

ORDINANCE NO. 92-028

ADOPTED BY THE SACRAMENTO CITY COUNCIL

JUN 30 1992

ON DATE OF _____

**AN ORDINANCE OF THE CITY OF SACRAMENTO
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE
NORTH SACRAMENTO REDEVELOPMENT PROJECT AREA**

WHEREAS, the City Council of the City of Sacramento has received from the Redevelopment Agency of the City of Sacramento the proposed Redevelopment Plan for the North Sacramento Redevelopment Project Area, a copy of which is on file at the office of the City Clerk, 915 I Street, Second Floor, Sacramento, California, and at the Office of the Redevelopment Agency at 600 I Street, Sacramento, California, together with the Redevelopment Agency's Report to City Council including the reasons for the selection of the Project Area, a description of the physical, social and economic conditions existing in the Project Area, a description of specific projects proposed by the Agency, the proposed method of financing the redevelopment of the Project Area, a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities in the Project Area, an analysis of the Preliminary Plan, the report and recommendations of the Planning Commission of the City of Sacramento, a summary of the Project Area Committee record, an environmental impact report on the Redevelopment Plan, a neighborhood impact report, the report of the county fiscal officer and the Redevelopment Agency's analysis thereof, a summary of consultations with taxing agencies, the report of the fiscal review committee on the financial impact of the project upon the members thereof, and the Agency's analysis of and response to the report of the fiscal review committee; and

WHEREAS, the Planning Commission of the City of Sacramento has submitted to the City Council 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

WHEREAS, the Sacramento Housing and Redevelopment Commission on March 18, 1992, held a duly noticed public hearing on the Draft Environmental Impact Report ("EIR"), in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) the Guidelines for implementation of the California Quality Act (14 Cal. Adm. Code Section 15000 *et seq.*) and environmental procedures adopted by the Redevelopment Agency of the City of Sacramento (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

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WHEREAS, on June 16, 1992 the Agency certified the adequacy of the Final Environmental Impact Report, submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352; and

WHEREAS, the Agency has determined that, for certain significant effects identified by the Environmental Impact Report, 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 Agency has adopted a Statement of Overriding Considerations for the remaining significant effects identified by the Environmental Impact Report, for which remaining significant effects there are no reasonable or feasible measures available to mitigate them to a level of insignificance; and

WHEREAS, the North Sacramento Redevelopment Project Area Committee has reviewed the Redevelopment Plan and, at its meeting of April 6, 1992, voted to approve the Plan; and

WHEREAS, the City Council and the Agency held a joint public hearing on June 23, 1992, on adoption of the Redevelopment Plan in 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 notices and affidavits 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 certified mail with return receipt requested 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

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 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

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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 Environmental Impact Report, 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 has made written findings in response to each written objection of an affected property owner and taxing entity.

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

Section 1: The purposes and intent of the City Council with respect to the Project Area are to accomplish the following:

1. Reduce local unemployment through the development of local job opportunities and the preservation of the Project Area's existing employment base by encouraging office development and labor intensive industrial uses and by capitalizing on local skill training programs and City policies regarding local hiring.
2. Promote private and public sector cooperation and involvement in sustaining existing businesses and encouraging new private investment in the Project Area's commercial sector.
3. Expand commercial uses which are convenient to and meet the daily needs of North Sacramento's residents by strengthening and supporting community shopping facilities in the Del Paso-El Camino business district and at the same time encourage commercial activities servicing the City and surrounding areas.
4. Conserve, rehabilitate and redevelop the area in accord with the General Plan, the Community Plan, the Redevelopment Plan and local codes and ordinances, including controlling unplanned growth by guiding revitalization activities and new development in such a manner as to meet the needs of the Project Area, the City and its citizens.
5. Increase, improve and preserve the Project Area's housing stock to encouraging a mix of housing types and densities available to a range of households (elderly, low and moderate income, special needs) through a variety of mechanisms, such as rehabilitation, market incentives, and subsidies.
6. Increase access to and circulation within the North Sacramento community through a variety of traffic improvements and transportation modes.

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7. Conserve and build upon the positive qualities of the North Sacramento community and at the same time eliminate and prevent the spread of blight and deterioration, which engender negative perceptions of the area.
8. Retain and promote community services and facilities that support and enhance neighborhood cohesiveness, stability and pride.
9. Encourage the generation of increased sales, business license, hotel occupancy and other fees, taxes, and revenues to the City.
10. Reduce the City's annual costs for the provision of local services to and within the Project Area.
11. Provide new and improve existing public improvements and facilities, the absence or inadequacy of which constitute an economic liability of the City and cannot be remedied by private or governmental action without redevelopment.

Section 2: The City Council hereby finds and determines, based on the evidence in the record, including but not limited to, the Redevelopment Agency's Report to City Council on the proposed Redevelopment Plan for the North Sacramento Redevelopment Project Area, and all documents referenced therein, and evidence and testimony received at the joint public hearing on adoption of the Redevelopment Plan held on June 23, 1992, 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.*). The finding is based on the following conditions which characterize the Project Area:

(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, mixed character, defective design and character of physical construction, shifting uses, and faulty 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 freeway interchanges, 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

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(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 Redevelopment Agency's Report to City Council. In addition, as demonstrated by the Agency's Report to City Council, 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 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 appropriate means; and by 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

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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 Redevelopment Agency's Report to City Council 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 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, 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 funding 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.

(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.

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(j) The Project Area does not include any non-contiguous areas. Inclusion of any lands, building, 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 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 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.

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Section 4: Written objections to the Redevelopment Plan filed with the City Clerk before the hour set for hearing and all written and oral objections presented to the City Council at the hearing having been considered, and, in the case of written objections received from Project Area property owners and affecting taxing agencies, having been responded to in writing, are hereby overruled.

Section 5: That certain document entitled "Final Environmental Impact Report for the North Sacramento Redevelopment Project Area", 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 and monitoring program set forth in said Final Environmental Impact Report, and the Agency shall undertake such additional environmental reviews as necessary at the time of implementation of such activities.

Section 6: That certain document entitled "Redevelopment Plan for the North Sacramento Redevelopment Project Area" 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 hereof, and as so incorporated is hereby designated, approved and adopted as the official "Redevelopment Plan for the North Sacramento Redevelopment Project Area."

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 sent 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 have been instituted under the Community Redevelopment Law.

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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 area.

Section 11: The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the City Clerk 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, within thirty days following the adoption of the Redevelopment Plan.

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 the Daily Recorder, a newspaper of general circulation, published and circulated in the City of Sacramento.

Section 13: If any part of this Ordinance or the Redevelopment Plan which 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 14: This Ordinance shall be in full force and effect thirty (30) days after passage.

PASSED FOR PUBLICATION: June 23, 1992

PASSED: June 30, 1992

EFFECTIVE: July 24, 1992

ATTEST:

Patricia A. Burrows
CITY CLERK

Gene Kiden
MAYOR

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