

SOUTHCREST  
REDEVELOPMENT PROJECT  
ADOPTED APRIL 1, 1986 by the  
REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO

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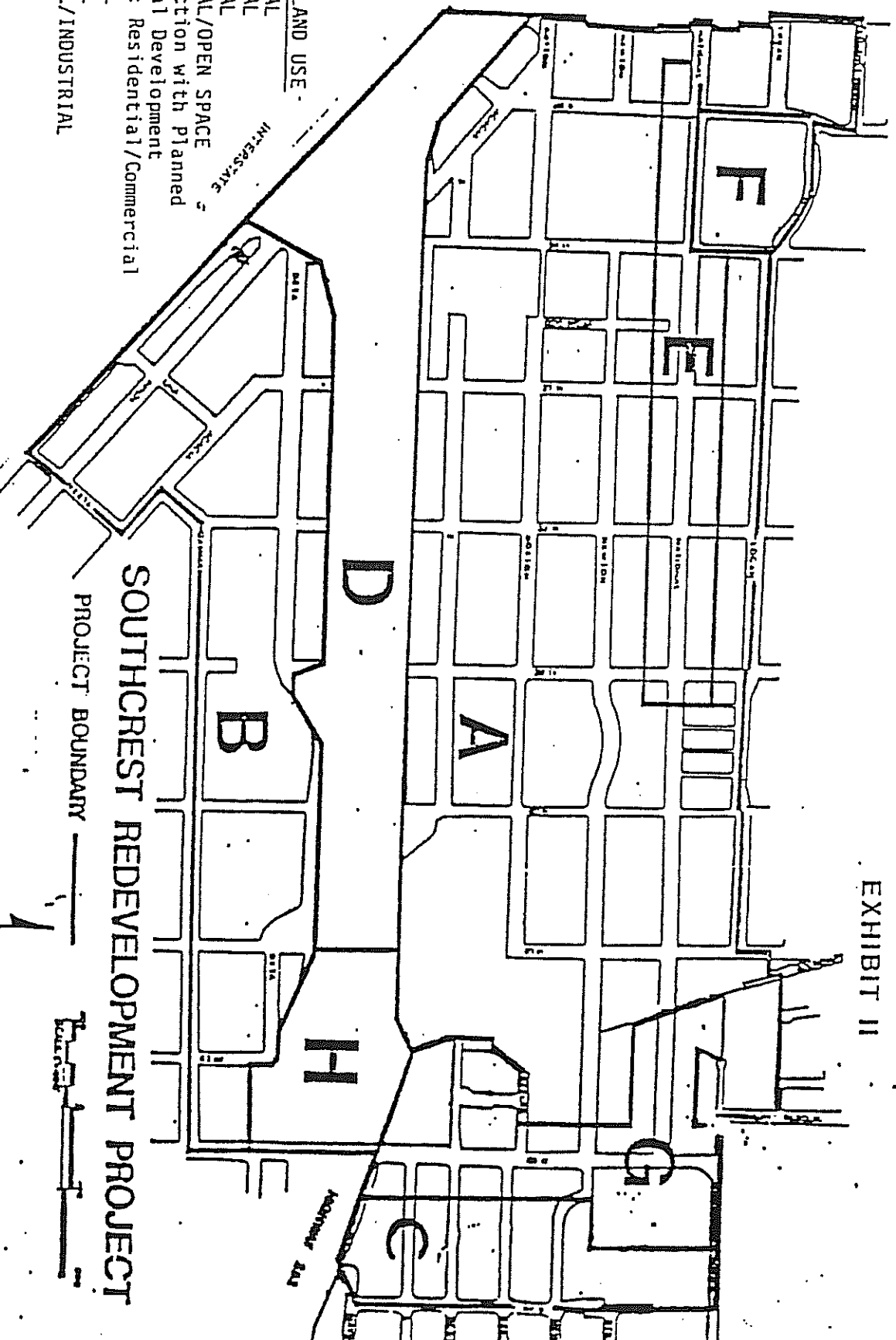
# SOUTHCREST REDEVELOPMENT PLAN

## TABLE OF CONTENTS

EXHIBIT I - PROJECT LOCATION .....	i
EXHIBIT II - LAND USE MAP. ....	ii
ARTICLE I - INTRODUCTION .....	1
Section 100    Legal Foundation .....	1
Section 110    Project Objectives .....	1
ARTICLE II - GENERAL DEFINITIONS .....	5
Section 200    Definitions .....	5
ARTICLE III - PROJECT AREA BOUNDARIES .....	7
Section 300    Boundaries .....	7
ARTICLE IV - PROPOSED REDEVELOPMENT ACTIVITIES .....	8
Section 400    General Redevelopment Actions .....	8
Section 410    Acquisition of Property .....	8
Section 420    Rehabilitation and Moving of Structures .....	10
Section 430    Participation by Owners and Tenants .....	10
Section 440    Demolition, Clearance, Public Improvements, Building and Site Preparation .....	12
Section 450    Relocation Assistance to Displaced Residential and Non-Residential Occupants .....	13
Section 455    Provision for Low- and Moderate-Income Housing ...	14
Section 460    Disposition and Redevelopment of Property for Uses in Accordance with this Plan .....	16
Section 470    Development of Transportation Concepts and Facilities .....	19
Section 480    Other Actions as Appropriate .....	19
ARTICLE V - USES PERMITTED AND PLANNING CONSIDERATION .....	21
Section 500    Land Use and Plan Development Considerations ...	21
Section 510    General Controls and Limitations .....	23
Section 520    Design for Development .....	26
Section 530    Submission of Schematic Plans .....	26
Section 540    Building Permits .....	27
ARTICLE VI - METHODS FOR FINANCING THE PROJECT .....	29
Section 600    General Description of the Proposed Financing Methods	29
Section 610    Tax Increment .....	30
Section 620    Bonds, Advances and Indebtedness .....	32

