

ORDINANCE NO. 88-047

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OCT 27 1998

ON DATE OF _____

**APPROVING AND ADOPTING THE FIFTH AMENDMENT
TO THE REDEVELOPMENT PLAN FOR THE DEL PASO
HEIGHTS REDEVELOPMENT PROJECT**

WHEREAS, the City Council of the City of Sacramento ("City Council") approved and adopted the Redevelopment Plan for the Del Paso Heights Redevelopment Project ("Project") on May 12, 1970, by Ordinance No. 2884 (Fourth Series); and

WHEREAS, the City Council subsequently approved and adopted a first amendment to the Redevelopment Plan on August 6, 1970, by Ordinance No. 2913 (Fourth Series); and

WHEREAS, the City Council subsequently approved and adopted a second amendment to the Redevelopment Plan on May 21, 1985, by Ordinance No. 85-047; and

WHEREAS, the City Council subsequently approved and adopted a third amendment to the Redevelopment Plan on November 18, 1986, by Ordinance No. 86-108; and

WHEREAS, the City Council subsequently approved and adopted a fourth amendment to the Redevelopment Plan on October 4, 1994, by Ordinance No. 94-046; and

WHEREAS, as hereinafter used, the term "Redevelopment Plan" means the originally adopted Redevelopment Plan, as amended by the first, second, third and fourth amendments; and

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 88-047

DATE ADOPTED: OCT 27 1998

WHEREAS, the Redevelopment Agency of the City of Sacramento ("Agency") has formulated and prepared a proposed fifth amendment ("Fifth Amendment") to the Redevelopment Plan, which, among other things, replaces the existing Redevelopment Plan with an amended and restated redevelopment plan ("Amended and Restated Redevelopment Plan") for the Project Area; and

WHEREAS, the City Council has received from the Agency the proposed Fifth Amendment, a copy of which is on file at the office of the City Clerk, 915 I Street, Room 304, Sacramento, California, and at the office of the Agency, 600 I Street, Room 250, Sacramento, California, together with the Report of the Agency to the City Council on the Proposed Fifth Amendment to the Redevelopment Plan ("Report to City Council"), including: 1) the reasons for amending the Redevelopment Plan; 2) a description of conditions in the Project Area, including an identification of significant remaining blight, and the portions of the existing Project Area that are no longer blighted; 3) a description of specific projects to be continued by the Agency in the Project Area, and a description of how such projects will improve or alleviate remaining blight conditions; 4) the proposed method of financing the Amended Project, including an assessment of continued economic feasibility of the Amended Project and reasons for continuing to include tax increment financing; 5) the effect of the Fifth Amendment on the method or plan for relocation of families and persons; 6) an analysis of the preliminary plan; 7) the report and recommendations of the Planning Commission; 8) the record of the Redevelopment Advisory Committee and a summary of consultations with Project Area owners, residents, community organizations and others; 9) a negative declaration on the Fifth Amendment; 10) a neighborhood impact report; 11) a summary of consultations with affected taxing agencies, and responses to written objections and concerns of affected taxing agencies; and 12) an analysis of the Implementation Plan for the Project; and

WHEREAS, the Planning Commission of the City of Sacramento has submitted to the City Council its report and recommendations concerning the Fifth Amendment and its determination that the Fifth Amendment conforms to the General Plan of the City of Sacramento; and

WHEREAS, the Redevelopment Advisory Committee for the Del Paso Heights Redevelopment Project reviewed and considered the proposed Fifth Amendment, and recommended the approval and adoption of the proposed Fifth Amendment with the inclusion of additional language to strengthen the Social Goals identified in the Amended and Restated Redevelopment Plan, and the Agency has recommended approval of the Fifth Amendment as so modified; and

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 95-045

DATE ADOPTED: 01-27-1998

WHEREAS, pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA") and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), the Agency, as the lead agency prepared, circulated for public review and comment, and approved a negative declaration, and found that there is no evidence that the Fifth Amendment will result in the creation of significant adverse impacts on the environment; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines, the City Council, as a responsible agency, received, considered and approved the negative declaration, finding that there is no evidence that the Fifth Amendment will result in the creation of significant adverse impacts on the environment; and

WHEREAS, the City Council and the Agency held a joint public hearing on October 1, 1998, on adoption of the Fifth Amendment in the Sacramento City Council Chambers, 915 I Street, Sacramento, California; and

WHEREAS, notice of said hearing was duly and regularly published in the *Sacramento Bee*, a newspaper of general circulation in the City of Sacramento, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and an affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint public hearing were mailed by first-class mail to the last known address of each assessee as shown on the last equalized assessment roll of the County of Sacramento for each parcel of land in the Project Area ("Project Area"), and to all residents and businesses in the Project Area; and

