



18

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

September 10, 1981

Redevelopment Agency of the
City of Sacramento
Sacramento, CA 95814

CITY MANAGER'S OFFICE
RECEIVED
SEP 10 1981

Honorable Members in Session:

SUBJECT: PUBLIC HEARING on Resolution of Necessity for
Acquisition of Four Parcels at 35th Street and
4th Avenue in Oak Park

SUMMARY

Attached is a resolution of necessity (which must be adopted by a two-thirds vote following a public hearing), authorizing acquisition by agreement or condemnation of all or any of the four parcels located at the southeast corner of 35th Street and 4th Avenue in Oak Park. After acquisition, the property would be used for mixed-use development of market rate residential and commercial uses.

BACKGROUND

The original staff report dated April 7, 1981 addressing this issue is attached as Exhibit I.

The Oak Park PAC at its meeting of October 22, 1980, originally requested the Agency to acquire the parcels in order to develop housing consistent with the Oak Park Redevelopment Plan of 1973. The acquisition project was also determined to be necessary to eliminate blight at this location. The Oak Park Redevelopment Plan of 1973 designates this area for a "multi-family, medium density residential" use. The existing zoning, however, is still C-2, General Commercial.

Resolution No. 2965, adopted on December 23, 1980, authorized the Interim Executive Director to contract for an appraisal report and to set a hearing on whether to acquire the parcels by negotiation or condemnation under a resolution of necessity.

APPROVED
SACRAMENTO REDEVELOPMENT AGENCY
CITY OF SACRAMENTO

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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

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September 10, 1981

Until a recent fire destroyed the structures located at the southeast corner of 35th Street and 4th Avenue (see map attached as Exhibit II, the property was a mixed-use development with residential uses on the upper floor and commercial uses on the ground floor. The Building Inspection Division of the City of Sacramento has ordered the owners to remove the structures or to submit reconstruction plans within thirty (30) days from October 9, 1980. Two structures have been removed. Two substantially destroyed structures are still standing because the owners were given an extension until January 15, 1981. The extension has also expired. The City's Chief Building Inspector will likely delay enforcement of the ordinance for a reasonable time until the Agency decides whether or not to adopt the resolution of necessity.

PROPOSAL

A mixed-use development (market rate residential and commercial) is currently being proposed for the subject site by the Agency. It is the opinion of Agency Legal Department that this mixed use concept is consistent with the adopted Oak Park Redevelopment Plan. The Agency Legal Department's opinion is attached as Exhibit III. In summary, that opinion states that "while the Redevelopment Plan map... designates this area as planned for multi-family residential (medium density), nothing in the Plan excludes its use for other types of development in addition to multi-family residential use."

Agency staff is in support of this concept as long as the multi-use development is: 1) financially sound; 2) a benefit to the community from the prospective of quality of design and construction; 3) provides approximately an equivalent number of residential units as would be provided on the site if it were to be only a residential project; and 4) provides the Oak Park community with commercial uses which will provide services not only to the 44 residential units being developed by the Agency on 35th Street but to other existing and potential residential development in the area. The Agency welcomes the opportunity for the private sector to provide for market rate housing as a part of the revitalization of the neighborhood.

Attached as Exhibit IV is an example of possible permitted commercial uses for a mixed-use development in a multi-family residential setting for consideration by the PAC.

Subsequent to adoption of the resolution of necessity, the Agency staff would then meet with each of the existing property owners to offer each property owner an Owner Participation Agreement

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for development of mixed-use development on their respective property or an agreement to purchase. The Agency would initiate acquisition proceedings for only those parcels of which the existing property owners did not elect to enter into the Owner Participation Agreement.

Upon ownership of these parcels, the Agency would then offer such parcels first to the existing property owners who did elect to enter into an Owner Participation Agreement for mixed-use development on their respective parcels.

All of the affected property owners have been sent a notice indicating that they have a right to appear and to be heard on the matter of the resolution of necessity.