ARTICLE VII - ACTIONS BY THE CITY .....	33
Section 700    Actions by the City .....	33
ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT OF THE PLAN .....	35
Section 800    Administration and Enforcement of the Plan .....	35
ARTICLE IX - DURATION OF THIS PLAN .....	36
Section 900    Duration of this Plan .....	36
ARTICLE X - PROCEDURE FOR AMENDMENT .....	37
Section 1000    Procedure for Amendment .....	37

EXHIBIT II



- GENERALIZED LAND USE -
- A. RESIDENTIAL
  - B. RESIDENTIAL
  - C. RESIDENTIAL
  - D. RESIDENTIAL/OPEN SPACE  
in conjunction with Planned  
Residential Development
  - E. MIXED USE: Residential/Commercial
  - F. COMMERCIAL
  - G. COMMERCIAL
  - H. COMMERCIAL/INDUSTRIAL

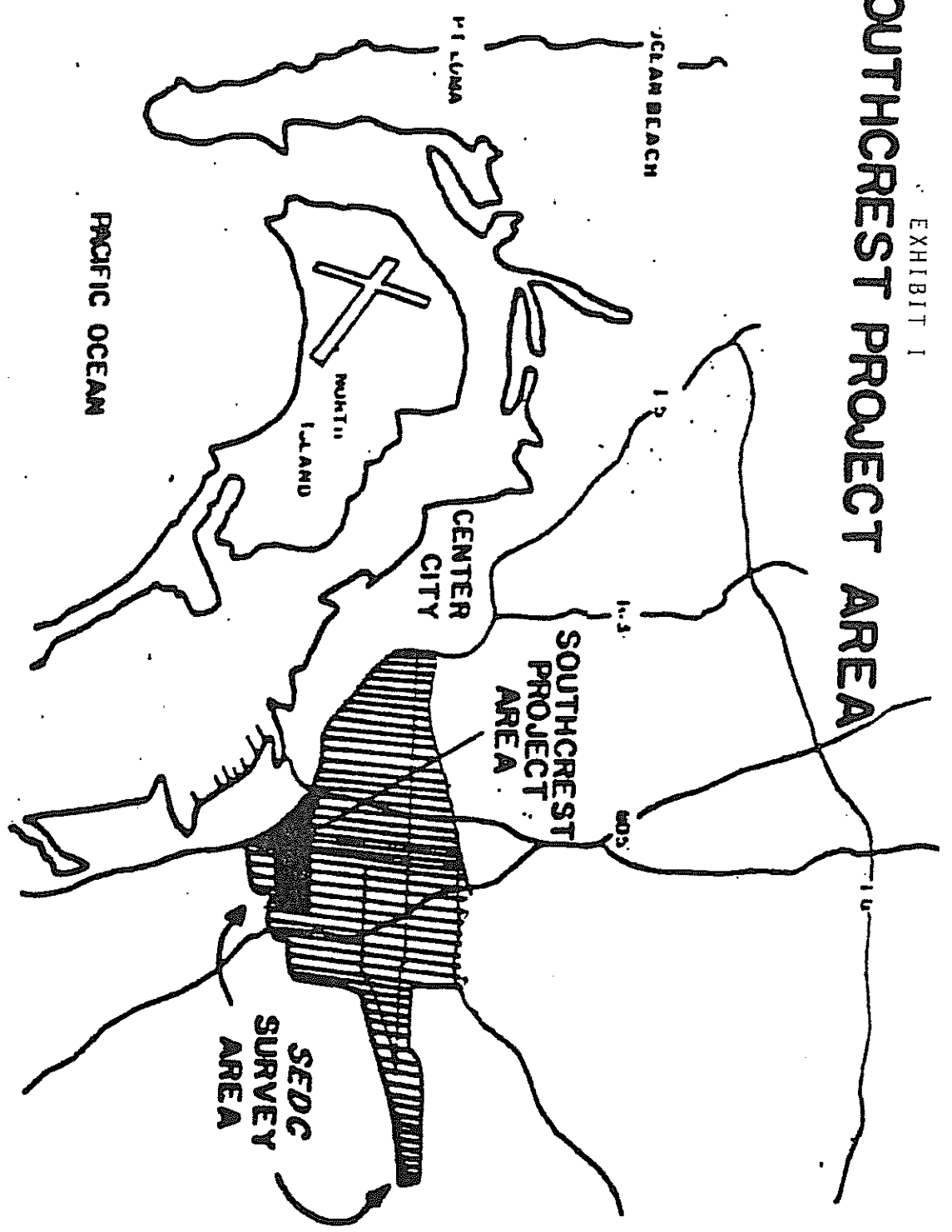
SOUTHCREST REDEVELOPMENT PROJECT

PROJECT BOUNDARY



# SOUTHCREST PROJECT AREA

EXHIBIT 1



## LOCATION MAP

REDEVELOPMENT PLAN  
FOR THE  
SOUTHCREST REDEVELOPMENT PROJECT  
ARTICLE I - INTRODUCTION

Section 100      Legal Foundation

100.1      This Redevelopment Plan for the Southcrest Redevelopment Project has been prepared by the Southeast Economic Development Corporation for the Redevelopment Agency of the City of San Diego, California, pursuant to the Community Redevelopment Law of the State of California, the California Constitution, and all applicable local laws and ordinances.

100.2      The proposed redevelopment conforms to the Progress Guide and General Plan for the City of San Diego revised and adopted by the City Council on February 26, 1979 and the Southeast Community Plan adopted on July 17, 1969 and revised on April 1, 1986.

100.3      This Redevelopment Plan is based on a Preliminary Redevelopment Plan approved by the Planning Commission on February 11, 1982 and accepted and approved by the Redevelopment Agency on March 9, 1982. The Commission subsequently approved a minor boundary adjustment on October 6, 1983.

Section 110      Project Objectives

110.1      The objectives of this Redevelopment Project are as follows:

- A.      Promote revitalization of the Southcrest community by:

1. Rehabilitation of commercial properties;
  2. Continuation of the residential rehabilitation program;
  3. Expansion of rehabilitation program to include the entire redevelopment area;
  4. Elimination of blighting influences including incompatible and obnoxious land uses, obsolete or deteriorated structures, illegal signs, and illegal non-conforming uses;
  5. Conducting a clean-up fix-up effort on residential and commercial properties where rehabilitation is not required, on vacant properties, and on publicly owned property; encourage and support community involvement in this effort;
  6. Providing lighting and landscaping improvements oriented to improving the image of community along major thoroughfares; encourage and support community involvement in this effort;
  7. Providing street improvements and traffic controls which will eliminate dangerous intersections, eliminate unnecessary delays, and improve traffic flow.
- B. Provide incentives for the development of new commercial facilities to better serve the community and to upgrade the physical appearances of commercial areas on National Avenue and 43rd Street by:
