

ORDINANCE NO. 2000-043

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF **OCT 31 2000**

**AN ORDINANCE OF THE CITY OF SACRAMENTO
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN
FOR THE MCCLELLAN AIR FORCE BASE/WATT
AVENUE REDEVELOPMENT PROJECT**

WHEREAS, proposed McClellan Air Force Base/Watt Avenue Redevelopment Project is located within the territorial jurisdiction of the City and County of Sacramento; and

WHEREAS, the County of Sacramento was appointed the lead Agency for the plan adoption and implementation of the proposed McClellan Air Force Base/Watt Avenue Redevelopment Project; and

WHEREAS, the City Council of the City of Sacramento ("City Council") has received from the Redevelopment Agency of the City of Sacramento ("Redevelopment Agency") the proposed Redevelopment Plan, a copy of which is on file at the office of the City Clerk, 915 I Street, Suite 304, Sacramento, California, and at the office of the Redevelopment Agency at 630 I Street, Third Floor, together with the Report of the Agency on the Redevelopment Plan ("Report to City Council"), including: 1) the reasons for choosing the project area; 2) a description of conditions in the Project Area; including identification of significant blight; 3) a description of specific projects proposed by the Agency in the Project Area, and description of how such projects will improve or alleviate blight conditions; 4) assessment of the proposed method of financing the Project Area, 5) the effect of the Redevelopment Plan on the method or plan for relocation of families and persons; 6) the report and recommendations of the County Planning Commission; 7) a summary of consultations with the community; 8) a neighborhood impact report; and 9) a summary of consultations with affected taxing agencies, and response to written objections and concerns of affected taxing agencies, and;

WHEREAS, the Planning Commission of the County of Sacramento has submitted to the Board of Supervisors its report and recommendations concerning the Redevelopment Plan for the McClellan Air Force Base/Watt Avenue Redevelopment Project ("Redevelopment Plan") and its certification that the Redevelopment Plan conforms to the General Plan of the County of Sacramento, and;

WHEREAS, as permitted by Section 33492 of the Amendments to the Community Redevelopment Law of the State of California, Health and Safety Code 33000 *et. seq.* the Redevelopment Agency does not need to prepare an environmental impact report prior to the adoption of the redevelopment plan if it finds, at a noticed public hearing, that there is a need to

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 2000-043
DATE ADOPTED: OCT 31 2000

adopt a plan at the earliest possible time. This will allow the EIR to be certified within 18 months of the effective date of the ordinance adopting the redevelopment plan, and;

WHEREAS, the Agency has consulted with and obtained the advice of the community regarding the proposed Redevelopment Plan and;

WHEREAS, the City Council and the Redevelopment Agency held a joint public hearing on October 24, 2000, on the adoption of the Redevelopment Plan in the Sacramento City Council Chambers, Sacramento, California, and;

WHEREAS, notice of said hearing was duly and regularly published in *The Daily Recorder*, 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 notices and affidavits of publication are on file with the City Clerk and the Redevelopment 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, and to residents, businesses, and other occupants in the same areas, and;

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

WHEREAS, copies of the notice of the 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 County Planning Commission, the Redevelopment Agency's Report to City Council, and the Redevelopment Plan, and has provided an opportunity for all persons to be heard, has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan; and.

WHEREAS Planehaven Park has substandard design which severely limits access to the park in addition to a lack of parking which substantially the economically viable use of the park, and ;

WHEREAS, there are a lack of parks and such recreational facilities that are normally found in the blighted neighborhood surrounding Planehaven Park

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 2000-043
DATE ADOPTED: OCT 31 2000¹⁹⁾

Section 1. The principal purpose and intent of the City Council with respect to the Project Area, is to eliminate all blight and complete all public-assisted redevelopment activities as quickly as possible consistent with the needs of the Project Area and the availability of financial resources to fund them.

Section 2. It is hereby determined that the Redevelopment Plan submitted by the Agency is necessary and desirable.

Section 3. The Redevelopment Plan map for the Project Area is attached as "Attachment 2" to the Redevelopment Plan, and the legal description of the Project Area is attached as "Attachment 1". The legal description was available for public inspection prior to and identified in the notice for the joint public hearing on the Redevelopment Plan.

