

ORDINANCE NO. 2888

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ADOPTING THE FOURTH AMENDMENT TO
THE SOUTHWEST REDEVELOPMENT PLAN

WHEREAS, the City Council of the City of Chula Vista ("City Council") adopted Ordinance No. 2420 on November 27, 1990, approving and establishing the Redevelopment Plan for the Southwest Redevelopment Project, and the City Council has since amended said Redevelopment Plan on July 9, 1991 by Ordinance No. 2467, on November 6, 1994 by Ordinance No. 2612, and on August 22, 2000 by Ordinance No. 2819; and

WHEREAS, in accordance with Section 33333.2 of the California Community Redevelopment Law, Health and Safety Code Section 33000 et seq. ("Law"), the use of eminent domain powers can only occur within twelve (12) years from the date of adoption of the Fourth Amendment to the Redevelopment Plan ("Fourth Amendment"); and

WHEREAS, the Redevelopment Agency of the City of Chula Vista ("Agency") has requested that the City Council consider the Fourth Amendment in order to extend the authority to use eminent domain for property acquisition purposes in the Southwest Redevelopment Project Area ("Project Area"); and

WHEREAS, the Fourth Amendment does not alter the existing prohibition on using eminent domain on residential property in a residential zone; and

WHEREAS, the Agency has previously certified an Environmental Impact Report prepared in connection with the plan; and

WHEREAS, the Planning Commission of the City of Chula Vista ("Planning Commission") has reviewed the Fourth Amendment and has determined that it is consistent with the General Plan of the City of Chula Vista; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq., and the local procedures adopted by the Agency pursuant thereto, the Agency has prepared and completed a Negative Declaration for the Fourth Amendment; and

WHEREAS, pursuant to Section 33452 of the Law, public notice has been duly given, and a full and fair public hearing has been held on the proposed Fourth Amendment in accordance with the requirements of the Community Redevelopment Law; and

WHEREAS, at the public hearing on the adoption of the Fourth Amendment, written objections to the Fourth Amendment were submitted to the City Council; and

WHEREAS, in accordance with the requirements of the Community Redevelopment Law, prior to the consideration of this ordinance the City Council reviewed and considered all oral and written objections to the Fourth Amendment presented at or prior to the public hearing, and after considering such objections approved and adopted written findings in response to each written objection to the Fourth Amendment submitted to the City Council and based on such written findings overruled such written objections to the Fourth Amendment; and

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

Section 1. The purposes and intent of the City Council in adopting the Fourth Amendment is to extend the authority of the Redevelopment Agency of the City of Chula Vista to exercise the power of eminent domain with respect to the Southwest Redevelopment Project Area, subject to the limitations set forth in the Fourth Amendment. The Fourth Amendment is hereby found and determined to be necessary to effectuate the purposes of the Redevelopment Plan for the Southwest Redevelopment Project Area, as amended, in order to alleviate conditions of blight that were found and determined when the Southwest Redevelopment Plan was originally adopted and which findings of blight remain applicable and conclusive.

Section 2. Based upon the evidence contained in the report to the City Council for the Fourth Amendment to the Southwest Redevelopment Plan, incorporated herein by reference, and all of the information, testimony, and evidence presented at the public hearing on the Fourth Amendment, the City Council does hereby find, determine, and declare as follows:

- a) At the time the original Redevelopment Plan was adopted, the project area was conclusively determined to be a blighted area, the redevelopment of which is necessary to effectuate the public purposes as set forth in the law, and that finding and determination is conclusive and remains applicable to the project area, and nothing in the Fourth Amendment requires a reanalysis or redetermination of the finding of blight with respect to the project area. Nevertheless, the report to Council offers additional evidence of the necessity of the Fourth Amendment by providing substantial evidence that blight continues in the project area and that the Fourth Amendment is necessary to address the continuing element of blight as set forth in the report to Council.
- b) The Redevelopment Plan, as amended by the Fourth Amendment, would continue to redevelop the project area in conformity with the law and in the interests of the public peace, health, safety, and welfare, in that the Fourth Amendment simply extends the authority the Redevelopment Agency currently has to exercise the power of eminent domain within certain limits as set forth in the Fourth Amendment.
- c) The City Council previously found and determined, which finding is conclusive, that the carrying out of the Redevelopment Plan is economically sound and feasible, and such finding remains applicable. Nothing in the Fourth Amendment affects the plan's financial provisions or its economic feasibility and thus no further determination or finding is necessary in this regard.
- d) The Planning Commission and the City Council have determined that the Fourth Amendment is consistent with the City of Chula Vista General Plan, including, but not limited to the Housing Element of the General Plan.
- (e) The carrying out of the Redevelopment Plan, as amended by the Fourth Amendment, would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of the law, in that the Fourth Amendment will allow the Agency to continue to exercise a current authority and will assist the Agency to alleviate conditions of blight in the project area.
- f) The condemnation of real property, as provided in the Fourth Amendment, is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment for property to be acquired as provided by law.

g) The City Council previously found and determined, which finding is conclusive, that the Agency has a feasible method for the relocation of families and persons displaced from the project area, to the extent that implementation of the Redevelopment Plan may result in the temporary or permanent displacement of any occupants of project area housing facilities, and such finding and determination remains applicable. Nothing in the Fourth Amendments affects this previously-made finding and determination and no further finding is necessary in this regard; and