1. Designation of appropriate zoning;
  2. Provision of necessary public facilities such as traffic controls, street lighting, street and sidewalk construction and repair, public right-of-way landscaping, etc.;
  3. Acquisition and consolidation of land parcels where needed;
  4. Provision of technical assistance;
  5. Assistance with financing as appropriate and feasible.
- C. Provide incentives for the development of underutilized parcels of land in the redevelopment area which will:

1. Encourage an increased level of private investment by developers, lending institutions and community residents;
  2. Encourage developments which provide a mix of housing types including senior citizen and family housing and homeownership as well as rental units;
  3. Encourage well designed developments including building design, site layout, design and location of open spaces, and landscaping plans;
  4. Encourage an economic balance in the community by providing a residential environment attractive to prospective residents of all income levels.
- D. Develop the rescinded Highway 252 corridor in a manner which will help meet the housing needs of the community, provide the opportunity for commercial/industrial business development and employment for area residents, and have a positive impact on the surrounding residential neighborhood.
- E. Maintain the existing residential character along National Avenue by:
1. Providing incentives which will encourage the redevelopment of deteriorating residential and commercial properties;
  2. Eliminating illegal and obnoxious uses.
- F. Ensure maximum opportunity for employment of local residents in permanent jobs created in new commercial and industrial development, and in temporary residential and business construction jobs.
- G. Ensure that local people have the opportunity to establish new businesses or expanded existing businesses in the new commercial facilities, and are provided information on technical and financial support available from various organizations.

- H. Support efforts to communicate and publicize to all businesses and residents up to date information on community revitalization efforts.

## ARTICLE II - GENERAL DEFINITIONS

### Section 200      Definitions

200.1      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.      "Planning Commission" means the Planning Commission of the City of San Diego, California.
- E.      "Southeast Economic Development Corporation (SEDC)" means the public non-profit corporation established by the City Council for the purpose of assisting the City in the economic revitalization of portions of Southeast San Diego.
- F.      "Southeast Community" means that area of the City designated by the City Council as the Southeast San Diego Community Planning Area.
- G.      "Southeast Survey Area" means that section of the Southeast community established by the City Council as the area of influence of the Southeast Economic Development Corporation.
- H.      "Plan" means the Redevelopment Plan for the Southcrest

Redevelopment Project.

