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DOWNTOWN AND REGIONAL  
ENTERPRISE DEPARTMENT  
DEVELOPMENT GROUP

CITY OF SACRAMENTO  
CALIFORNIA  
**APPROVED**  
BY THE CITY COUNCIL

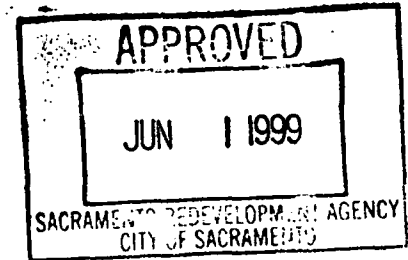
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SACRAMENTO, CA 95814

916-264-7223  
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May 26, 1999

JUN 1 1999

OFFICE OF THE  
CITY CLERK



City Council  
Redevelopment Agency of the City of Sacramento  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** SECOND READING OF THE ORDINANCE ENACTING THE SECOND AMENDMENT TO THE MERGED DOWNTOWN SACRAMENTO REDEVELOPMENT PLAN

**LOCATION & COUNCIL DISTRICT:** Merged Downtown Sacramento Redevelopment Area, Council District 1

**RECOMMENDATIONS**

This report provides for a second reading of the ordinance enacting the adopted Second Amendment to the Merged Downtown Sacramento Redevelopment Plan (ordinance included as Attachment A).

**CONTACT PERSON:** Wendy Saunders, Development Manager, 264-8196  
Paul Blumberg, Senior Management Analyst, 264-7204

**FOR COUNCIL MEETING OF:** June 1, 1999

**SUMMARY**

This report transmits the second reading of the ordinance enacting the adopted Second Amendment to the Merged Downtown Sacramento Redevelopment Plan. This is the final administrative action related to extension of the Redevelopment Agency's eminent domain (property condemnation) authority for an additional twelve-year period. The powers of eminent domain will be extended for nonresidential properties only.

**BACKGROUND**

On May 25, 1999, a joint meeting of the City Council and the Redevelopment Agency was held to consider the Second Amendment. Following the staff presentation, the Joint Hearing on the Second Amendment was opened and closed with neither written nor oral objections being submitted.

Subsequent to closure of the public hearing, the Council and Redevelopment Agency jointly carried out the following actions:

- Adopted a resolution of findings regarding the Final Negative Declaration of Environmental Impacts
- Adopted a resolution ruling on written and oral objections to the Second Amendment
- Adopted a resolution approving the Second Amendment
- Heard the first reading of an ordinance approving and adopting the proposed plan

This report transmits the ordinance for the second reading and enactment of the Second Amendment.

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the actions proposed in the attached resolutions.

**POLICY CONSIDERATION**

The action proposed in this staff report is consistent with previously approved policy and no policy changes are being recommended.


**ENVIRONMENTAL REVIEW**

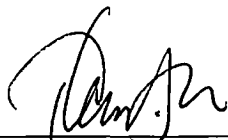
The final Negative Declaration for the Second Amendment was approved at the joint meeting of May 25, 1999.

**ESBD CONSIDERATIONS:** Not applicable


Respectfully submitted,

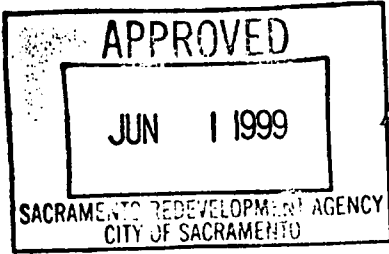
Approved:

