

ORDINANCE NUMBER O- 18291 (NEW SERIES)

ADOPTED ON APR 16 1996

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND ADOPTING THE FIRST AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CITY HEIGHTS REDEVELOPMENT PROJECT.

WHEREAS, the Council of The City of San Diego (the "Council") on May 11, 1992, by Ordinance No. O-17768 (New Series), approved and adopted the Redevelopment Plan for the City Heights Redevelopment Project (the "Project"); and

WHEREAS, the Council on November 28, 1994, by Ordinance No. O-18120 (New Series), approved and adopted a special amendment to the Redevelopment Plan pertaining to certain time limits required by Assembly Bill 1290 (Chapter 942 of the California Statutes of 1993); and

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency") has prepared and submitted to the Council for review and approval, a proposed amendment to the Redevelopment Plan, denominated the First Amendment to the Redevelopment Plan for the Project (the "First Amendment"), a copy of which is on file in the office of the City Clerk as Document No. 00-18291, accompanied by a Report to City Council on the Proposed First Amendment to the Redevelopment Plan; and

WHEREAS, the Planning Commission of The City of San Diego has submitted its report and recommendation, recommending approval and adoption of the proposed First Amendment; and

WHEREAS, the Project Area Committee for the Project has submitted its report and recommendation, recommending approval and adoption of the proposed First Amendment; and

WHEREAS, the Agency and the Council have heretofore certified the Final Environmental Impact Report prepared for the Project pursuant to the California Environmental Quality Act of 1970, and state and local regulations and guidelines adopted pursuant thereto, including the Secondary Study and Negative Declaration with respect to the proposed First Amendment to the City Heights Redevelopment Plan, and adopted findings with respect to the environmental impacts of the First Amendment as required by law; and

WHEREAS, after due notice, a joint public hearing was held by the Council and the Agency on the proposed First Amendment; and

WHEREAS, at said joint public hearing, this Council heard and passed upon all oral and written objections by overruling such objections; and

WHEREAS, all actions required by law have been taken by all appropriate public agencies; NOW, THEREFORE,

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

Section 1. That the purposes and intent of the Council with respect to the Project include (without limitation) the following:

A. Eliminate the conditions of blight existing in the Project area, including incompatible and unsuitable land uses,

obsolete and deficient structures, and inadequate streets and public facilities;

B. Provide for the development of commercial uses to create or improve employment opportunities;

C. Encourage, as appropriate, the development of a complementary mixture of land uses to provide a vital and interesting urban environment;

D. Redevelop, build, and rebuild the public facilities in the Project area to provide safer and more efficient service for the people in the area and the general public as a whole.

Section 2. That the First Amendment to the Redevelopment Plan for the Project having been duly reviewed and considered, is hereby adopted and approved, and the City Clerk is hereby directed to file said copy of the First Amendment to the Redevelopment Plan with minutes of this meeting. Said First Amendment to the Redevelopment Plan, a copy of which is on file in the office of the City Clerk as Document No. OO-18291, is incorporated herein by reference and made a part hereof as if fully set out herein.

Section 3. That Ordinance No. O-17768 (New Series), as amended by Ordinance No. O-18120 (New Series), and the Redevelopment Plan adopted pursuant thereto as the official Redevelopment Plan for the City Heights Redevelopment Project, are hereby further amended as set forth in the First Amendment to the Redevelopment Plan, so that the Redevelopment Plan adopted by Ordinance No. O-17768 (New Series), as amended by Ordinance No. O-18120 (New Series), and as further amended by the First

Amendment, is hereby designated as the official redevelopment plan for the Project area.

Section 4. That all written and oral objections to the First Amendment to the Redevelopment Plan are hereby overruled.

Section 5. That the Council hereby finds and determines that:

A. The Project area was and is a blighted area, the redevelopment of which was and is necessary to effectuate the public purposes declared in the California Community Redevelopment Law;

B. The Redevelopment Plan, as amended, will redevelop the Project area in conformity with the California Community Redevelopment Law in the interest of the public peace, health, safety, and welfare;

C. The adoption and carrying out of the Redevelopment Plan, as amended, is economically sound and feasible;

D. The Redevelopment Plan, as amended, conforms to the General Plan of The City of San Diego, including, but not limited to, the City's housing element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code;

E. The carrying out of the Redevelopment Plan, as amended, will promote the public peace, health, safety, and welfare of the City of San Diego and will effectuate the purposes and policies of the California Community Redevelopment Law;

F. The condemnation of real property as provided for in the Redevelopment Plan, as amended, is necessary to the execution of the Redevelopment Plan, as amended, and adequate provisions

have been made for payment for property to be acquired as provided by law;

G. In the event any families and persons residing within the Project area are displaced by redevelopment activities:

1. The Agency has a feasible method and plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the Project area;

2. There will be provided in the entire Project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their place of employment;

3. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the California Community Redevelopment Law, and dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the California Community Redevelopment Law.

