codes and ordinances. Except as otherwise provided in this Plan, no real property in the Project Area shall be subdivided, developed, rehabilitated or otherwise changed after the adoption of this Plan, except in conformance with the provisions of this Plan or the Design for Development adopted pursuant to this Plan.

**510.4** There were no known dwelling units in the Project Area at the time of adoption. The number of dwelling units in the Project Area shall be not exceed the amount designated by the applicable community plans as they exist now or are amended in the future.

**510.5** All signs shall conform to City sign and billboard standards as they now exist or are hereafter amended, as well as any applicable design standards adopted by the Agency. Design of all signage is subject to Agency approval prior to installation.

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

**510.7** Pending the ultimate development of land by developers and participants, the Agency is authorized to temporarily use or permit the temporary use of any land in the Project Area for interim uses which are uses permitted in this Plan, and provided that the use is permitted and consistent with the applicable Community Plan or existing zoning of the property.

**510.8** The approximate amount of open space to be provided in the Project Area is the total of all area which will be in the public rights-of-way, the public grounds, spaces around buildings, and all other outdoor areas not permitted to be covered by buildings as generally diagramed in Exhibit No. 6 of this Plan attached hereto and incorporated herein by this reference. In all areas, sufficient space shall be maintained between buildings to provide adequate light, air and privacy. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

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

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

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

**510.12** The Agency is authorized to permit a variation from the limits, restrictions and controls established by this Plan. In order to permit such variation, the Agency must determine that:

1. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships which would make development inconsistent with the general purpose and intent of this Plan; or
2. 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
3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area or contrary to the objectives of this Plan or the applicable Community Plan.

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

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

## **SEC. 520 CIRCULATION, TRANSIT AND PARKING**

**520.1** Improve operability of local motor vehicle circulation systems (e.g.: widen narrow streets, make streets narrower to slow traffic, traffic signal interconnection)

**520.2** Reduce negative impacts of motor vehicle traffic (e.g.: improve pedestrian amenities on major streets, alleys)

**520.3** Improve and increase availability of locally serving public transportation (e.g.: trolley lines, bus service, enhanced bus stops, senior and disabled transportation programs)

**520.4** Increase the supply of parking in commercial areas.

**520.5** Increase and improve bike lanes and supporting facilities.

**SEC. 530 BUILDING PERMITS**

**530.1** No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been processed and, in the case of property which is the subject of a disposition and development or participation agreement with the Agency and any other property in the discretion of the Agency Board, unless and until the application for such permit has been approved by the chief executive officer or his/her designee. Any such permit that is issued must be in conformance with the provisions of this Plan and any applicable disposition and development agreement or participation agreement.

**530.2** Within the limits, restrictions and controls established in the Plan, the Agency is authorized to establish traffic circulation, traffic access, mitigation measures and other development controls necessary for proper development of both private and public areas within the Project Area which are consistent with the Street Design Manual and the Manual as it may be amended from time to time in the future.

**530.3** New improvements in this area shall be reviewed in accordance with all of the City's zoning, building, planning and environmental ordinances, rules, regulations and requirements. The Agency's review and approval of development within the Project Area shall be undertaken in accordance with guidelines and procedures adopted from time to time by the Agency. Agency guidelines shall define the types of projects and/or plans that will be reviewed by the Agency Board or delegated to the Executive Director (or his/her designee).

**530.4** 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 issued hereunder must be in conformance with the provisions and intent of this Plan.

**530.5** 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 the architectural, landscape and site plans to the Agency; and

B. Whether the proposed improvements would be compatible with the standards and 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.

**530.6** 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.

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

## **SEC. 540 BUILDINGS OF ARCHITECTURAL AND HISTORIC SIGNIFICANCE**

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

## **ARTICLE VI**

### **METHODS FOR FINANCING THE PROJECT**

#### **SEC. 600 GENERAL DESCRIPTION OF THE PROPOSED FINANCING METHODS**

**600.1** The Agency is authorized to finance the Project with financial assistance from the City, State and federal governments 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, the sale of Agency-owned property and/or any other legally available source.