  
\_\_\_\_\_  
for Wendy Saunders  
Development Manager

  
\_\_\_\_\_  
Thomas V. Lee  
Deputy City Manager

**RECOMMENDATION APPROVED:**

  
\_\_\_\_\_  
for ROBERT P. THOMAS  
City Manager



ORDINANCE NO. 99-029

ADOPTED BY THE SACRAMENTO CITY COUNCIL  
ON DATE OF \_\_\_\_\_

APPROVED  
BY THE CITY COUNCIL

JUN 1 1999

AN ORDINANCE OF THE CITY OF SACRAMENTO APPROVING AND ADOPTING THE SECOND AMENDMENT TO THE AMENDED REDEVELOPMENT PLAN FOR THE MERGED DOWNTOWN SACRAMENTO REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Sacramento ("City Council") adopted Ordinance No. 2681, Fourth Series, on August 25, 1966, approving and adopting the Redevelopment Plan for the Capitol Mall Riverfront Project, Project No. 4, and the City Council approved and adopted amendment to the Redevelopment Plan for the Capitol Mall Riverfront Project, Project No. 4, by Ordinance No. 2992, Fourth Series, on May 27, 1971; and Ordinance No. 4426, Fourth Series, on September 30, 1980; and Ordinance No. 86-063, Fourth Series, on June 17, 1986; and

WHEREAS, the City Council adopted Ordinance No. 1936, Fourth Series, on September 13, 1955, approving and adopting the Redevelopment Plan for the Capitol Mall Area Project, Project Area No. 2-A, and the City Council approved and adopted amendment to the Redevelopment Plan for the Capitol Mall Area Project, Project Area No. 2-A, by Ordinance No. 1969, Fourth Series, on July 19, 1956; Ordinance No. 2088, Fourth Series, on October 2, 1958; Ordinance No. 2209, Fourth Series, on June 16, 1960; Ordinance No. 2288, Fourth Series, on April 27, 1961; Ordinance No. 2406, Fourth Series, on September 16, 1962; Ordinance No. 2422, Fourth Series, on November 1, 1962; Ordinance No. 2736, Fourth Series, on August 10, 1967; and Ordinance No. 3312, Fourth Series, on August 30, 1973; and

WHEREAS, the City Council adopted Ordinance No. 2208, Fourth Series, on June 16, 1960, approving and adopting the Redevelopment Plan for the Capitol Mall Extension Project, Project Area No. 3, and the City Council approved and adopted amendment to the Redevelopment Plan for the Capitol Mall Extension Project, Project Area No. 3, by Ordinance No. 2423, Fourth Series, on November 1, 1962; Ordinance No. 2722, Fourth Series, on May 25, 1967; and Ordinance No. 2991, Fourth Series, on May 27, 1971; and

WHEREAS, the City Council adopted Ordinance No. 3146, Fourth Series, on July 20, 1972, approving and adopting the Redevelopment Plan for the Uptown Development Project, Project Area No. 8, and the City Council approved and adopted amendment to the Redevelopment Plan for the Uptown Development Project, Project Area No. 8, by Ordinance No. 4122, Fourth Series, on August 22, 1978; and Ordinance No. 4400, Fourth Series, on August 5, 1980; and

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DATE ADOPTED: \_\_\_\_\_

**WHEREAS**, the City Council approved and adopted the Amended Redevelopment Plan for the Merged Downtown Sacramento Redevelopment Project ("Merged Project") on June 17, 1986, by Ordinance Nos. 86-063, 86-064, 86-065, 86-066, and 86-067; and

**WHEREAS**, the City Council has since approved and adopted one amendment to the Amended Redevelopment Plan for then Merged Project ("Amended Redevelopment Plan"), on October 4, 1994, by Ordinance No. 94-046; and

**WHEREAS**, the Redevelopment Agency of the City of Sacramento ("Agency") has formulated and prepared a proposed second amendment to the Amended Redevelopment Plan for the Merged Downtown Sacramento Redevelopment Project ("Second Amendment"), which would extend the Agency's eminent domain authority over non-residential properties, providing the Agency with the ability to acquire land at a fair market value in instances where the assembly of parcels is necessary to facilitate development that will benefit the larger community and to complete redevelopment of the Merged Project Area; and