- I. "Project Area" means the area included within the boundaries of the Southcrest Redevelopment Project.
- J. "Project" means the Southcrest Redevelopment Project.
- K. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000 et. seq.).
- L. "State" means the State of California.

## ARTICLE III - PROJECT AREA BOUNDARIES

### Section 300      Boundaries

In the City and County of San Diego beginning at the intersection of the centerline of Florence Street with the eastern boundary of the right of way of State Route 15; thence easterly along the centerline of Florence to the intersection with the centerline of 35th Street; thence southerly on the centerline of 35th Street to the intersection with the centerline of Logan Avenue; thence easterly along the centerline of Logan Avenue to the intersection with the centerline of 41st Street; thence northerly along 41st Street to the intersection with the north line of Pueblo Lot 1345; thence easterly along said north line to the centerline of Boundary Street; thence northwesterly along the centerline of Boundary Street to the intersection with the north line of Lot 19, Block 58 of Map 27 of Carruther's Addition; thence easterly along the prolongation of said north line to the intersection with the centerline of San Pasqual Avenue; thence southerly along the centerline of San Pasqual to the intersection with the centerline of Logan Avenue; thence easterly along the centerline of Logan Avenue to the intersection with the northerly prolongation of the east line of Lot 4, Block 60 of said Map 27; thence southerly along said line until it merges with the centerline of 44th Street, continuing southerly to the centerline of Mayberry Street; thence westerly along the centerline of Mayberry Street to its intersection with the northern right-of-way of State Highway 252; thence westerly to the intersection with the centerline of 43rd Street; thence south along the centerline of 43rd Street to its intersection with the centerline of Gamma Street; thence westerly along the centerline of Gamma Street to the intersection with the centerline of 38th Street; thence southwesterly along the centerline of 38th Street to the intersection with the centerline of Acacia Street; thence southeasterly along Acacia Street to the intersection with the centerline of Vesta Street; thence southwesterly along Vesta Street to the intersection with the eastern right-of-way of Interstate 5; thence northerly along this eastern right-of-way to the intersection with the centerline of Florence Street which is the point of beginning. (See Exhibit I for area location map, Exhibit II for Project Area).

## ARTICLE IV - PROPOSED REDEVELOPMENT ACTIVITIES

### Section 400      General Redevelopment Actions

400.1      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, and public improvements.
- E.      Relocation assistance to displaced residential and non-residential occupants;
- F.      Disposition of property for uses in accordance with this Plan;
- G.      Development of transportation concepts and related facilities;
- H.      Other actions as appropriate.

### Section 410      Acquisition of Property

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

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 for which proceedings in eminent domain have not commenced within twelve (12) years after the effective date of the ordinance approving and adopting this Plan.

410.3 The Agency may, but not required to acquire interests in oil, gas or other mineral substances within the Project.

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

410.5 The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement.

410.6 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 a fee.

410.7 The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires structural alteration, improvement, modernization, or rehabilitation, or (2) the site or lot on which the building is situated requires modification in size, shape, or use, or (3) 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 participate in the Plan by executing a participation agreement.

410.8 Prior to filing an action in eminent domain to acquire a particular

property in the Project Area, the Agency shall approve a declaration stating that the acquisition meets one or more of the following:

1. The private or public owner of a larger parcel requires an adjacent parcel in order to complete a project that will be of benefit to the broader Southcrest community and is in keeping with the Community Plan and Redevelopment Plan, or
2. The existing owner, after repeated refusals to rehabilitate his or her property, maintains a blighted or uninhabitable building(s) that devalues nearby or adjoining community properties, or
3. The property is an illegal or non-conforming use under the Community Plan, Redevelopment Plan and underlying zone, and the existing use is inhibiting the redevelopment, development or rehabilitation of the area as proposed by the Redevelopment Plan.

410.9 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 by any lawful means except eminent domain.

Section 420 Rehabilitation and Moving of Structures

420.1 The Agency is authorized to rehabilitate or the cause to be rehabilitated any building or structure in the Project. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation of property in the Project 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.

Section 430 Participation by Owners and Tenants

430.1 The Agency shall extend preferences to persons who are engaged

in business in the Project to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the Plan.

430.2 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, or by selling their properties to the Agency and purchasing and developing other properties in the Project.

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 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 entities.

430.6 The Agency shall promulgate and, as appropriate, amend rules for owner and tenant participation.

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 reduction of the total number of individual parcels in the Project.
- E. The construction or expansion of public facilities.
- F. Change in orientation and character of portions of the Project.
- G. The preservation and/or rehabilitation of existing buildings which have historic and/or architectural qualities that will enhance the Project.

430.8 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 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.

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.

Section 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 as necessary to carry out the objectives of this Plan except as limited in Section 410.8.

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) necessary to carry out the Plan. Such public improvements include, but are not limited to, over- or under-passes, bridges, streets, curbs, gutters, sidewalks, street lights, 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 owned 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 buildings to be used for residential, commercial, public, and other uses provided in this Plan.