FINANCIAL DATA

The estimated cost of acquiring and demolishing the four parcels is \$73,015 which is composed of \$53,000 as payment for the property; \$12,515 for demolition; and \$8,000 for acquisition expenses and administration.

Oak Park tax increment funds in the amount of \$60,000 have been budgeted for this phase of the project (Resolution #2965). The difference between the \$60,000 originally budgeted and the updated costs of \$73,015 will be made up through the Oak Park tax increment fund. The current balance of the Oak Park tax increment fund is approximately \$33,000 based on anticipated revenues and expenditures for 1981.

On September 14, 1981, the Oak Park Project Area Committee will conduct a special meeting to consider the proposed mixed-use development concept. The position of the PAC will be presented to the City Council at the meeting on September 15, 1981.

VOTE AND RECOMMENDATION OF COMMISSION

At its regular meeting of April 6, 1981, the Sacramento Housing and Redevelopment Commission adopted a motion recommending adoption of the attached resolution. The votes were recorded as follows:

AYES: Fisher, Luevano, A. Miller, Serna, Teramoto, B. Miller

NOES: Knepprath

ABSENT: Coleman, Walton

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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

Redevelopment Agency of the
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September 10, 1981

RECOMMENDATION

The staff recommends adoption of the attached resolution of necessity for acquisition of all or any of the four parcels at 35th Street and 4th Avenue by negotiation or condemnation.

Respectfully submitted,

William H. Edgar

WILLIAM H. EDGAR
Interim Executive Director

TRANSMITTAL TO COUNCIL:

Walter J. Slipe, Jr.

For:

WALTER J. SLIPE
City Manager

18

RESOLUTION NO. _____

Adopted by the Redevelopment Agency of the City of Sacramento

September 15, 1981

RESOLUTION OF NECESSITY AUTHORIZING ACQUISITION
BY EMINENT DOMAIN OF CERTAIN PROPERTIES
LOCATED IN THE OAK PARK REDEVELOPMENT AREA

BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE
CITY OF SACRAMENTO, TWO-THIRDS OF ALL MEMBERS OF SAID AGENCY
VOTING IN FAVOR:

Section 1. The Redevelopment Agency intends to
acquire in fee simple, by eminent domain, the properties
listed below, and is empowered to acquire said properties by
eminent domain pursuant to Health and Safety Code §33391:

<u>Assessor's Parcel No.</u>	<u>Address</u>	<u>Use</u>
013-143-33	2917 35th Street	Vacant
013-143-34	2909 35th Street	Vacant
013-143-35	35th Street at 4th Avenue	Vacant
013-143-36	3516 4th Avenue	Vacant

Section 2. The public use for which the properties
are to be acquired is construction of a new housing develop-
ment.

Section 3. The properties are located in the Oak
Park Redevelopment Area, Sacramento, California.

Section 4. The Redevelopment Agency finds and
determines that:

- a) The public interest and necessity require
the construction of a new housing develop-
ment.
- b) Said housing development is planned and
located in the manner that will be most
compatible with the greatest public good
and the least private injury.

APPROVED
SACRAMENTO REDEVELOPMENT AGENCY
CITY OF SACRAMENTO

SEP 15 1981

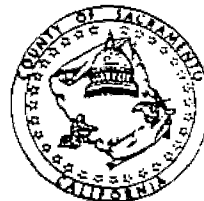
- c) The properties to be acquired are necessary for the proposed project.

Section 5. The Executive Director is authorized to negotiate for the purchase of these properties, and to institute and prosecute to conclusion litigation in eminent domain to acquire said properties, taking any action necessary or desirable for such purposes under the California Eminent Domain Law.