WHEREAS, each assessee in the Project Area whose property would be subject to acquisition by purchase or condemnation under the provisions of the Fifth Amendment was sent a letter to such effect attached to the notice of joint public hearing, including a map of the Project Area; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

WHEREAS, the City Council has considered the report and recommendation of the Planning Commission, the recommendations of the Redevelopment Advisory Committee, the recommendation of the Agency, the Agency's Report to City Council, the Fifth Amendment and its economic feasibility, and the Negative Declaration, has provided an opportunity for all

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 98-045

DATE ADOPTED: OCT 27 1998

persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Fifth Amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. In accordance with the recommendation of the Agency, the City Council hereby finds and determines that the Fifth Amendment shall be modified as recommended by the Redevelopment Advisory Committee as that the Social Goals set forth in the Amended and restated Redevelopment Plan include the following additional language:

“To recognize and build upon the strengths and assets within the community by: (1) creating economic activity that supports both neighborhood-based employment opportunities and spending opportunities; (2) developing quality housing that encourages young, move-up families to stay in the neighborhood, provides affordable home ownership opportunities to residents vested in neighborhood revitalization, and provides a safe and healthy living environment for senior and disabled residents; (3) constructing, restoring and/or improving public facilities serving youth, families, neighborhood leadership groups, and seniors, thereby ensuring the growth and continuation of valuable community cultural, health and social activities; (4) continuing to value and support neighborhood leadership through on-going citizen participation in redevelopment initiatives aimed at neighborhood revitalization; and (5) engaging in partnerships and collaboratives that strengthen and uplift the human infrastructure that supports a safe and healthy living environment.”

As hereinafter used the term “Fifth Amendment” shall mean the Fifth Amendment as modified in accordance with this Section 1.

Section 2. The purposes and intent of the City Council with respect to the Fifth Amendment are to enable the continued elimination of blighting influences and environmental deficiencies within the Project Area and allow the full achievement of the goals and objectives of the Redevelopment Plan for the Project which are as follows;

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 25-065
DATE ADOPTED: 01 27 1998

Housing Goals: To provide standard housing for all families presently residing in the Del Paso Heights Area and, at the same time to increase housing supply. Rehabilitation will be fostered and encouraged where feasible and compatible with Plan objectives. Should clearance of existing structures be necessary to provide for new housing construction, it will be coordinated with the availability of relocation housing.

Social Goals: To develop a superior level of community facilities providing for the cultural, health and social needs of the residents. Also, to develop a program maximizing citizen participation in the redevelopment process. To recognize and build upon the strengths and assets within the community by: (1) creating economic activity that supports both neighborhood-based employment opportunities and spending opportunities; (2) developing quality housing that encourages young, move-up families to stay in the neighborhood, provides affordable home ownership opportunities to residents vested in neighborhood revitalization, and provides a safe and healthy living environment for senior and disabled residents; (3) constructing, restoring and/or improving public facilities serving youth, families, neighborhood leadership groups, and seniors, thereby ensuring the growth and continuation of valuable community cultural, health and social activities; (4) continuing to value and support neighborhood leadership through on-going citizen participation in redevelopment initiatives aimed at neighborhood revitalization; and (5) engaging in partnerships and collaboratives that strengthen and uplift the human infrastructure that supports a safe and healthy living environment.

Environmental Goals: To improve the neighborhood environment and image. To eliminate blighted and blighting conditions. To provide all appropriate amenities to support the basic residential character of the area.

Economic Goals: To increase and develop economic activity in the area by attracting new business, assist existing business and enhancing property values. To provide for new housing within the means of the majority of area residents. To the maximum extent allowable by applicable law, to enforce a strong affirmative action program with all contractors working in the area. To effect a workable residential rehabilitation program maximizing the improvement of economically feasible properties.

Section 3. The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Agency's Report to the City Council and all documents referenced therein, and evidence and testimony received at the joint public hearing on adoption of the Fifth Amendment held on October 1, 1998, that:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 98-045

DATE ADOPTED: NOV 27 1998

(a) Significant blight remains in the Project Area, and such blight cannot be eliminated without (i) the establishment of additional debt, and (ii) an increase in the limitation on the number of dollars to be allocated to the Agency from the Project Area (herein "tax increment limit"), and the continued redevelopment of the Project Area is necessary to effectuate the public purposes declared in the Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*). These findings are based upon the following facts, as more particularly set forth in the Agency's Report to the City Council:

(1) The Project Area continues to suffer from a combination of blighting physical and economic conditions, including: deterioration and dilapidation; faulty and inadequate utilities; defective design and physical construction; serious building code violations; substandard design; inadequate parking facilities; parcels of irregular shape and inadequate size under multiple ownership; impaired investments; depreciated or stagnant property values; vacant lots, buildings and tenant spaces; a lack of necessary commercial facilities, including grocery stores, drug stores, banks and other lending institutions; residential overcrowding; a high crime rate; and public improvements deficiencies.