Section 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 in 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 others, 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 reasonably 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 Agency rules and regulations, the California Relocation Assistance Law (Government

Code, Sections 7260 et seq.) and the guidelines of the California Department of Housing and Community Development adopted and promulgated pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

450.3 The Agency will assure that sufficient land be made available for suitable housing for rental or purchase by persons and families of low and moderate income (as defined in Section 50093 of the California Health & Safety Code), and very low income households (as defined in Section 50105 of the California Health & Safety Code) displaced by the Project. However the Project shall not displace a substantial number of low and moderate income families.

450.4 Whenever all or any portion of the Project is developed with 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.

Section 455 Provision for Low- and Moderate-Income Housing

455.1 At least thirty percent (30%) of all new or rehabilitated dwelling units developed within the Project by the Agency shall be for persons and families of low or moderate income; and of such thirty percent (30%), not less than fifty percent (50%) thereof shall be for very low income households. At least fifteen percent (15%) of all such new or rehabilitated dwelling units developed within the Project by public or private entities or persons other than the Agency shall be for persons and families of low or moderate income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be for very low income households. The percentage requirements set forth in this paragraph shall apply in the aggregate to housing in the Project and not to each individual case of rehabilitation, development, or construction of dwelling units.

455.2 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 redevelopment of the Project, the Agency shall, within four years of such 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 cost within the Project and/or the City.

455.3 The Agency shall require that the aggregate number of dwelling units rehabilitated, developed or constructed, or caused to be rehabilitated, developed, or constructed, pursuant to Sections 455.1 and 455.2, shall remain for persons and families of low or moderate income for not less than the period set forth in Section 900 for the duration of this Plan.

455.4 Not less than 20% of all taxes which are allocated to the Agency pursuant to Section 610 of this Plan shall be used by the Agency for the purposes of increasing and improving the Community's supply of low and moderate income housing available at affordable housing cost, unless one of the following findings is made:

- A. That no need exists in the Community, the provision of which would benefit the Project Area to improve or increase the supply of low and moderate income housing; or
- B. That some stated percentage less than twenty percent (20%) of the taxes which are allocated to the Agency pursuant to Section 610 is sufficient to meet such housing need; or
- C. That a substantial effort to meet low and moderate income housing needs in the City is being made and that this effort, including the obligation of funds currently available for the benefit of the City from State, local and Federal sources for low and moderate income

housing alone or in combination with the taxes allocated under this Section, is equivalent in impact to the funds otherwise required to be set aside pursuant to this Section.

Section 460      Disposition and Redevelopment of Property for Uses in Accordance with this Plan

460.1      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. Neither all, nor any portion of any property shall be resold by the Agency to the person from whom such property was obtained at a price lower than that for which it was purchased by the Agency.

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

460.3      All real property acquired by the Agency in the Project 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 containing buildings or structures rehabilitated by the Agency shall be 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 shall give reasonable preference for real property acquired by the Agency in the Project for purchase and development by owner and tenant participants on a preference basis over persons who are not owners or tenants in the Project.

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 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.

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 servitude, 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, sex, marital status, color, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project. 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 sale, lease, sublease, or other transfer of land in the Project shall contain such non-discrimination and nonsegregation 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 for, develop, or construct any building, facility, structure, or other improvement either, within or outside the Project, for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project. The Agency may enter into contracts, leases, and agreements with the City or other public body or entity 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 and allocated to the Agency under subdivision (b) of Section 33670 of the California Community Redevelopment Law and under Section 610 of this Plan, or out of any other available funds.

Without limiting the generality of the foregoing, the Agency may pay for install or construct the following facilities, and may acquire or pay for land required there for:

- A. Roads and right of way areas
- B. Parks
- C. Landscaping and lighting
- D. Sewers, drainage, water utilities
- E. Parking facilities

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 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 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.

Section 470 Development of Transportation Concepts and Facilities

470.1 Since transportation is essential to the Project as well as to the entire City, the Agency, in cooperation with the City, the Metropolitan Transit Development Board, and (as appropriate) with other entities, may explore concepts and develop facilities to increase transportation efficiency. Possible concepts are: creation of new streets; bridging, decking or depression of streets; realignment of streets; widening of streets; creation of pedestrian bridges.

470.2 Parking sites may be established on property in the Project Area to replace on-street parking as appropriate.

Section 480 Other Actions as Appropriate

480.1 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.

480.2 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 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

460.10 To the extent and in the manner now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either, within or outside the Project, for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project. The Agency may enter into contracts, leases, and agreements with the City or other public body or entity 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 and allocated to the Agency under subdivision (b) of Section 33670 of the California Community Redevelopment Law and under Section 610 of this Plan, or out of any other available funds.

Without limiting the generality of the foregoing, the Agency may pay for install or construct the following facilities, and may acquire or pay for land required there for:

- A. Roads and right of way areas
- B. Parks
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- D. Sewers, drainage, water utilities
- E. Parking facilities

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 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 is proceeding in

or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency. 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 the extent and in the manner permitted by law) to financially (and otherwise) assist any public body in the cost of public land, buildings, facilities, structures, or other improvements (within or outside of the Project Area).