CHAIRMAN

ATTEST:

SECRETARY



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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

April 7, 1981

Redevelopment Agency of the
City of Sacramento
Sacramento, CA 95814

Honorable Members in Session:

SUBJECT: PUBLIC HEARING on Resolution of Necessity for
Acquisition of Four Parcels at 35th Street and
4th Avenue in Oak Park

SUMMARY

Attached is a resolution of necessity, (which must be adopted by a two-thirds vote following a public hearing), authorizing acquisition by agreement or condemnation of the four parcels located at the southeast corner of 35th Street and 4th Avenue in Oak Park. After acquisition the property would be used for a multi-family medium density residential use.

BACKGROUND

The three questions to be decided as part of this public hearing are listed as follows:

1. Is the proposed project in the public interest?
2. Is the project planned and located in the manner which is most compatible with the greatest public good and least private injury?
3. Is the property proposed for acquisition necessary for the project?

If the Agency answers these questions affirmatively, then the Agency should adopt the resolution of necessity which requires a two-thirds vote.

These parcels are in a former commercial area and had commercial structures until a fire devastated them in September, 1980. The Building Inspection Division of the City of Sacramento has ordered the owners to remove the structures or to submit reconstruction plans within thirty (30) days from October 9, 1980. Two structures

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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

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have been removed. Two substantially destroyed structures are still standing because the owners were given an extension until January 15, 1981. The extension has also expired. The City's Chief Building Inspector will likely delay enforcement of the ordinance for a reasonable time until the Agency decides whether or not to adopt the resolution of necessity.

The Oak Park Redevelopment Plan of 1973 designated this area for a "multi-family, medium density residential" use. The existing zoning, however, is still C-2, General Commercial. Property to the south and to the west of these parcels has been acquired by the Redevelopment Agency for a residential use.

The Oak Park PAC, at its meeting of October 22, 1980, has requested the Agency to acquire the parcels in order to develop housing consistent with the Oak Park Redevelopment Plan of 1973. The acquisition project is also necessary to eliminate blight at this location.

Resolution No. 2965, adopted on December 23, 1980, authorized the Interim Executive Director to contract for an appraisal report and to set a hearing on whether to acquire the parcels by negotiation or condemnation under a resolution of necessity.

All of the affected property owners have been sent a notice indicating that they have a right to appear and to be heard on the matter of the resolution of necessity.

FINANCIAL DATA

The estimated cost of acquiring and demolishing the four parcels is \$73,015 which is composed of \$53,000 as payment for the property; \$12,515 for demolition; and \$8,000 for acquisition expenses and administration.

Oak Park tax increment funds in the amount of \$60,000 have been budgeted for this phase of the project (Resolution #2965). The difference between the \$60,000 originally budgeted and the updated costs of \$73,015 will be made up through the Oak Park tax increment fund. The current balance of the Oak Park tax increment fund is approximately \$33,000 based on anticipated revenues and expenditures for 1981.

VOTE AND RECOMMENDATION OF COMMISSION

At its regular meeting of April 6, 1981, the Sacramento Housing and

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

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Redevelopment Agency of the
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April 7, 1981

Redevelopment Commission adopted a motion recommending adoption of the attached resolution. The votes were recorded as follows:

AYES: Fisher, Luevano, A. Miller, Serna, Teramoto,
B. Miller

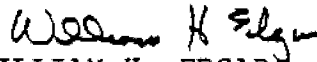
NOES: Kneprath

ABSENT: Coleman, Walton

RECOMMENDATION

Staff recommends adoption of the attached resolution of necessity for acquisition of four parcels at 35th Street and 4th Avenue by negotiation or condemnation.