Section 4. 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 Redevelopment Plan held on October 24, 2000, that:

a) The Project was found and determined to be a blighted area in Ordinance No. _____ adopted by the City Council and based on substantial evidence contained in the Report to City Council, and such blight cannot be eliminated without (i) the establishment of debt; (ii) the collection of tax increment; (iii) the need for eminent domain authority; (iv) the period of effectiveness of the plans, and (v) obtaining the tax increment and bond debt limits. The 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.). The finding that the redevelopment of the Project Area is necessary to effectuate the public purposes declared in the Community Redevelopment Law is based on the following blighted conditions in the Project Area:

- 1) Deterioration and dilapidation
- 2) Faulty or inadequate utilities
- 3) Defective design
- 4) Inadequate parking
- 5) Parcels of irregular shape and inadequate size under multiple ownership
- 6) Low retail sales
- 7) Excessive vacant lots and vacant buildings

b) The combined blighted conditions cited above are so prevalent and so substantial that it causes a reduction of, or lack, of proper utilization of the 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, requiring the use of 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

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 2000-043
DATE ADOPTED: OCT 31 2000

blighting conditions, and that the nature and costs of 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.

c) Adoption of the Redevelopment Plan will assist in the continued redevelopment of the Project 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 eliminating areas suffering from economic dislocation or disuse; by replanning, redesigning and/or revitalizing areas which are stagnant or improperly utilized, and which could not be accomplished by private enterprise acting alone without public participation and assistance; by protecting and promoting sound development and redevelopment of blighted areas; by improving the general welfare of the citizens of the City by remedying such injurious conditions through appropriate means; and by other appropriate activities,

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 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 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 City Council demonstrates that sufficient public and private financial resources will be available to carry out the Project.

e) The adoption and carrying out of the Redevelopment Plan 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 will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic and physical conditions of the Project Area, and by increasing employment opportunities within the City.

f) The condemnation of real property in the Project Area 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.

g) 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 the relocation of businesses. This finding is based upon the fact that the Redevelopment Plan provides for

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 2000-043
DATE ADOPTED: OCT 31 2000²¹⁾

relocation assistance according to law and the fact that such assistance, including relocation payments, constitutes a feasible method for relocation.

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. 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. 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. This finding is made in accordance with Community Redevelopment Law and on the fact that adequate and appropriate sites within the Project Area and other locations throughout the City are projected to be available for replacement housing.

i) 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 continued existence of substantial blighting conditions and influences, and the inability of individual owners and developers to economically remove these blighting conditions and influences without substantial public assistance.

j) The time limitations and the tax increment and bond debt limitations contained in the Redevelopment Plan 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 made based on the fact that the Redevelopment Plan contains debt establishment, plan effectiveness, and debt repayment limits and the tax increment and bond debt limitations pursuant to Section 33333.2, 333334.1. The Report to City Council adequately demonstrates this of the Community Redevelopment Law, and the Agency's relationship.

k) That Planehaven Park meets the definition of blight and shall be included within the project area.

l) The project area is an urbanized area. This finding is based on the fact that not less than eighty percent (80%) of the property in the Project has been or is developed for urban uses; is a part of an area developed for urban uses; or is an integral part of one or more areas developed for urban uses as demonstrated by the Report to City Council

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 2000-043
DATE ADOPTED: OCT 31 2000 2)

Section 5. 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 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- 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 6. That certain document entitled "Redevelopment Plan for the McClellan Air Force Base/Watt Avenue 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 clerk and the office of the City Clerk, having been duly reviewed and considered, is hereby designated, approved and adopted as the official "Redevelopment Plan for the McClellan Air Force Base/Watt Avenue Redevelopment Project."

Section 7. 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 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 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 Redevelopment Plan.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Sacramento County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area previously instituted under the Community Redevelopment Law, are continuing pursuant to the Redevelopment Plan.

Section 10. 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 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 description and statement recorded pursuant to Section 10 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

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 2000-043
DATE ADOPTED: OCT 31 2000 (23)

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 the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation, published and circulated in the City of Sacramento.

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

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


PASSED FOR PUBLICATION: October 24, 2000

PASSED: October 31, 2000

EFFECTIVE: November 30, 2000


MAYOR

ATTEST:


CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 2000-043
DATE ADOPTED: OCT 31 2000 (4)