(2) The Agency's authority to establish debt under the Redevelopment Plan will expire on May 11, 2000, and the redevelopment actions needed to aid in the elimination and correction of the remaining blighting conditions in the Project Area cannot be fully planned and funded within that time limit.

(3) The estimated costs of the redevelopment actions needed to aid in the elimination and correction of the remaining blighting conditions in the Project Area far exceed the amount of tax increment revenue available for allocation to the Agency under the Redevelopment Plan's current tax increment limit.

(4) The redevelopment actions needed to aid in the elimination and correction of the remaining blighting conditions in the Project Area are extensive and cannot be accomplished without redevelopment because other available governmental actions and resources are insufficient to address all of the remaining blighting conditions and the costs and risks to individual owners and developers are too great.

(5) The remaining blighting conditions in the Project Area are so prevalent and so substantial that they continue to cause a reduction, or lack, of proper utilization of the Project Area to such an extent that it constitutes a serious physical and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment because

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 98-045

DATE ADOPTED: OCT 27 1998

governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the remaining blighting conditions, and because the nature and costs of the redevelopment actions required to correct the remaining blighting conditions are beyond the capacity of the City and either cannot or will not be undertaken or borne by private enterprise acting alone or in concert with available governmental action.

(b) Adoption of the Fifth Amendment will permit the continued redevelopment of the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that, under the Amended and Restated Redevelopment Plan, the purposes of the Community Redevelopment Law would be attained by aiding in the elimination and correction of the remaining conditions of blight in the Project Area; by replanning, redesigning and/or revitalizing areas which are stagnant or improperly utilized; by protecting and promoting sound development and redevelopment of property; and by providing additional employment and affordable housing opportunities.

(c) The adoption and carrying out of the Fifth Amendment is economically sound and feasible. This finding is based on the facts that, under the Amended and Restated Redevelopment Plan, the Agency will be authorized to seek and utilize a variety of potential financing resources, including property tax increment from the Project Area; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increment generated by new investment in the Project Area; that, under the Amended and Restated Redevelopment Plan, no public redevelopment activity can be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity; and that the financing plan included within the Agency's Report to the City Council demonstrates that sufficient public and private financial resources will be available to carry out the Amended and Restated Redevelopment Plan.

(d) The Fifth Amendment conforms to the General Plan of the City of Sacramento, including, but not limited to, the housing element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division I of Title 7 of the Government Code. This finding is based on the finding of the Planning Commission of the City of Sacramento that the Fifth Amendment conforms to the General Plan of the City of Sacramento.

(e) The adoption and carrying out of the Fifth Amendment will promote the public peace, health, safety, and welfare of the City of Sacramento and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based on the fact that redevelopment actions under the Amended and Restated Redevelopment

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 95-045

DATE ADOPTED: 03 27 1998

Plan will benefit the Project Area by correcting conditions of blight, by coordinating public and private actions to stimulate development and improve the economic and physical conditions of the Project Area, and by increasing employment and affordable housing opportunities within the City.

(f) The extension of the time period during which condemnation of properties may be undertaken is necessary to the execution of the Fifth Amendment and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Amended and Restated Redevelopment Plan will be carried out and to prevent the recurrence of blight, and the fact that no property will be acquired until adequate funds are available to pay compensation therefor.

(g) The Agency has a feasible method or plan for the relocation of families and persons who might be displaced temporarily or permanently from housing facilities in the Project Area. This finding is based upon the fact that the Agency's method or plan for relocation, as more particularly described in the Agency's Report to the City Council, provides for relocation assistance and benefits according to law and authorizes the Agency to provide other assistance as determined to be appropriate.

(h) There are, or shall be provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be 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 places of employment. This finding is based upon the fact that no person or family will be required to move from any dwelling unit until suitable replacement housing is available for occupancy which meets the standards established in State law and regulations.

(i) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the 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 Community Redevelopment Law.

(j) The elimination of remaining blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the facts, as

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 98-045
DATE ADOPTED: OCT 27 1998

more particularly set forth in the Agency's Report to the City Council, that higher costs and more significant risks are associated with development in a blighted area, available governmental actions and resources are insufficient to address all of the remaining blighting conditions in the Project Area, and the costs and risks to individual owners and developers are too great.

