

**FINAL COLLEGE COMMUNITY
REDEVELOPMENT PLAN**

REDEVELOPMENT AGENCY
OF THE
CITY OF SAN DIEGO

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FINAL COLLEGE COMMUNITY REDEVELOPMENT PLAN

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

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- ATTACHMENT NO. 4 - LAND USE MAP

REDEVELOPMENT PLAN
FOR THE
COLLEGE COMMUNITY REDEVELOPMENT PROJECT

ARTICLE 1

INTRODUCTION

SEC. 100 Legal Foundation

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

100.2 The proposed redevelopment of the Project Area as described in this Plan conforms to the Progress Guide and General Plan for the City of San Diego adopted by Resolution No. 222918 of the City Council of February 26, 1979, as amended, and the College Area Community Plan adopted by Resolution No. R-272273 of the City Council on May 2, 1989, as amended by Resolution No. R-282800 of the City Council on October 12, 1993.

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

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

SEC. 110 Project Objectives

- 110.1 The objectives of this Project with respect to the Project Area are as follows:
- A. The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, specific plans, this Plan and local codes and ordinances:
 - B. The mitigation of traffic and parking congestion within the Project Area and the surrounding neighborhoods through the provision of high quality housing and retail services in a pedestrian-oriented development directly adjacent to the San Diego State University campus;
 - C. The provision of a living environment adjacent to the University which will attract University students who now commute to campus creating traffic and parking congestion or reside in single-family homes in neighborhoods adjacent to the campus which are ill suited for student housing purposes.
 - D. The achievement of an environment reflecting a high level of concern for architecture, landscape, urban design, and land use principles appropriate for attainment of the objectives of this Plan;
 - E. The creation of development of local job opportunities and the preservation of the area's existing employment base;
 - F. The replanning, redesign, and development of areas which are stagnant or improperly utilized; and
 - G. The expansion of the community's supply of housing (inside or outside the Project Area), including opportunities for very low, low- and moderate-income households.

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

ARTICLE III

PROJECT AREA BOUNDARIES

SEC. 300 Description of Project Area

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

ARTICLE IV

PROPOSED REDEVELOPMENT ACTIVITIES

SEC. 400 General Redevelopment Actions

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

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

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

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

SEC. 410 Acquisition of Property

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

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

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

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

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

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

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

SEC. 420 Rehabilitation and Moving of Structures

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

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

SEC. 430 Participation by Owners and Tenants

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 480 Development of Transportation Concepts and Facilities

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

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

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

SEC. 490 Other Actions As Appropriate

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

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

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

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

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

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

ARTICLE V

USES PERMITTED AND PLANNING CONSIDERATIONS

SEC. 500 Land Use and Plan Development Considerations

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

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

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

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

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

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

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

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

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

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

SEC. 510 General Controls and Limitations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 520 Submission of Schematic Plans

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

SEC. 530 Building Permits

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

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

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

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

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

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

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

SEC. 540 Historical Preservation

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

ARTICLE VI

SAN DIEGO STATE UNIVERSITY

SEC. 600 Planning Objectives

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

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

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

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

ARTICLE VII

METHODS OF FINANCING THE PROJECT

SEC. 700 General Description of the Proposed Financing Methods

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

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

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

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

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

SEC. 710 Tax Increment

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

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

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

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

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

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

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

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

SEC. 720 Bonds, Advances, and Indebtedness

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

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

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

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

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

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

ARTICLE VIII

ACTIONS BY THE CITY

SEC. 800 Actions by the City

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

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

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

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

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

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

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

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

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

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT OF THE PLAN

SEC. 900 Administration and Enforcement of the Plan

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

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

ARTICLE X

LENGTH OF THIS PLAN

SEC. 1000 Length of This Plan

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

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

ARTICLE XI

PROCEDURE FOR AMENDMENT

SEC. 1100 Procedure for Amendment

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