480.3 The Agency may pay to any taxing agency (other than the City) located within the Project Area any amounts of money which, in the Agency's determination, are appropriate to alleviate any financial burden or detriment caused to any such taxing agency by the Project.

480.4 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 shall be pursuant to such policies as the Agency may adopt.

480.5 The Agency is authorized, but not required, in any year during which it owns property in the Project, to make payments (in lieu of property taxes) to taxing agencies for whose 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

### Section 500      Land Use and Plan Development Considerations

500.1      The Land Use Map, (Exhibit II) sets forth the proposed public rights-of-way and land uses permitted in the Project. Except as inconsistent with the Plan, all development shall conform to the requirements of applicable State statutes and local codes as they now exist or are hereafter amended.

500.2      Area A, B,C, and D of the Land Use Map are designated for residential use. The total number of dwelling units per acre in Area D shall not exceed an average of 22 units on the area used for residential purposes. This per acre average is inclusive of provisions for density bonuses to applicable zones as authorized by State law.

500.3      Area E is designated for both residential and commercial uses in accordance with Community Plan designations.

500.4      Area F and G are designated for commercial use. This may be accomplished by rehabilitation and/or new development.

500.5      Area H is designated for commercial and industrial use.

500.6      Public and private open space is permitted within any portion of the Project. The existing designated Southcrest Park will be retained.

500.7      The following public right-of-ways may be landscaped and street lighting increased and utilities undergrounded as necessary to improve the visual quality of the Project.

A.      National Avenue (from I-15 to 43rd Street)

- B. Logan Avenue (from 43rd Street to 44th Street)
- C. 35th Street (from National Avenue to Acacia Street)
- D. 38th Street (from Logan Avenue to Gamma Street)
- E. 40th Street (from Logan Avenue to Gamma Street)
- F. 43rd Street (from Logan Avenue to Gamma Street)

500.8 All development occurring in the Project Area will provide adequate off-street parking in accordance with local codes and any further requirements of the Agency.

500.9 As indicated on the Land Use Map, Exhibit II, the major public streets in the Project Area are National Avenue, Logan Avenue (east of 43rd Street), and 43rd Street. Collector streets include 35th, 38th and 40th Streets. These streets may be altered and improved as traffic conditions warrant. All streets and alleys may be widened, altered, realigned, abandoned, depressed, decked or closed as necessary for the proper development of the Project Area. Additional public streets, right-of-ways and easements may be created as considered appropriate for development.

500.10 Sewer and water lines and any other public utility facilities may be replaced, removed, or realigned as necessary for proper development of the Project.

500.11 The air rights over public right-of-ways may be used for private uses, buildings, platform decks subject to Agency approval. The public right-of-ways 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 right-of-ways.

500.12 In any area of the Project, the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or non-profit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal, employee, philanthropic and charitable institutions, and facilities of other similar associations or organizations.

500.13 In any area of the Project, the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or non-profit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal, employee, philanthropic and charitable institutions, and facilities of other similar associations or organizations.

Section 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 after the date of the adoption of the Plan, except in conformance with the provisions of this Plan.

510.2 All new construction and/or rehabilitation of existing structures within the Project 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.

510.3 The approximate amount of landscaped open space to be provided, exclusive of public rights-of-way, will not be less than 17.7 acres. The amount of open space in specific developments will be determined by the requirements of local codes and ordinances.

510.4 The approximate number of dwelling units permitted in the Project Area by this Plan is 3000.

510.5 Except as may be set forth in other sections of this Plan, the height, type and size of buildings shall be limited by applicable state statutes, and local codes and ordinances.

510.6 The number of buildings in the Project Area shall not exceed 2500.

510.7 All signs shall conform to City ordinances as they now exist or are hereafter amended. Design of all signing is subject to Agency approval prior to installation.

510.8 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 a 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.

510.9 In all areas sufficient space shall be maintained between buildings to provide adequate light, air and privacy.

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

510.11 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. Within the Project, 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.

510.12 After rehabilitation and development pursuant to the Plan, no parcel

in the Project Area, including any parcel retained by a conforming owner or participant, shall be resubdivided without Agency approval.

510.13 The Executive Director of the Agency or his 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 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 purposes 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, or
- C. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the Area and contrary to the objectives of the Plan.
- D. When such a variation is authorized, the Executive Director shall make an informational report to the Redevelopment Agency and Planning Commission and the Southeast Development Committee.

510.14 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 ordinances.

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

Section 520 Design for Development

Within the limits, restrictions, and controls established in the Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, landscaping 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.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this Plan and any such controls, 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, in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

Section 530 Submission of Schematic Plans

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

530.2 The Planning Commission shall review the schematic plans and make a recommendation to the Redevelopment Agency within thirty (30) days from receipt of

said plans. The Redevelopment Agency will make a final decision of either approval, conditional approval, or denial.

Section 540            Building Permits

540.1            No permits shall be issued for the construction of any new building or any addition to an existing building in the Project Area from the date of adoption of this Plan 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.

540.2            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 said Project. Within 45 days thereafter, the Agency shall file with the City a written report setting forth its findings of fact, including but not limited to, 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; and
- C.            Whether the modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of the Plan.

