

ORDINANCE NO. 556

AN ORDINANCE OF THE CITY OF SOLEDAD APPROVING AND ADOPTING THE SECOND AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE SOLEDAD REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Soledad ("City Council") approved and adopted the Redevelopment Plan for the Soledad Redevelopment Project ("Project") on July 12, 1983, by Ordinance No. 426; and

WHEREAS, the City Council has since approved and adopted one amendment to the Redevelopment Plan for the Project ("Redevelopment Plan"), on November 28, 1994, by Ordinance No. 541; and

WHEREAS, the Redevelopment Agency of the City of Soledad ("Agency") has formulated and prepared a proposed second amendment ("Second Amendment") to the Soledad Project Redevelopment Plan, which, among other things, replaces the existing Redevelopment Plan with an amended and restated redevelopment plan ("Amended and Restated Redevelopment Plan") for the 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, 248 Main Street, Soledad, California, and at the office of the Agency, 248 Main Street, Soledad, California, together with the Report of the Agency on the Proposed Second Amendment to the Redevelopment Plan ("Report to City Council"), including: 1) the reasons for amending the redevelopment plan; 2) a description of conditions in the project area, including identification of significant remaining blight, and the portions of the existing project area that are no longer blighted; 3) a description of specific projects to be continued or proposed by the Agency in the Project Area, and description of how such projects will improve or alleviate remaining blight conditions; 4) the proposed method of financing the Amended Project, including an assessment of continued economic feasibility of the Amended Project and reasons for continuing to include tax increment financing; 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 project area owners, residents, community organizations and others; 9) an initial study/negative declaration on the Second Amendment; 10) a neighborhood impact report; and 11) 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 City of Soledad 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 Soledad; and

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 March 4, 1998, on adoption of the Second Amendment in the Soledad City Council Chambers, 248 Main Street, Soledad, California; and

WHEREAS, notice of said hearing was duly and regularly published in the *Soledad Bee*, a newspaper of general circulation in the City of Soledad, once a week for five 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 Monterey for each parcel of land in the project area ("Project Area"), and to residents, businesses, and other occupants in the same 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 Second Amendment 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

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/Mitigated 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.

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

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

- The elimination of environmental deficiencies in the Project Area, including, among others, small and irregular lots, obsolete and aged building types, substandard alleys and deteriorated public improvements.
- The Assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- The replanning, redesign and development of underdeveloped areas which are stagnant or improperly utilized.
- The strengthening of retail and other commercial functions in the downtown area.
- The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new commercial/light industrial expansion, employment, and economic growth.
- The provision of adequate land for parking and open spaces.
- 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 Project.
- The provision of opportunities for participation by owners and tenants in the revitalization of their properties.

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

Section 3. The Amended and Restated Redevelopment Plan is attached as Attachment A to the Second Amendment. The Redevelopment Plan map for the Amended Project is attached as Exhibit "A" to the Amended and Restated Redevelopment Plan, and the legal description of the Project Area is attached as Exhibit "B" to the Amended and Restated 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 Second Amendment held on March 4, 1998, that:

a) The Project was found and determined to be a blighted area in Ordinance No. 426 adopted by the City Council. Based on substantial evidence contained in the Report to City Council, significant blight remains in the project area, and such blight cannot be eliminated without (i) the establishment of additional debt, and (ii) extending the financial time limits. The continued 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 continued 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 remaining in the Project Area:

1. Deterioration and dilapidation;
2. Faulty or inadequate utilities;
3. Defective design and physical construction;
4. Impaired investments;
5. Depreciated or stagnant property values;
6. Vacant lots, buildings, and tenant spaces;
7. Lack of necessary commercial facilities, including grocery stores, drug stores, and banks and other lending institutions;
8. Overcrowding;
9. High crime rate; and
10. Public improvement deficiencies.

The finding that the above cited remaining blighting conditions cannot be eliminated without the establishment of additional debt and extending the financial time limits is based on the fact that in order to complete the redevelopment programs outlined for the Project in the Report to City Council, the Agency will need to extend its efforts well into the next century and would be unable to do so without the establishment of additional debt and extending the financial time limits in accordance with the Second Amendment.