(h) The City Council previously found and determined, which finding is conclusive, that there are, or shall be provided, in the 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 the displaced families and persons and reasonably accessible to their places of employment. The foregoing finding and determination, previously made by the City Council, remains applicable. Nothing in the Fourth Amendment affects this previously-made finding and determination and no further finding is necessary in this regard.

i) The City Council reaffirms its previously-made finding and determination, which finding is conclusive, that (1) families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Law, and that 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 Law, and (2) there are, or shall be provided in the project area or other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents and prices within the financial means of the families and persons displaced from the project area, decent, safe, and sanitary dwelling units equal in number to the number of and available to the displaced families and person and reasonably accessible to their places of employment. The Fourth Amendment does not propose the displacement of persons or families and the Fourth Amendment, by its own terms, does not extend eminent domain authority to the Agency over residentially zones properties. Therefore, nothing in the Fourth Amendment affects this previously-made finding and determination and no further finding is necessary in this regard.

j) The City Council previously found and determined, which finding is conclusive, that all noncontiguous areas of the project area, if any, are either blighted or necessary for effective redevelopment and are not included for the purposes of obtaining the allocation of taxes from the area pursuant to Health and Safety Code Section 33670 without substantial justification for their inclusion. Nothing in the Fourth Amendment affects the foregoing previously-made finding and determination which remains applicable, as the Fourth Amendment does not change the boundaries of the project area or affect the financial provisions of the Redevelopment Plan. Therefore, no further finding is necessary in this regard.

k) The City Council previously found and determined, which finding is conclusive, that inclusion of any lands, buildings, or improvements which are detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the project area, and that any area included is necessary for effective redevelopment and is not included for the purposes of obtaining the allocation of tax increment revenues pursuant to Health and Safety Code Section 33670 without other substantial justification for its inclusion. Nothing in the Fourth Amendment affects the foregoing

previously-made finding and determination which remains applicable, as the Fourth Amendment does not change the boundaries of the project area or affect the financial provisions of the Redevelopment Plan. Therefore, no further finding is necessary in this regard.

l) The City Council previously found and determined, which finding is conclusive, that elimination of blight and the redevelopment of the project area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. To the extent the Fourth Amendment affects this finding, the City Council reaffirms said finding with respect to the Fourth Amendment and the Redevelopment Plan as amended by the Fourth Amendment.

m) The City Council previously found and determined, which finding is conclusive, that the project area is predominantly urbanized and such finding and determination remains applicable. Nothing in the Fourth Amendment affects the boundaries of the project area or in any other manner affects this previously-made finding, and therefore no further finding is necessary in this regard.

n) The City Council previously found and determined, which finding is conclusive, that the time limitations set forth in the plan and the number of dollars to be allocated to the Agency under the provisions of the plan are reasonably related to the proposed projects to be implemented and to the ability to eliminate blight in the project area, and such finding and determination remains applicable. Nothing in the Fourth Amendment affects the time limitations on the effectiveness of the plan or the time limit on the receipt of tax increment or the proposed projects or in any other manner affects this previously-made finding and determination.

Section 3. Though the Fourth Amendment does not propose displacement of permanent housing facilities, the City Council is satisfied that permanent housing facilities would be available within three years from the time occupants of the project area are displaced and that, pending the development of the facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

Section 4. A full and fair public hearing having been held on the Fourth Amendment, and the City Council having considered all evidence and testimony for and against the adoption of the Fourth Amendment and all written and oral objections thereto, and this City Council being fully advised in the premises, all written and oral objections to the Fourth Amendment to the extent not otherwise addressed in the Redevelopment Plan or not otherwise responded to are hereby overruled.

Section 5. The Fourth Amendment to the Southwest Redevelopment Plan, a copy of which is attached hereto as Attachment No. 1 and incorporated herein by this reference, is hereby approved and adopted.

Section 6. The Southwest Redevelopment Plan as amended by this Fourth Amendment is the official redevelopment plan for the redevelopment project area designated in said plan.

Section 7. The City Council hereby declares its intention to undertake and complete and complete any proceedings necessary to be carried out by the community under the provision of the plan as amended by the Fourth Amendment.

Section 8. The City Clerk shall publish a copy of this ordinance as required by law.

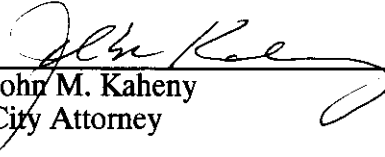
Section 9. The City Clerk shall transmit a copy of this ordinance to the Redevelopment Agency.

Presented by

Approved as to form by



Chris Salomone
Director of Community Development



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 19th day of November, 2002, by the following vote:

AYES:	Councilmembers:	Davis, Padilla, Rindone, and Salas
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Horton



Steve Padilla, Deputy Mayor

ATTEST:

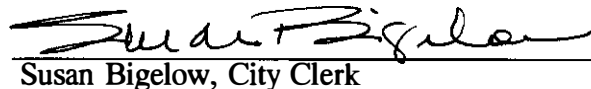


Susan Bigelow, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2888 had its first reading at a regular meeting held on the 12th day of November, 2002 and its second reading and adoption at a regular meeting of said City Council held on the 19th day of November, 2002.

Executed this 19th day of November, 2002.



Susan Bigelow, City Clerk