

ORDINANCE NO. 2008-022

Adopted by the Sacramento City Council

May 13, 2008

AMENDING ORDINANCE NOS. 90-037, 94-046, 96-038, 2003-73, 2004-050, 2007-003, AND 2007-044, AND ADOPTING THE SEVENTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE RICHARDS BOULEVARD REDEVELOPMENT PROJECT

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

BACKGROUND

SECTION 1.

The City Council hereby finds and declares:

- A. The City Council of the City of Sacramento (the "City Council") has received from the Redevelopment Agency of the City of Sacramento (the "Agency") the proposed Seventh Amendment (the "Richards Amendment") to the Redevelopment Plan (the "Richards Plan") for the Richards Boulevard Redevelopment Project (the "Richards Project"), a copy of which is on file at the office of the City Clerk (the "City Clerk") at 915 I Street, Historic City Hall, Sacramento, California, together with the combined Report of the Agency to the City Council on the adoption of the proposed Richards Amendment and of the Redevelopment Plan (the "Railyards Plan") for the Railyards Redevelopment Project (the "Railyards Project"), which Report includes: (1) the reasons for the proposed actions; (2) a description of the physical and economic blighting conditions existing in the Railyards Project; (3) a description of specific projects proposed by the Agency in the Railyards Project and an explanation of how the proposed projects will alleviate the blighting conditions existing in the Railyards Project; (4) an implementation plan for the Railyards Project and an amended and restated implementation plan for the Richards Project (to be renamed the River District Redevelopment Project); (5) the proposed method of financing redevelopment of the Railyards Project, including an assessment of the economic feasibility of the Railyards Project; (6) an explanation of why the elimination of blight and redevelopment of the Railyards Project cannot be accomplished by private enterprise acting alone or through other financing alternatives other than tax increment financing; (7) a method or plan for relocation; (8) an analysis of the Preliminary Plan for the Railyards Project and the Amended and Restated Preliminary Plan for the Richards Project; (9) the Report and Recommendations of the Planning Commission of the City of Sacramento (the "Planning Commission"); (10) the Final Environmental Impact Report on the Richards Amendment and Railyards Plan; (11) a neighborhood impact report; and (12) a summary of consultations with affected taxing agencies.

- B. The Richards Amendment does two things: (1) deletes approximately 298 acres from within the boundaries of the Richards Project Area (the "Deleted Area"); and (2) renames the amended area the "River District Redevelopment Project." The Deleted Area comprises the area that is proposed to be included within the new Railyards Project.
- C. The Planning Commission has reported that the Richards Amendment conforms to the General Plan for the City of Sacramento and has recommended approval of the Richards Amendment.
- D. The Agency prepared and circulated a Draft Environmental Impact Report (the "Draft EIR") on the Richards Amendment and the Railyards Plan in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*, "State CEQA Guidelines"), and environmental procedures adopted by the Agency pursuant thereto, and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, and, as so revised and supplemented, a Final Environmental Impact Report (the "Final EIR") was prepared and certified by the Agency.
- E. The Agency and the City Council have reviewed and considered the Final EIR and have determined that, for certain significant effects identified by the Final EIR, mitigation measures and a mitigation monitoring program therefore have been adopted and mitigation measures incorporated into the Richards Amendment to avoid or substantially lessen such effects.
- F. The Agency and the City Council have each adopted a Statement of Overriding Considerations for the remaining significant effects identified by the Final EIR that cannot be mitigated to a level of insignificance.
- G. The City Council and the Agency held a joint public hearing in the City Council Chambers, 915 I Street, Sacramento, California, on April 22, 2008, to consider adoption of the Richards Amendment and the Railyards Plan.
- H. A 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 notice and affidavit of publication are on file with the City Clerk.
- I. On March 19, 2008, copies of the notice of joint public hearing were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Richards Project Area and the Railyards Project Area as shown on the last equalized assessment roll of the County of Sacramento.
- J. On March 19, 2008, copies of the notice of joint public hearing were mailed by first-class mail to all residents and businesses within the Richards Project Area and the Railyards Project Area.

- K. On March 19, 2008, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing entity that receives taxes from property in the Richards Project Area and the Railyards Project Area.
- L. On March 6, 2008, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the California Department of Finance and the California Department of Housing and Community Development.
- M. The City Council has considered the Report of the Agency, the Report and Recommendations of the Planning Commission, the Richards Amendment, and the Final EIR, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Richards Amendment.
- N. The City Council has adopted written findings in response to the written objections received, if any, from affected property owners and/or affected taxing entities at or prior to the joint public hearing.
- O. All actions required by law have been taken by all appropriate legal bodies.

SECTION 2.

The City Council declares that the purpose and intent of the City Council with respect to the Richards Amendment is to accomplish the following: (a) the deletion of the Deleted Area (which comprises the proposed new Railyards Project Area) from the Richards Project Area in order to enable each area to more effectively implement and carry out redevelopment efforts and, in particular, to protect the finite resources of the remaining Richards Project Area from being overwhelmed by the substantial costs and development constraints associated with redevelopment of the proposed Railyards Project; and (b) the renaming of the Richards Project as the "River District Redevelopment Project" in order to foster and promote the current community planning and development vision emphasizing its distinctive assets, the Sacramento and American rivers.

SECTION 3.

