

## **RESOLUTION NO. 2007-007**

Adopted by the Redevelopment Agency  
of the City of Sacramento

January 23, 2007

### **ADOPTION OF REPLACEMENT PLAN FOR THE FORMER DAYS MARKET AND LIQUOR STORE PROPERTY LOCATED IN THE OAK PARK REDEVELOPMENT AREA**

#### **BACKGROUND**

- A. On April 19, 2005, the Redevelopment Agency of the City of Sacramento approved Resolution No. 2005-025 to establish just compensation and negotiate the voluntary purchase of the Days Market and Liquor Store; a blighted and nuisance liquor store in the Oak Park neighborhood.
- B. This property is an incompatible, non-conforming, blighted commercial use in a primarily single-family neighborhood, and in light of the many complaints, there is widespread community support for its purchase, redevelopment, and reuse.
- C. After meetings and discussions with the property and business owners, the Agency was unable to make any progress in purchase negotiations, and the property is now being acquired by eminent domain.
- D. After motion and hearing, the Agency received an order of immediate possession of the property, and on June 27, 2006, the Agency received physical possession of the property.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:**

Section 1. After due consideration of the facts presented, the Replacement Plan (Exhibit A) for the anticipated loss of the affordable one one-bedroom unit and the one three-bedroom unit located above the Days Market and Liquor store is approved.

Section 2: Both units will be replaced on a one-to-one basis outside the Oak Park Redevelopment Project Area with units within the Silverado Creek inclusionary housing project located on Bruceville Road in Council District 8, which are within a reasonable distance from the Project Area and will be available to persons who work within the Project Area.

#### **Table of Contents:**

Exhibit A – Replacement Housing Plan

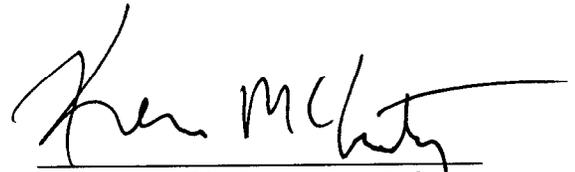
Adopted by the City of Sacramento Redevelopment Agency on January 23, 2007 by the following vote:

Ayes: Members Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters.

Noes: None.

Abstain: None.

Absent: Chair Fargo.

  
Vice Chair, Kevin McCarty

Attest:

  
Shirley Concolino, Secretary

3536 20<sup>th</sup> Avenue

**Replacement Housing Plan for Very-Low  
Income Dwelling Units**

Description of Property

Days Market and Liquor Store is a non-conforming use located at 3536 20<sup>th</sup> Avenue at the southwest corner of 20<sup>th</sup> Avenue and 36<sup>th</sup> Street. The market is in the southern portion of the Oak Park Redevelopment Project Area. This area is zoned R-1 (single family residential). In addition to the market, there are two residential units above the store, only one of which was occupied. Over the years, Days Market and Liquor Store has been the subject of numerous complaints such as crime, drug dealing, loitering, trash, and graffiti.

In response to the many complaints from neighboring residents and after a series of failed negotiation attempts for the voluntary sale of the market, the Redevelopment Agency of the City adopted a Resolution of Necessity for the Sacramento Housing and Redevelopment Agency's ("Agency") acquisition of the residentially zoned property. The resolution authorized the Agency to commence and pursue acquisition of the subject property by eminent domain. A Relocation Plan was simultaneously approved for the one occupied residential unit above the market.

Following acquisition of the property, the Agency will redevelop the site as a single family residential unit in conformance with the current zoning and the unit will be sold to a qualified low-income homebuyer.

The project presents a significant opportunity to improve the redevelopment area by decreasing criminal activity and by creating an affordable homeownership opportunity in the community.

Project Status

The Order of Possession for the Days Market took place on June 27, 2006, upon which date the Agency assumed possession and the responsibilities of ownership of the property. The market is now closed.

**Responsibility of Agency**

California statutes require redevelopment agencies to replace low and moderate-income housing lost to residential use if that action involved either a development agreement or financing by the Agency. The specific provision of the California Health and Safety Code (Sec. 33413) is as follows:

"Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as a part of a redevelopment project which is subject to a written agreement with the Agency or where

financial assistance has been provided by the Agency, the Agency shall, within four years of the destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs within the territorial jurisdiction of the Agency. When dwelling units are destroyed or removed after September 1, 1989, 75 percent of the replacement dwelling units shall replace dwelling units available at affordable housing cost in the same income level of very low income households, lower income households, and persons and families of low and moderate income, as the persons displaced from those destroyed or removed units. When dwelling units are destroyed or removed on or after January 1, 2002, 100 percent of the replacement dwelling units shall be available at affordable housing cost to persons in the same or a lower income category (low, very low, or moderate), as the persons displaced from those destroyed or removed units.”

**Replacement Housing Needs**

**State Guidelines**

Because the acquisition and demolition of the Days Market includes the use of local redevelopment tax increment funds, the project is subject to state replacement housing law, California Health and Safety Code 33413. Under state law, if a unit was occupied by a very low or low income family (regardless of actual housing costs), and taken off line through demolition or other actions, that unit must be replaced at the same income level, and must be regulated at that affordability level for the longest feasible time as determined by the Agency but for not less than the period of the land use controls established in the Redevelopment Plan. State law requires that replacement units be created within four years of removal or destruction.

The Sacramento Housing and Redevelopment Agency will replace both residential units located above the Days Market within the required four-year time period. Both the one-bedroom and the three-bedroom replacement units will be affordable at the very low-income level.

The affordability level, type and number of units/bedrooms required to be replaced from the Days Market are outlined below:

Address	Owner Occupied	Rental	Bedrooms	Units	Very Low Income	Low Income
3536 20th Avenue (A)	no	yes	3	1	1	0
3536 20th Avenue (B)	no	yes	1	1	1	0
<b>Totals</b>			<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>

### **Replacement Dwelling Units**

The Agency will replace the very low income one- and three-bedroom units with comparable one- and three-bedroom units as part of the Silverado Creek city inclusionary development project. Each unit will be replaced at a level affordable to very low-income households. These apartments are located on Bruceville Road in Council District 8. The project received a certificate of occupancy in September 2006 and the units are being leased. Adequate financing has been secured to complete the project and no new tax increment funds are needed.

All replacement units are located outside the Oak Park Redevelopment Project Area. At this time Oak Park has an abundance of very low income housing and upcoming housing projects are focusing on providing units affordable to various income levels; i.e., low, moderate and market rate housing in the community. However, these planned projects do not include units targeted at the very low income level. Therefore, the one- and three-bedroom units will be replaced at a one for one ratio outside of the redevelopment area as part of the Silverado Creek city inclusionary development project noted above.

All replacement units will have recorded affordability restrictions attached and will run for not less than 55 years. By the end of year four (2010), all units demolished will have been replaced.

Approval by voters under Article XXXIV is not required prior to development of the replacement housing because the voters have previously approved a number of affordable housing units which has not yet been reached.

### **Schedule for Demolition**

The Days Market is anticipated to be demolished by Spring 2007.