**WHEREAS**, the City Council has received from the Agency the proposed Second Amendment, a copy of which is on file at the office of the City Clerk, 915 1 Street, Room 304, Sacramento, California, and at the office of the Agency, 1030 15th Street, Suite 250, Sacramento California, together with the Report of the Agency on the Proposed Second Amendment to the Amended Redevelopment Plan and a Supplement to such Report ("Report to City Council"), including: 1) the reasons for amending the amended redevelopment plan; 2) a description of conditions existing in the merged project area; 3) effect of amendment on Merged Project Area programs; 4) the effect of the proposed Second Amendment on the method of financing the redevelopment of the Merged Project Area, and an assessment of continued economic feasibility of the Merged Project; 5) the effect of the Second 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) a summary of consultations with merged project area owners, residents, community organizations, and others; 9) an initial study negative declaration on the Second Amendment; 10) report of county fiscal officer; 11) a neighborhood impact report; 12) an analysis of the report of the county fiscal officer a summary of consultations with affected taxing agencies, and response to written objections and concerns of affected taxing agencies; and 13) an implementation plan amendment plan amendment; and

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

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**WHEREAS**, as permitted by Section 15074 of the California Environmental Quality Act ("CEQA") Guidelines, the Agency prepared, circulated for public review and comment, and approved a negative declaration and, based upon the environmental analysis contained in the Initial Study completed for the Second Amendment, found that there is no evidence that implementation of the Second Amendment will result in the creation of significant adverse impacts on the environment, and that preparation of an environmental impact report for the Second Amendment is not required; and

**WHEREAS**, the City Council and the Agency held a joint public hearing on May 25, 1999, on adoption of the Second Amendment in the Sacramento City Council Chambers, 915 1 Street, 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 three 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 Merged Project Area, and to residents, businesses, and other occupants in the same area; and

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

**WHEREAS**, the City Council has considered the report and recommendation of the Planning Commission, the Agency's Report to City Council, the Second Amendment and its economic feasibility, and the Initial Study/ Negative Declaration, 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 Second Amendment, and has made written findings in response to each written objection of an affected property owner and taxing entity.

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DATE ADOPTED: \_\_\_\_\_

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

**Section 1.** The goals and objectives of the City Council with respect to the Merged Project Area are and continue to be:

1. The elimination of environmental deficiencies in the Merged Project Area, including, among others, mixed and shifting uses, small and irregular lots, obsolete, aged and deteriorated building types, inadequate or deteriorated public improvements, and incompatible and uneconomic land uses.
2. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Merged Project Area.
3. The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.
4. The strengthening of retail and other commercial functions in the downtown area.
5. The strengthening of the economic base of the Merged Project Area and the community by the installation of needed site improvements either inside or outside the Merged Project Area to stimulate new commercial/light industrial expansion, employment, and economic growth.
6. The provision of adequate land for ventilation, light, and open spaces.
7. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Merged Project.
8. The expansion and improvement of the community's supply of housing, including low- and moderate income housing.
9. The provision of an environment for social and economic growth.
10. The preservation and/or restoration, where feasible, of historically or architecturally significant structures.
11. The provision of opportunities for participation by owners and business tenants in the revitalization of their properties.

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**Section 2.** It is hereby determined that the Second Amendment submitted by the Agency is necessary and desirable.

**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 in the Report, and evidence and testimony received at the joint public hearing on adoption of the Second Amendment held on May 25, 1999, that:

The Merged Project was found and determined to be a blighted area in Ordinance No. 86-066 adopted by the City Council, and blight remains in the Merged Project Area. The continued redevelopment of the Merged Project Area is necessary to effectuate the public purposes declared in the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.).

b) The combined blighted conditions cited above continue to be 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 continued 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 blighting conditions, and that the nature and costs of actions required to correct the blighting conditions continue to be beyond the capacity of the City and cannot be undertaken or home by private enterprise acting alone or in concert with available governmental action.

c) Adoption of the Second Amendment will assist in the continued redevelopment of the Merged 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 the Merged Project: by eliminating areas suffering from economic dislocation or disuse; by replanning, redesigning and revitalizing areas which are stagnant or improperly utilized, and which actions 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 Second 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 Second Amendment conforms to the General Plan of the City of Sacramento.

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DATE ADOPTED: \_\_\_\_\_

e) The adoption and carrying out of the Second 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 will benefit the Merged Project by continuing to correct conditions of blight and by continuing to coordinate public and private actions to stimulate development and improve the economic and physical conditions of the Merged Project, and by continuing to increase employment opportunities within the City.

f) The extension of the time period during which condemnation of non-residential properties and the ability to acquire a parcel containing an owner occupied single family residence, pursuant to a written consent of the affected property owner, are necessary to the execution of the Second 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 Redevelopment Plan, as amended by the Second Amendment, 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 for it.