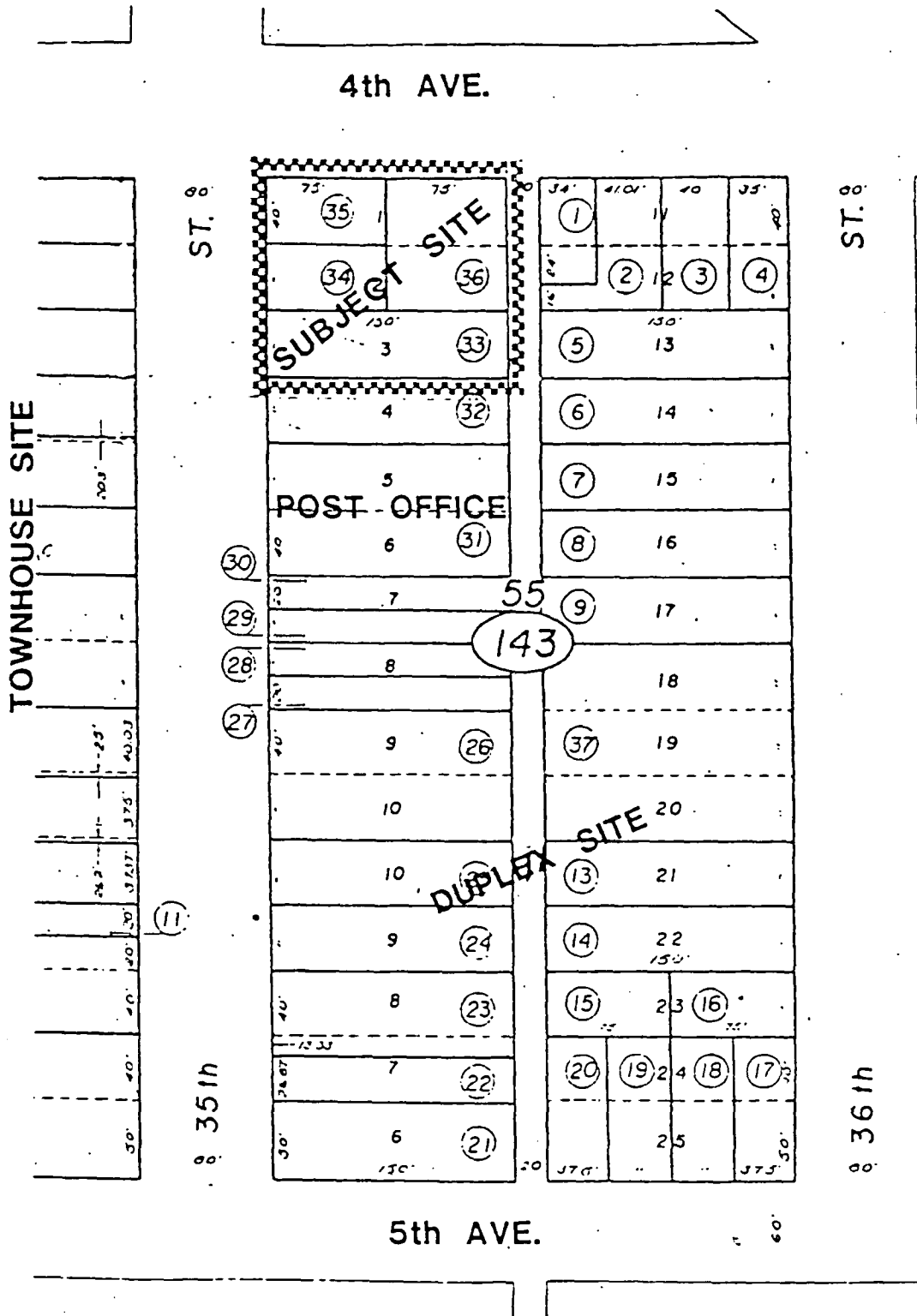
Respectfully submitted,


WILLIAM H. EDGAR
Interim Executive Director

TRANSMITTAL TO COUNCIL:

WALTER J. SLIPE
City Manager

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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

EXHIBIT III

MEMORANDUM

TO: Andy Plescia, Chief of Administration

FROM: John Abbott, Agency Attorney

SUBJECT: Proposed Mixed Use Owner Participation Agreement
and Contract of Sale with Joseph Mohamed, Sr.
35th Street at 4th Avenue, Oak Park

DATE: August 20, 1981

File No.