540.3            After receipt of said report or after said 45-day period, whichever occurs first, the City may allow the issuance of the permit with conditions, or shall withhold the issuance of the permit if it finds that the proposed improvements do not meet the requirements of the Plan. Within 5 days after allowing or withholding issuance of the

permit, the City shall notify by certified mail the applicant and the Agency of its decision.

540.4 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.

## ARTICLE VI - METHODS FOR FINANCING THE PROJECT

### Section 600      General Description of the Proposed Financing Methods

600.1      The Agency is authorized to finance this Project with financial assistance from the City, State, Federal Government of the United States of America, property tax increments, special assessment districts, 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 source.

600.2      Advances and loans for planning and for administration of this Project may be provided by the City. Additional funds may be obtained from any of the sources identified above until adequate tax increments or other funds are available or sufficiently assured to permit borrowing adequate working capital from sources other than the City and to repay the loans. The City may supply additional assistance by obtaining loans and grants for various public facilities.

600.3      As available, gas tax funds from the State and County may be used for street improvements and public transit facilities. A portion of the parking may be installed through a parking authority or other public or private entities.

600.4      It is estimated that the total Agency Project cost will be not exceed revenues derived from 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; lease-back arrangements; gas tax and other special uses taxes and other sources which are now or may become available to the Agency. Should the land be leased rather than sold to a developer, sufficient revenue will be derived through revenue bonds or other means to recover the estimated sales income mentioned above.

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

Section 610 Tax Increment

610.1 The Project assessed valuation base 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 increment itself or from the sale of tax allocation bonds.

610.2 All taxes levied upon taxable property within the Project each year by or for the benefit of the State, County, City, 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:

- A. 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 such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies. Such payment shall occur as taxes by or for said taxing agencies on all other property are paid. For the purpose of allocated taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on said effective date.

B. That portion of said levied taxes each year in excess of such 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 bonds, loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed value 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 A hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

610.3 The portion of taxes mentioned in paragraph (B) 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.

610.5 The total number of dollars of taxes which may be divided and allocated to the Agency for the Project pursuant to Section 610.2 shall not exceed \$87 million.

Section 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, 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, advances or other indebtedness to finance the Project and to be repaid from the division and allocation of taxes to the Agency pursuant to Section 610.2 shall be established or incurred by the Agency after 40 years from the date of adoption of this Plan by the City Council. However, such loans, advances or other indebtedness may be repaid over a period of time which extends beyond such date.

620.6 The amount of bonded indebtedness to be repaid in whole or in part from taxes allocated to the Agency pursuant to Section 610.2, which can be outstanding at one time shall not exceed \$26.1 million.

## ARTICLE VII - ACTIONS BY THE CITY

### Section 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 where necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon land parcels whether utilized for residential, commercial or industrial use in the Project 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.
- F. 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.
- G. The undertaking and completing of any other proceedings necessary to carry out the Project.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT OF THE PLAN

Section 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, 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 IX - DURATION OF THIS PLAN

### Section 900      Duration of this Plan

900.1      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 forty (40) years from the date of adoption of this Plan by the City Council.

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

## ARTICLE X - PROCEDURE FOR AMENDMENT

### Section 1000      Procedure for Amendment

1000.1      This Plan may be amended by means of the procedure established in the California Community Redevelopment Law or by any other procedure hereinafter established by Law.

ADDENDUM

APRIL 1, 1986

DURING THE PUBLIC HEARING PROCESS, A NUMBER OF CHANGES WERE INCORPORATED INTO THE SOUTHCREST REDEVELOPMENT PROJECT AS A RESULT OF CONTINUED HEARINGS AND ADDITIONAL COMMUNITY MEETINGS.

THE RECORD OF COMMUNITY MEETINGS HELD BETWEEN THE FIRST JOINT AGENCY/COUNCIL HEARING ON OCTOBER 22, 1985 AND THE FINAL HEARING ON APRIL 1, 1986 ARE CONTAINED IN THIS ADDENDUM.

ADDITIONALLY, CRITERIA FOR THE USE OF EMINENT DOMAIN IN THE PROJECT AND A MAP INDICATING AREAS WHICH MAY BE SUBJECT TO EMINENT DOMAIN PROCEEDINGS ARE ALSO INCLUDED HEREIN.

## ADDENDUM TO REPORT TO COUNCIL

The Redevelopment Agency has established criteria for the use of eminent domain in the Southcrest Redevelopment Plan (Sec. 410.8) as follows:

1. The private or public owner of a larger parcel requires an adjacent parcel in order to complete a project that will be of benefit to the broader Southcrest community and is in keeping with the community plan and redevelopment plan, or
2. The existing owner, after repeated refusals to rehabilitate his or her property, maintains a blighted or uninhabitable building(s) that devalues nearby or adjoining community properties, or
3. The property is an illegal or non-conforming use under the Community Plan, Redevelopment Plan and underlying zone, and the existing use is inhibiting the redevelopment, development or rehabilitation of the area as proposed by the Redevelopment Plan.