**600.2** 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.

**600.3** It is estimated that the total Project costs will not exceed revenues derived from the Project or obtained by the Agency on behalf of the Project. Revenues may be received from the following sources, without limitation: sale of land, tax increments, revenue from the lease or sale of Agency-owned lands and buildings, participation agreements, repayments of loans and interest earned thereon, capital improvement funds from the City, transient occupancy tax funds, and other special use taxes and other sources which are now or may become legally available to the Agency.

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

## **SEC. 610 TAX INCREMENT**

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

**610.2** 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, and any district or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan shall be divided as follows:

- (1) That portion of 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 to 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.

**610.3** The portion of taxes allocated to the Agency in paragraph (2) of §610.2 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.

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

## **SEC. 620 BONDS, ADVANCES AND INDEBTEDNESS**

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

**620.2** 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.

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

**620.4** 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.

**620.5** No loan, advance or other indebtedness to finance, in whole or in part, the Project and to be repaid from the division and allocation of taxes to the Agency shall be established or incurred by the Agency after a period of twenty (20) years from the date of the adoption of this Plan, except by amendment of this Plan as authorized by applicable law. This limit shall not prevent the Agency from refinancing, refunding or reconstructing indebtedness after the time limit if no increase in indebtedness is involved and the time to repay is not increased. This limit shall not prevent the Agency from incurring debt to be paid from the Agency's Low- and Moderate-Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33333.8 of the Redevelopment Law. The loans, advances or indebtedness may be repaid over a period of time longer than this time limit as provided in this Section. The Agency may not repay indebtedness with the proceeds of property taxes received pursuant to Section 33670 of the Redevelopment Law beyond a period of forty-five (45) years from the date of adoption of this Plan, except by amendment of this Plan as authorized by applicable law. At the end of the 45-year period, the Agency may not receive property taxes pursuant to Section 33670 of the Redevelopment Law, except as necessary to comply with subdivision (a) of Section 33333.8 of the Redevelopment Law or except by amendment of this Plan as authorized by applicable law.

**620.6** The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in paragraph (2) of § 610.2 above, which can be outstanding at any one time shall not exceed \$100,000,000 in principal amount, adjusted annually in accordance with the Consumer

Price Index (CPI), or an acceptable replacement index in the event the CPI ceases to be published, except by amendment of this Plan.

**620.7** Any other loans, grants, guarantees, or financial assistance from the United States, the State of California, or any other public or private source will be utilized if available as appropriate in carrying out the Project.

## **ARTICLE VII**

### **ACTIONS BY THE CITY**

#### **SEC. 700 ACTIONS BY THE CITY**

**700.1** 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 expenditure of money.
- I. The undertaking and completing of any other proceedings necessary to carry out the Project.

## **ARTICLE VIII**

### **ADMINISTRATION AND ENFORCEMENT OF THE PLAN**

#### **SEC. 800 ADMINISTRATION AND ENFORCEMENT OF THE PLAN**

**800.1** 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.

**800.2** 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, re-entry, 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**

### **DURATION OF THIS PLAN**

#### **SEC. 900 DURATION**

**900.1** 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, re-entry, injunctions or any other remedies appropriate to the purposes of this Plan. Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, and except as otherwise provided by applicable law, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for the period ending 30 years from the date of adoption of this Plan.

**900.2.1** After the time limit on the effectiveness of the Redevelopment Plan, the Agency shall have no authority to act pursuant to the Redevelopment Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to subdivision (a) of §33333.8 of the Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under subdivision (a) of §33333.8 of the Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as is reasonably possible.

**ARTICLE X**

**PROCEDURE FOR AMENDMENT**

**SEC. 1000 PROCEDURE FOR AMENDMENT**

**1000.1** This Plan may be amended by means of the procedure established in the Redevelopment Law or by any other procedure hereinafter established by law. The procedure established by law typically requires holding of a noticed public hearing of the Agency and City Council prior to adoption of an amendment to provide an opportunity for public input.