(k) The extended time limitations and the increase in the tax increment limit contained in the Fifth Amendment 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. This finding is based on the facts, as more particularly set forth in the Agency's Report to the City Council, that: the redevelopment actions needed to aid in the elimination and correction of the remaining blighting conditions in the Project Area are extensive; the extended time limits for the establishment and repayment of debt will enable the Agency to issue bonds and incur other borrowings at times and in amounts sufficient to fund those redevelopment actions; the extended time limit on the effectiveness of the Redevelopment Plan is necessary in order to extend the time limit for the repayment of debt because the time limit for the repayment of debt is based upon the time limit on the effectiveness of the Redevelopment Plan and is necessary to ensure adequate time for the maintenance of controls in the Project Area to prevent the recurrence of blighting conditions; the extended time limit during which property may be acquired by condemnation is necessary for the reasons set forth in subsection (f) above; and the increase in the tax increment limit was based on the estimated costs, including financing and related cost, of the proposed redevelopment actions needed to aid in the elimination and correction of the remaining blighting conditions.

(1) The matters set forth in Section 33367(d)(9), (d)(10), and (d)(12) of the Community Redevelopment Law are not applicable to or affected by the Fifth Amendment and consequently, as provided in Section 33457.1 of the Community Redevelopment Law, no further findings with respect to such matters are warranted or required.

Section 4. The City Council is satisfied that permanent housing facilities will be available within three years from the time residential occupants of the Project Area are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced residential occupants temporary housing facilities at rents comparable to those in the City of Sacramento at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 88-085

DATE ADOPTED: OCT 27 1988

Section 5. The City Council is satisfied that written findings have been adopted in response to each written objection of an affected property owner or taxing entity received either before or during the noticed joint public hearing on the Fifth Amendment. Having considered all evidence and testimony presented for or against any aspect of the Fifth Amendment, the City Council hereby overrules all written and oral objections to the Fifth Amendment.

Section 6. The Fifth Amendment, including the Amended and Restated Redevelopment Plan, is incorporated herein by this reference and made a part hereof as if fully set forth herein. The Fifth Amendment is hereby approved and adopted. Ordinance Nos. 2884 (Fourth Series), 2913 (Fourth Series), 85-047, 86-108, and 94-046 and the Redevelopment Plan adopted and amended pursuant thereto for the Del Paso Heights Redevelopment Project are hereby amended by the Fifth Amendment so that the Redevelopment Plan as adopted by Ordinance No. 2884 (Fourth Series), and amended by Ordinance Nos. 2913 (Fourth Series), 85-047, 86-108, and 94-046, is replaced by the Amended and Restated Redevelopment Plan. By this action, the Amended and Restated Redevelopment Plan is hereby designated as the official Redevelopment Plan for the Project Area. Ordinance Nos. 2884 (Fourth Series), 2913 (Fourth Series), 85-047, 86-108 and 94-046 are continued in full force and effect, as amended by this ordinance.

Section 7. In order to implement and facilitate the effectuation of the Fifth Amendment hereby approved, this City Council hereby: (a) pledges its cooperation in helping to carry out the Amended and Restated Redevelopment Plan; (b) requests the various officials, departments, boards, and agencies of the City 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 Amended and Restated Redevelopment Plan; (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended and Restated Redevelopment Plan; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of monies, necessary to be carried out by the City under the provisions of the Amended and Restated Redevelopment Plan.

Section 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Amended and Restated Redevelopment Plan.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Sacramento County a notice of the approval and adoption of the Fifth Amendment containing a description of the land within the Project Area by reference to the recorded

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 85-085

DATE ADOPTED: 10/27/1945

description and a statement that proceedings for the redevelopment of the Project Area previously instituted under the Community Redevelopment Law are continuing pursuant to the Fifth Amendment.

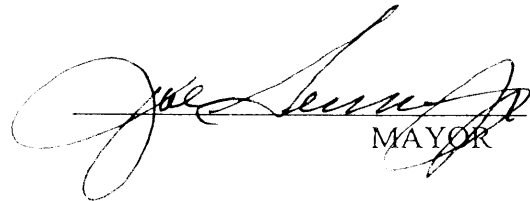
Section 10. The Building Department of the City of Sacramento is hereby directed for a period of two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the Project Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project.

Section 11. The City Clerk is hereby directed to transmit a copy of the notice recorded pursuant to Section 9 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Project Area, to the Auditor-Controller and Assessor of the County of Sacramento, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area, and to the State Board of Equalization, no later than thirty (30) days following the adoption of this Ordinance.


Section 12. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published in the *Sacramento Bee*, a newspaper of general circulation, published and circulated in the City of Sacramento.

Section 13. If any part of this Ordinance or the Fifth Amendment which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Fifth Amendment, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Fifth Amendment if such invalid portion thereof had been deleted.

Section 14. This Ordinance shall be in full force and effect thirty (30) days after passage.


MAYOR

ATTEST:


CITY CLERK

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ORDINANCE NO.: 88-045
DATE ADOPTED: 10/5/1988