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 Merged Project. The Agency also has a feasible method and plan for the relocation of businesses. This finding is based upon the fact that the Amended Redevelopment Plan provides for 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 Merged Project 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 Merged Project, 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 before 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 Merged Project Area and other locations throughout the City will be available for replacement housing.

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i) The elimination of blight and the redevelopment of the Merged 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 blighting conditions and influences, and the inability of individual owners and developers to economically remove these blighting conditions and influences without continued substantial public assistance.

j) The matters set forth in Section 33367(d)(9), (d)(10), (d)(12), and (d)(13) of the Community Redevelopment Law are not applicable to or affected by the Revised Second 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 Merged Project 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 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 5.** The Second Amendment, including the Amended Redevelopment Plan, is incorporated in this resolution by this reference and made a part of it as if fully set forth in the body of this resolution. This Second Amendment is approved and adopted. Ordinance Nos. 2681 (Fourth Series), 2992 (Fourth Series), 4226 (Fourth Series), 86-063 (Fourth Series), 86-066 (Fourth Series); 1936 (Fourth Series), 1969 (Fourth Series), 2088 (Fourth Series), 2209 (Fourth Series), 2288 (Fourth Series), 2406 (Fourth Series), 2422 (Fourth Series), 2736 (Fourth Series), 3312 (Fourth Series), 86-064 (Fourth Series); 2208 (Fourth Series), 2423 (Fourth Series), 2722 (Fourth Series), 2991 (Fourth Series), 86-065 (Fourth Series); 3146 (Fourth Series), 4122 (Fourth Series), 4400 (Fourth Series), 86-067; and 94-046; and the Amended Redevelopment Plan adopted and amended pursuant to such Ordinances for the Merged Downtown Sacramento Redevelopment Project are hereby amended by the Second Amendment so that the Amended Redevelopment Plan as adopted by Ordinance Nos. 2681 (Fourth Series), 1936 (Fourth Series), 2208 (Fourth Series), and 3146 (Fourth Series), and amended by Ordinance Nos. 2992 (Fourth Series), 4226 (Fourth Series), 86-063 (Fourth Series), 86-066 (Fourth Series); 1969 (Fourth Series), 2088 (Fourth Series), 2209 (Fourth Series), 2288 (Fourth Series), 2406 (Fourth Series), 2422 (Fourth Series), 2736 (Fourth Series), 3312 (Fourth Series), 86-064 (Fourth Series); 2423 (Fourth Series), 2722 (Fourth Series), 2991 (Fourth Series), 86-065 (Fourth Series); 4122 (Fourth Series), 4400 (Fourth Series), 86-067; and 94-046, is replaced by the Amended Redevelopment Plan. By this action, the Amended Redevelopment Plan is hereby designated as the official Redevelopment Plan for the Merged Project Area.

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DATE ADOPTED: \_\_\_\_\_

**Section 6.** All written and oral objections to the adoption of Second Amendment have been considered evidenced by Resolution No. \_\_\_\_\_ adopted by the City Council on \_\_\_\_\_, 1999.

**Section 7.** In order to implement and facilitate the effectuation of the Second Amendment hereby approved, this City Council hereby: (a) pledges its cooperation in helping to carry out the Amended Redevelopment Plan, as amended by the Second Amendment, is, (b) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Merged Project likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with redevelopment of the Merged Project, and (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Second Amendment.

**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 Redevelopment Plan, as amended by the Second Amendment.

**Section 9.** The City Clerk is hereby directed to record with the County Recorder of Sacramento County a description of the land within the Merged Project Area and a statement that proceedings for the redevelopment of the Merged Project previously instituted under the Community Redevelopment Law, are continuing pursuant to the Second 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 Merged Project 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 9 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Merged 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 Merged 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 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 Second 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 Second Amendment, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Second Amendment if such invalid portion thereof had been deleted.

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ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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

ADOPTED this \_\_\_\_\_ day of May, 1999.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_