18

Since we are currently discussing with Mohamed the possibility of combining these parcels into a single development which would be a mixed use commercial and multi-family residential project, the question you raised is whether or not the mixed use proposal complies with the existing 1973 Redevelopment Plan for Oak Park.

In my opinion, Section B(4)(b)(1), "Planned Unit Development Concept", at page 18 of the Plan, does allow the Agency sufficient flexibility to enter into a combined Owner Participation Agreement and Contract for Sale with Mr. Mohamed for the proposed mixed use project. While the Redevelopment Plan map, following page 16 of the Plan, designates this area as planned for multi-family residential (medium density), nothing in the Plan excludes its use for other types of development in addition to multi-family residential use. To the contrary, the Planned Unit Development Concept, at page 18 of the Plan, specifically encourages a variety of land uses through greater flexibility in the design of developments than would otherwise be possible if the Plan controls were strictly applied.

If the Agency does decide to enter into a Contract for Sale and Owner Participation Agreement with Mohamed, my opinion is that we would not be required to amend the Redevelopment Plan to do so.

John Abbott

JOHN ABBOTT
Agency Attorney

JA.bj

cc: Brent Bleier ✓
Bob Smith
Leo Goto

PERMITTED USES IN THE COMMERCIAL/RESIDENTIAL AREA

1. Antique Store
2. Art Gallery
3. Art Studio
4. Appliance Store - Retail and Repair
5. Auto and Marine Parts and Accessories Store - No Installation or Repair
6. Bakery - Pastry Shop
7. Barbershop
8. Beauty Shop
9. Bicycle Sale-Rent Service
10. Books and Record Store
11. Butcher and Meat Markets
12. Cafe - Restaurant
13. Candy Store
14. Clothing and Apparel Store
15. Coffee Shop
16. Coin Operated Dispenser
17. Delicatessen
18. Dressmaker - Tailor
19. Drug Store - Non-prescriptive Drugs and Sundries
20. Electronic Equipment Sales and Service
21. Florist
22. Fruit Store
23. Furniture Store
24. Gift - Card Shop
25. Grocery Store
26. Hardware Store
27. Hearing Aides Sale and Service
28. Home Occupation
29. Interior Decorator Service Yard and Workshop
30. Jewelry Store
31. Lapidary Shop
32. Locksmith-Safe Repair Shop
33. Locksmith-Key and Lock Shop
34. Newspaper - Magazine Stand
35. Novelty - Curio Shop
36. Nursery, Plants
37. Office, Business and Professional
38. Office, Insurance
39. Office, Medical or Dental
40. Office, Real Estate
41. Paint and Wallpaper Store
42. Photographic Supply - Camera Store

43. Photography Studio, including Incidental Processing
44. Picture Framing Shop
45. Power Tool Sales
46. Prescription Pharmacy
47. Residence of a Caretaker, Proprietor or Owner of a Permitted Use
48. Residential Facilities in Combination with Commercial Buildings
49. Restaurant - Cafe
50. School, Charm and Culture
51. School, Self Defense, Judo, Boxing
52. Shoe Repair Shop
53. Shoeshine Parlor
54. Shoe Store
55. Soda Fountain - Ice Cream Parlor
56. Sporting Goods and Athletic Equipment Store
57. Stamp - Coin Store
58. Stationery Store
59. Stenographic Service
60. Tailor - Dressmaker
61. Telegraph Office
62. Telephone Answering Service
63. Television and Radio Sales
64. Television and Radio Repair Shop
65. Ticket Agency
66. Tobacco Shop
67. Toy Shop
68. Travel Agency
69. Trophy - Emblem Store
70. Tutoring Service
71. Wig Sale, In Service