H. Inclusion within the Project area of any lands, buildings or improvements which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the Project area; any such area included is

necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the California Community Redevelopment Law without other substantial justification for its inclusion;

I. The elimination of blight and the redevelopment of the Project area cannot be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency;

J. The Project area is predominately urbanized, as defined by subdivision (b) of Section 33320.1 of the California Community Redevelopment Law;

K. The time limitation and the limitation on the number of dollars to be allocated to the Agency that are contained in the Redevelopment Plan, as amended, are reasonably related to the proposed projects to be implemented in the Project area and to the ability of the Agency to eliminate blight within the Project area.

Section 6. That in order to implement and facilitate the effectuation of the Redevelopment Plan, as amended, it is found and determined that certain official action must be taken by the Council with reference, among other things, to changes in zoning; the vacating and removal of streets, alleys, and other public ways; the establishment of street patterns; the location and relocation of sewer and water mains and other public facilities; and other public actions; and accordingly the Council hereby:

A. Pledges its cooperation in helping to carry out the Redevelopment Plan, as amended; and

B. Requests the various officials, departments, boards, and agencies in the locality having administrative responsibilities in the Project area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan, as amended, including the expenditures of money in accordance with the provisions of the Redevelopment Plan, as amended, to effectuate the Redevelopment Plan, as amended; and

C. Stands ready to take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, as amended, and declares its intention to undertake and complete any proceedings necessary to be carried out by the community under the provisions of the Redevelopment Plan, as amended.

Section 7. That this Council is satisfied permanent housing facilities will be available within three (3) years from the time occupants of the Project area are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the City of San Diego at the time of their displacement.

Section 8. That Ordinance No. O-17768 (New Series), as amended by Ordinance No. O-18120 (New Series), shall remain in full force and effect except to the extent it is changed by this amending Ordinance.

Section 9. That the City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency and the Agency is hereby vested with the responsibility for carrying out the

Redevelopment Plan, as amended, subject to the provisions of the Redevelopment Plan, as amended.

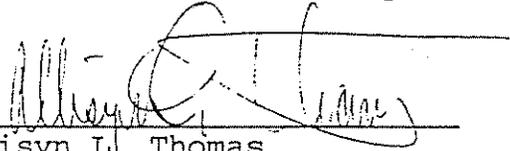
Section 10. That the City Clerk hereby is directed to record with the County Recorder of San Diego County, a description of the land within the Project area and a statement that proceedings for the redevelopment of the Project area have been instituted under the California Community Redevelopment Law. The Agency hereby is directed to effectuate recordation in compliance with the provisions of Section 27295 of the Government Code to the extent applicable.

Section 11. That the City Clerk is hereby directed to transmit a copy of this Ordinance, a description of the detached land within the Project area, and a map or plat indicating the amendments to the Redevelopment Plan to the Auditor and Tax Assessor of San Diego County, to the governing body of each of the taxing agencies which levies taxes upon any property in the Project area, and to the State Board of Equalization.

Section 12. That this Ordinance shall be in full force and effect on the ninetieth (90th) day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn L. Thomas
Deputy City Attorney

ALT:lc
03/15/96
Or.Dept:MCDC
O-96-138
Form=o+t

Passed and adopted by the Council of The City of San Diego on
APR 16 1996 by the following vote:

YEAS: MATHIS, WEAR, KEHOE, STEVENS, WARDEN, MCCARTY, VARGAS,
MAYOR GOLDING:

NAYS: NONE.

NOT PRESENT: STALLINGS

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(Seal)

By: Peggy Rogers, Deputy

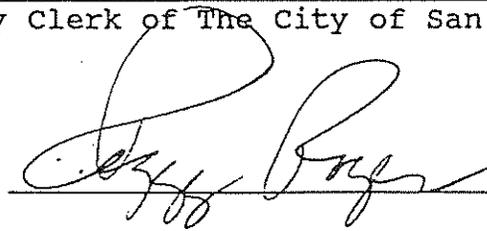
I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. O- 1829.1 (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on APR 02 1996 and on APR 16 1996.

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(Seal)

By: , Deputy