

**ORDINANCE NO. 92-048**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

SEP 29 1992

ON DATE OF \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SACRAMENTO ADOPTING AND APPROVING THE REDEVELOPMENT PLAN FOR THE AUBURN BOULEVARD REDEVELOPMENT PROJECT**

WHEREAS, the proposed Auburn Boulevard Redevelopment Project is within the territorial jurisdictions of both the City of Sacramento and the County of Sacramento; and

WHEREAS, pursuant to Section 33210 of the California Community Redevelopment Law (Section 33000 et seq., Health and Safety Code) the County Board of Supervisors, by Resolution No. 91-1721, and the City Council of the City of Sacramento, by Resolution 91-870, designated the Redevelopment Agency of the County of Sacramento ("Agency") to act as the redevelopment agency for both interested communities; and

WHEREAS, the City Council of the City of Sacramento ("City Council") pursuant to Section 33211 of the Community Redevelopment Law (CRL) has received from the Redevelopment Agency of the County of Sacramento the proposed Redevelopment Plan ("Redevelopment Plan") for the Auburn Boulevard Redevelopment Project ("Project" or "Project Area") and has also received the Agency's Report to County Board of Supervisors on the proposed Redevelopment Plan, copies to which Plan and Report are on file at the office of the Clerk of the Board of Supervisors, Sacramento County Administration Building, 700 "H" Street, Room 2450, California, and at the Office of the Redevelopment Agency at 630 "I" Street, Sacramento, California; and

WHEREAS, the Planning Commission of the City of Sacramento has submitted to the Redevelopment Agency of the County of Sacramento and the Board of Supervisors of the County of Sacramento ("County Board of Supervisors") its report and recommendations concerning the Redevelopment Plan and its certification that the Redevelopment Plan conforms to the General Plan for the City of Sacramento; and

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WHEREAS, the Sacramento Housing and Redevelopment Commission on May 6, 1992, held a duly noticed public hearing on the Draft Environmental Impact Report ("EIR"), prepared in accordance with the California Environmental Quality Act (14 Cal. Code of Regs. Section 15000 et seq.) and environmental procedures adopted by the Agency pursuant thereto; and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, during the public comment period, and, as so revised and supplemented, a Final EIR was prepared by the Agency; and

WHEREAS, the Agency has certified the adequacy of the Final EIR, submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352; and

WHEREAS, the City Council has considered the environmental effects of the Project as identified in the EIR, and has determined that, for certain significant effects identified by the EIR, mitigation measures and a monitoring program therefor have been required in or incorporated into the Project which avoid or substantially lessen such effects; and

WHEREAS, the City Council has adopted a Statement of Overriding Considerations for the remaining significant effects identified by the EIR, for which remaining significant effects there are no reasonable or feasible measures available to mitigate them to a level of insignificance; and

WHEREAS, the Auburn Boulevard Redevelopment Project Area Committee has reviewed the Redevelopment Plan and, at its meeting of July 6, 1992 voted to approve the Plan; and

WHEREAS, the County Board of Supervisors and the Agency will hold a duly noticed joint public hearing on October 6, 1992 on adoption of the Redevelopment Plan in the County Board of Supervisors Chambers, 700 "H" Street, Room 1450, Sacramento, California; and

WHEREAS, the City Council has considered the report and recommendation of the Planning Commission, the Project Area Committee's action, the report of the Agency, the Redevelopment Plan and its economic feasibility, and the Final EIR.

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

Section 1: The purposes and intent of the County Board of Supervisors and concurred in by this City Council with respect to the Project Area are to accomplish the following:

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(a) The elimination and prevention of the spread of blight and deterioration, and the conservation, rehabilitation of the Project Area in accord with the applicable general plans, specific plans, and local codes and ordinances.

(b) The promotion of new and continuing private sector investment within the Project Area to prevent the loss of and to facilitate the capture of commercial sales activities.

(c) The elimination of conditions that promote prostitution and related criminal activities within the Project Area.

(d) The retention and expansion of as many existing businesses as feasible by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Project Area.

(e) The provision for increased sales tax, business licenses, and other fees, taxes and revenues to the County and City of Sacramento.

(f) The elimination or amelioration of certain environmental deficiencies, such as insufficient off-street and on-street parking, inadequate storm water drainage, and other similar public improvements, facilities and utilities deficiencies adversely affecting the Project Area.

(g) The reduction of the City and County's annual cost of the provisions of local services to and within the Project Area.

(h) The creation and development of local job opportunities and the preservation of the existing employment base.

(i) The preservation and rehabilitation of existing low and moderate income housing opportunities.

Section 2: The City Council hereby finds and determines, based on the evidence in the record, including but not limited to, the Agency's Report to County Board of Supervisors on the Redevelopment Plan for the Project Area, and all documents referenced therein that:

(a) The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.). This finding is based on the following conditions which characterize the Project Area:

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(1) The existence of buildings and structures used or intended to be used for living, commercial, industrial or other purposes which are characterized by deterioration, age and obsolescence, defective design and character of physical construction, shifting uses, and faulty interior arrangement and exterior spacing; and

(2) The existence of properties which suffer from deterioration and disuse because of: inadequate public improvements, facilities and utilities, which cannot be remedied by private or governmental action without redevelopment, particularly deficiencies in the circulation system including street and infrastructure systems, storm drainage, water and sewer systems, public utilities; and the existence of parcels that are of irregular form, shape, or size for proper usefulness and development; and

(3) A prevalence of impaired investments, and social and economic maladjustment.