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FACT SHEET

- . Size of site - 18,000 sq. ft.
- . Zoning - C-2 general commercial
- . Plan designation - multi-family (medium density)
- . Potential building area
 - Residential (sq. ft.) - 8,000
 - Commercial (sq. ft.) - 8,000
- . Potential number of residential units - 8
- . Surrounding uses - N - Commercial
 - S - Commercial
 - E - Commercial/residential
 - W - Residential



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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

April 7, 1981

CITY MANAGER'S OFFICE
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APR 8 1981

Redevelopment Agency of the
City of Sacramento
Sacramento, CA 95814

FILED
SACRAMENTO REDEVELOPMENT AGENCY

Honorable Members in Session: Date 5/5/81 Cont to 7-7-81

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FILED

SACRAMENTO REDEVELOPMENT AGENCY

Date 7-7-81 Cont. to 7-28-81

FILED

SACRAMENTO REDEVELOPMENT AGENCY

Date 4/14/81 Cont 40 5-5-81

4-14-81

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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

Redevelopment Agency of the
City of Sacramento
Page Two

April 7, 1981

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VOTE AND RECOMMENDATION OF COMMISSION

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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

Redevelopment Agency of the
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Page Three

April 7, 1981

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NOES: Kneprath

ABSENT: Coleman, Walton

RECOMMENDATION


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Respectfully submitted,



WILLIAM H. EDGAR
Interim Executive Director

TRANSMITTAL TO COUNCIL:



WALTER J. SLIPE
City Manager

18

RESOLUTION NO. _____

Adopted by the Redevelopment Agency of the City of Sacramento

April 14, 1981

RESOLUTION OF NECESSITY AUTHORIZING ACQUISITION
BY EMINENT DOMAIN OF CERTAIN PROPERTIES
LOCATED IN THE OAK PARK REDEVELOPMENT AREA

BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE
CITY OF SACRAMENTO, TWO-THIRDS OF ALL MEMBERS OF SAID AGENCY
VOTING IN FAVOR:

Section 1. The Redevelopment Agency intends to
acquire in fee simple, by eminent domain, the properties
listed below, and is empowered to acquire said properties by
eminent domain pursuant to Health and Safety Code §33391:

<u>Assessor's Parcel No.</u>	<u>Address</u>	<u>Use</u>
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are to be acquired is construction of a new housing develop-
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Section 3. The properties are located in the Oak
Park Redevelopment Area, Sacramento, California.

Section 4. The Redevelopment Agency finds and
determines that:

- a) The public interest and necessity require
the construction of a new housing develop-
ment.
- b) Said housing development is planned and
located in the manner that will be most
compatible with the greatest public good
and the least private injury.

c) The properties to be acquired are necessary for the proposed project.

Section 5. The Executive Director is authorized to negotiate for the purchase of these properties, and to institute and prosecute to conclusion litigation in eminent domain to acquire said properties, taking any action necessary or desirable for such purposes under the California Eminent Domain Law.

CHAIRMAN

ATTEST:

SECRETARY

OAK PARK PROJECT AREA COMMITTEE, INCORPORATED

3639 FOURTH AVENUE
SACRAMENTO, CA. 95817
457-6525

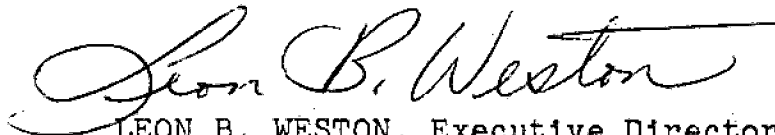
September 15, 1981

City Council
City of Sacramento
City Hall - 915 "I" Street
Sacramento, CA 95814

Honorable Members in Session

Subject: Proposed Mixed-Use Development Concept at the
Southeast Corner of 35th Street and 4th Avenue

On September 14, 1981 the Oak Park Project Area Committee conducted a special meeting to consider the proposed mixed-use development concept recommended by the agency. The P.A.C. board voted to endorse and support the concept.



LEON B. WESTON, Executive Director
Oak Park P.A.C.