The City Council hereby finds and determines that:

- (a) The Richards Amendment will provide for the continued redevelopment of the Richards 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 facts, as more particularly set forth in the Report of the Agency to the City Council, that the Richards Amendment will implement the objectives of the Community Redevelopment Law by removing certain property suffering extensively from unique obstacles to development, the alleviation of which would potentially drain the financial resources of the Richards Project Area.
- (b) The adoption and carrying out of the Richards Plan, as amended by the Richards

Amendment, is economically sound and feasible. This finding is based on the facts, as more particularly set forth in the Report of the Agency to the City Council, that: (1) the unique obstacles of redevelopment of the Railyards property, including its almost complete lack of infrastructure, need for realignment of the levee system and mainline railroad tracks, environmental contamination, and historic preservation, would potentially overwhelm the financial resources of the existing Richards Project Area; and (2) the removal of the Railyards property will enable resources from the remaining Richards Project Area to be used to fund redevelopment projects in the remaining Richards Project Area.

- (c) The Richards Amendment is consistent with the General Plan of the City of Sacramento, including, but not limited to, the housing element, which substantially complies with state housing law. This finding is based upon the finding of the Planning Commission that the Richards Amendment is consistent with the General Plan of the City of Sacramento.
- (d) The carrying out of the Richards Amendment would promote the public peace, health, safety, and welfare of the City of Sacramento and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the fact that the exclusion of property contemplated by the Richards Amendment will allow the Agency to more effectively carry out redevelopment in the remaining Richards Project Area. The Richards Amendment will protect the tax increment revenues generated by the remaining Richards Project Area from the complicated and costly demands of the Railyards property, providing the Agency with the funds necessary to implement redevelopment projects and programs to improve the remaining Richards Project Area and thereby stimulating development and improving the physical and economic conditions of the remaining Richards Project Area.
- (e) The exclusion of properties contemplated by the Richards Amendment will not result in any noncontiguous areas of the Richards Project Area.
- (f) The findings set forth in paragraphs (1), (6), (7), (8), (10), (11), (12), (13) and (14) of subdivision (d) of Section 33367 of the Community Redevelopment Law are not applicable to the approval and adoption of the Richards Amendment because the Richards Amendment does not make any changes to the existing Richards Plan as it will continue to apply to the remaining Richards Project Area. The Richards Amendment is limited in scope to the removal of the Deleted Area and the renaming of the Project.

SECTION 4.

In order to implement and facilitate the effectuation of the Richards Amendment, certain official actions must be taken by the City Council; accordingly, the City Council hereby:

(a) pledges its cooperation in helping to carry out the Richards Plan as amended by the Richards Amendment; (b) directs the various officials, departments, boards, and agencies of the City of Sacramento having administrative responsibilities in the Richards Project Area likewise to cooperate to such end and to exercise their respective

functions and powers in a manner consistent with the Richards Plan as amended by the Richards Amendment; (c) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Richards Plan as amended by the Richards Amendment; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Richards Plan as amended by the Richards Amendment.

SECTION 5.

The City Council is satisfied that written findings have been adopted in response to the written objections received, if any, at or before the noticed public hearing from affected property owners and/or affected taxing entities. Having considered all evidence and testimony presented for or against any and all aspects of the Richards Amendment, the City Council hereby overrules all written and oral objections to the Richards Amendment.

SECTION 6.

The mitigation measures, as identified in Council Resolution No. 2008-267, adopted on May 6, 2008, and Agency Resolution No. 2008-025, adopted on May 6, 2008, are incorporated and made part of the proposed Richards Amendment.

SECTION 7.

The Redevelopment Plan for the Richards Boulevard Redevelopment Project, as adopted and amended by Ordinance Nos. 90-037, 94-046, 96-038, 2003-73, 2004-050, 2007-003 and 2007-044, is hereby amended as set forth in the Richards Amendment attached hereto and incorporated herein by this reference. As so amended, the Richards Plan is hereby incorporated herein by reference. The Executive Director of the Agency is hereby authorized to prepare a single Richards Plan document that incorporates the provisions of the original Richards Plan, as adopted and amended by the ordinances identified above and this Ordinance, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official "Redevelopment Plan for the River District Redevelopment Project."

SECTION 8.

The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for carrying out the Richards Amendment.

SECTION 9.

Pursuant to Section 33456 of the Community Redevelopment Law, within sixty (60) days following the adoption of this Ordinance, the City Clerk is hereby directed to record with the County Recorder of the County of Sacramento a notice of the approval and adoption of the Richards Amendment pursuant to this Ordinance, containing a description of the Deleted Area, a description of the land within the remaining Richards

Project Area, and a statement that the Richards Plan has been amended.

SECTION 10.

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 Richards Project Area, as amended by the Richards Amendment, to the auditor and assessor of the County of Sacramento, to the governing body of each of the taxing entities which receives taxes from property in the Richards Project Area, as amended by the Richards Amendment, and to the State Board of Equalization within thirty (30) days following adoption of this Ordinance.

SECTION 11.

If any part of this Ordinance or the Richards 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 Richards Amendment, and this City Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Richards Amendment if such invalid portion thereof had been deleted.

SECTION 12.

This Ordinance shall be in full force and effect ninety (90) days after its adoption; provided, however, that this Ordinance is contingent upon and shall not take effect if an Ordinance approving and adopting the Railyards Plan is not also adopted prior to the date this Ordinance would have taken effect; and provided further that if the Ordinance approving and adopting the Railyards Plan does not take effect within ninety (90) days after its adoption or is determined to be invalid for any reason, this Ordinance shall be automatically repealed as of the date of its adoption. It is the intent of this section that this Ordinance and the resulting adoption of the Richards Amendment shall be of no force and effect unless the Ordinance approving and adopting the Railyards Plan is in full force and effect without the possibility of being invalidated.

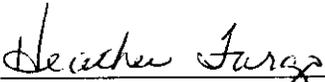
Adopted by the City of Sacramento City Council on May 13, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmember Hammond.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Passed for Publication: May 6, 2008

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