Such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical, social and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City, and the State. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities and other actions required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action.

(b) The Project Area is an urbanized area. This finding is based upon the fact that not less than eighty percent (80%) of the privately owned property in the Project Area has been or is developed for urban uses, as demonstrated by the Agency's Report to County Board of Supervisors. In addition, as demonstrated by the Agency's Report to the County Board of Supervisors, the Project Area is part of an area developed for urban uses.

(c) The Redevelopment Plan will redevelop 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 the purposes of the Community Redevelopment Law would be attained by the Project: by eliminating areas suffering from economic dislocation or disuse; by replanning, redesigning and/or redeveloping areas which are stagnant or improperly utilized, and which could

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not be accomplished by private enterprise acting alone without public participation and assistance; by protecting and promoting sound development and redevelopment of blighted areas and the general welfare of the citizens of the City by remedying such injurious conditions through the employment of appropriate means; and be installing new, or replacing existing public improvements, facilities and utilities in areas which are currently inadequately served with regard to such improvements, facilities and utilities.

(d) The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Redevelopment Plan, the Agency will be authorized to seek and utilize a variety of potential financing resources, including property tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments, generated by new investment in the Project Area; that under the 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 with the Agency's Report to County Board of Supervisors demonstrates that sufficient public and private financial resources will be available to carry out the Project.

(e) The Redevelopment Plan conforms to the General Plan of the City of Sacramento. This finding is based on the finding of the Planning Commission that the Redevelopment Plan conforms to the General Plan for the City of Sacramento.

(f) The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the City of Sacramento and will effectuate the proposes and policies of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area, and by increasing employment opportunities within the City.

(g) The condemnation of real property, as provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, 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 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 full compensation therefor.

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(h) The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently from housing facilities in the Project Area. The Agency also has a feasible method and plan for its relocation of businesses. This finding is based upon the fact that the Redevelopment Plan provides for relocation assistance according to law and the fact that such assistance, including relocation payments, constitutes a feasible method for relocation.

(i) There are, or are being 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, and that such housing must meet the standards established in State law and regulations.

(j) The Project Area does not include any non-contiguous areas. Inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part, and any such area is not included solely for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is based upon the fact that all properties within Project Area boundaries were included because they were underutilized because of blighting influences, or were affected by the existence of blighting influences, or were necessary either to accomplish the objectives and benefits of the Redevelopment Plan or because of the need to impose uniform requirements on the Project Area as a whole. Such properties will share in the benefits of the Project.

(k) The elimination of 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 existence of blighting influences, including the lack of adequate public improvements and facilities, and the inability of individual owners and developers to economically remove these blighting influences without substantial public assistance.

(l) The effect of tax increment financing will not cause a significant financial burden or detriment to any taxing agency deriving revenues from the Project Area. This finding is based upon the fact that all affected taxing agencies were consulted

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with or had the opportunity to be consulted, both individually and through the fiscal review committee created for the project, regarding the fiscal effects of the Redevelopment Plan, and the fact that with regard to certain taxing agencies, the Agency has or will enter into fiscal detriment alleviation agreements under which it will make payments to such agencies to alleviate identified financial burden or detriment.

Section 3: 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, and that depending on 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 and 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.

Section 4: That certain document entitled "Final Environmental Impact Report for the Auburn Boulevard Redevelopment Project", a copy of which is on file in the office of the Agency, and in the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated into this Ordinance by reference and made a part hereof. All activities undertaken by the Agency and/or the City of Sacramento pursuant to or in implementation of the Redevelopment Plan shall be undertaken in accordance with the mitigation measures set forth in said Final EIR, the adopted Mitigation Monitoring and Reporting Program, and the Agency shall undertake such additional environmental reviews as necessary at the time of implementation of such activities.

Section 5: That certain document entitled "Redevelopment Plan for the Auburn Boulevard Redevelopment Project" the map contained therein, and such other reports as are incorporated therein by reference, copies of which are on file in the office of the Agency and the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated in this Ordinance by reference and made a part thereof, and as so incorporated is hereby designated, approved and adopted as the official "Redevelopment Plan for the Auburn Boulevard Redevelopment Project."

Section 6: In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, this City Council hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the

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Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the 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 Redevelopment Plan.

Section 7: The City Clerk is hereby directed to send a certified copy of this Ordinance to the County Board of Supervisors and the Agency.

Section 8: The Building and Safety Department of the City of Sacramento is hereby directed for a period of two (2) years after the effective date of the Ordinance of the County Board of Supervisors approving and adopting the Redevelopment Plan 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 building or for other improvements is within a redevelopment project area.

Section 9: If any part of this Ordinance or the Redevelopment Plan 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 Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof had been deleted.


Section 10: If the County Board of Supervisors fails, for any reason, to adopt an ordinance approving and adopting the Redevelopment Plan within one year of the date hereof, then this Ordinance shall be null and void and of no effect.

Section 11: This Ordinance shall be in full force and effect thirty (30) days after passage of the Ordinance of the County Board of Supervisors adopting the Redevelopment Plan.

PASSED FOR PUBLICATION: 9/22/92  
PASSED: 9/29/92  
EFFECTIVE: 10/29/92

  
MAYOR

ATTEST:

  
CITY CLERK

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