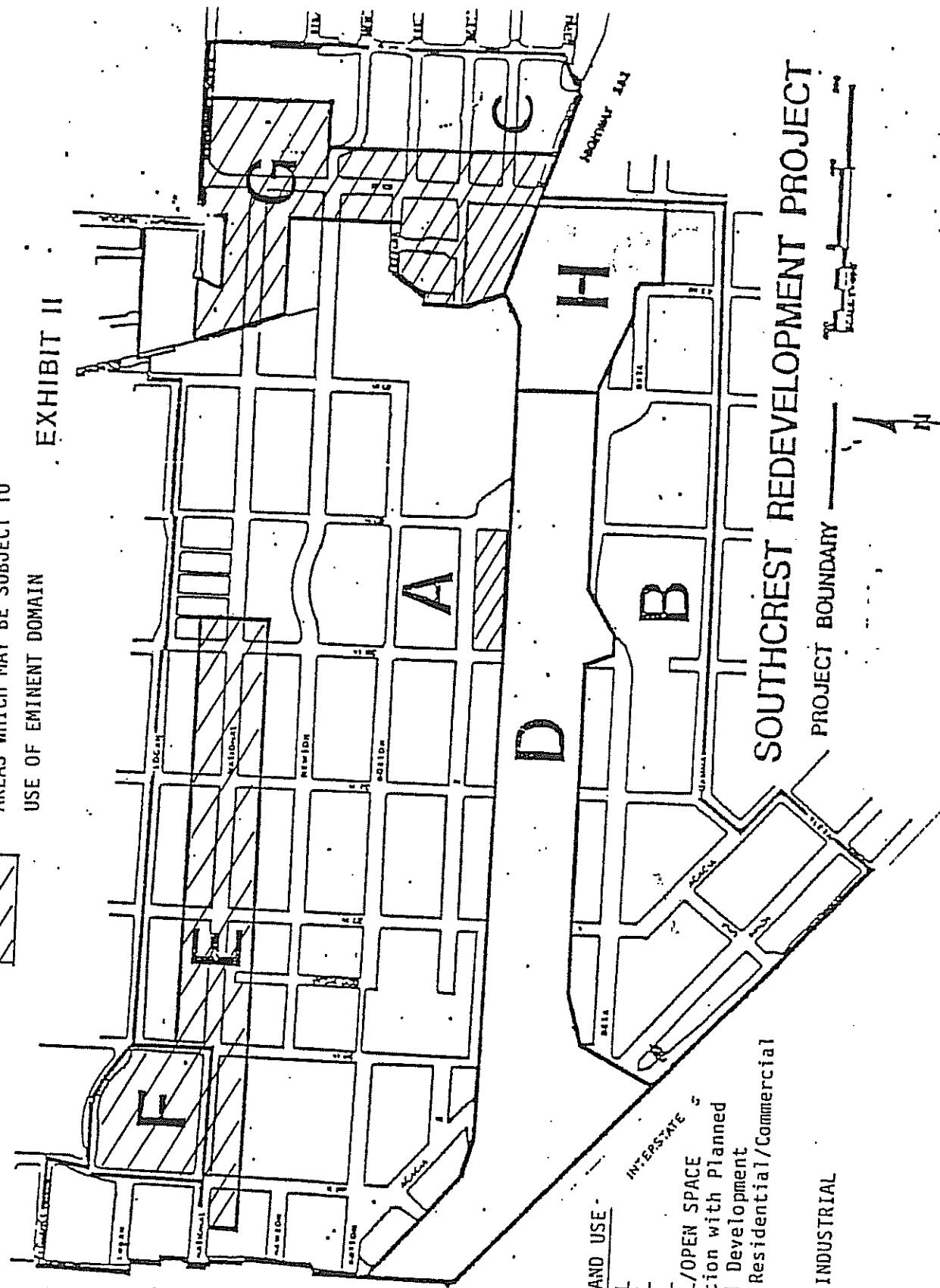
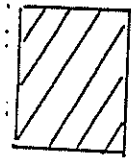
The Agency may consider acquiring properties through use of eminent domain in the following areas:

- a. Anywhere in Area E, F and G, as designated on the Generalized Land Use Map.
- b. In Area A along the south side of Z Street between Z Street and the 252 Corridor, between 39th and 40th Streets.

Prior to requesting condemnation action by the Redevelopment Agency, SEDC will call a meeting of affected Southcrest residents to discuss the property in question.

AREAS WHICH MAY BE SUBJECT TO  
USE OF EMINENT DOMAIN

EXHIBIT II



SOUTHCREST REDEVELOPMENT PROJECT

PROJECT BOUNDARY



GENERALIZED LAND USE

- A. RESIDENTIAL
- B. RESIDENTIAL
- C. RESIDENTIAL
- D. RESIDENTIAL/OPEN SPACE  
in conjunction with Planned  
Residential Development
- E. MIXED USE: Residential/Commercial
- F. COMMERCIAL
- G. COMMERCIAL
- H. COMMERCIAL/INDUSTRIAL