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 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 Second Amendment 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 the Project: 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 Second Amendment is economically sound and feasible. This finding is based on the fact that under the Amended and Restated Redevelopment Plan, the Agency will be authorized to seek and utilize a variety of potential financing resources, including property tax increment from the Project; 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; that under the Amended and Restated 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 Second Amendment conforms to the General Plan of the City of Soledad, 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 1 of Title 7 of the Government Code. This finding is based on the finding of the Planning Commission of the City of Soledad that the Second Amendment conforms to the General Plan of the City of Soledad.

f) The adoption and carrying out of the Second Amendment will promote the public peace, health, safety, and welfare of the City of Soledad 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 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, and by increasing employment opportunities within the City.

g) The reestablishment of the time period during which condemnation of non-residential properties may be undertaken is 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 and Restated 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. The Agency also has a feasible method and plan for the relocation of businesses. This finding is based upon the fact that the Amended and Restated 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 shall be provided, within the 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 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 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 and other locations throughout the City are projected to be available for replacement housing.

j) The elimination of remaining blight and the redevelopment of the Project 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.

k) The time limitations contained in the Amended and Restated Redevelopment Plan are reasonably related to the proposed projects to be implemented in the Project and to the ability of the Agency to eliminate blight within the Project. This finding is made based on the fact that the Amended and Restated Redevelopment Plan contains debt establishment, plan effectiveness, and debt repayment limits pursuant to Sections 33333.4 and 33333.6 of the Community Redevelopment Law, and the Agency's Report to City Council adequately demonstrates this relationship.

l) The matters set forth in Section 33367(d)(9), (d)(10), and (d)(12) of the Community Redevelopment Law are not applicable to or affected by the 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 5. The City Council is satisfied that permanent housing facilities will be available within three years from the time residential occupants of the 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 Soledad 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. The Second Amendment, including the Amended and Restated Redevelopment Plan, is incorporated herein by this reference and made a part hereof as if fully set forth herein. The Second Amendment is hereby approved and adopted. Ordinance Nos. 426 and 541 and the Redevelopment Plan adopted and amended pursuant thereto for the Soledad Redevelopment Project are hereby amended by the Second Amendment so that the Redevelopment Plan as adopted by Ordinance No. 426 and amended by Ordinance No. 541 is replaced by the Amended and Restated Redevelopment Plan. By this action, the Amended and Restated Redevelopment Plan is hereby designated as the official Redevelopment Plan for the Project Area.

Section 7. All written and oral objections to the adoption of the Second Amendment have been considered, and all written objections received from Project Area property owners and affected taxing agencies prior to or at the joint public hearing have been responded to in writing and have been overruled, as evidenced by Resolution No. n/a adopted by the City Council on n/a, 1998.

Section 8. 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 and Restated Redevelopment Plan, (b) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Project likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with redevelopment of the Project, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Second Amendment 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 Amended and Restated Redevelopment Plan.

Section 9. 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 and Restated Redevelopment Plan.

Section 10. The City Clerk is hereby directed to record with the County Recorder of Monterey County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project previously instituted under the Community Redevelopment Law, are continuing pursuant to the Second Amendment.

Section 11. The Building Department of The City of Soledad 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 that the site for which a building permit is sought for the construction of buildings for other improvements is within a redevelopment project.

Section 12. 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 the County of Monterey, 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 13. 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 Soledad Bee, a newspaper of general circulation, published and circulated in the City of Soledad.

Section 14. 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 hereof had been deleted.

Section 15. This Ordinance shall be in full force and effect thirty (30) days after passage.

This ordinance was introduced by the City Council of the City of Soledad at its regular meeting duly held on the 4th day of March, 1998 and was finally passed and adopted on the 18th day of March, 1998.

AYES, and in favor thereof, Councilmembers: Ben Jimenez, Jr., Fred Ledesma, Richard Ortiz, Mayor Pro Tem Gary Gerbrandt, Mayor Fabian Barrera

NOES, Councilmembers: None

ABSENT, Councilmembers: None



MAYOR OF THE CITY OF SOLEDAD

ATTEST:


CITY CLERK OF THE CITY OF SOLEDAD