

ORDINANCE NO. 3149

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING ORDINANCE NOS. 1036, AS AMENDED BY ORDINANCE NOS. 1127, 1191, 1237, 1439, 1741 AND 1791, APPROVING AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE SANTA ROSA CENTER REDEVELOPMENT PROJECT

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1.

A. The City Council of the City of Santa Rosa (the "City Council") adopted Ordinance No. 1036 on December 5, 1961, as amended by Ordinance Nos. 1127, 1191, 1237, 1439, 1741, and 1791, approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Santa Rosa Center Redevelopment Project (Calif. R-45) (the "Project").

B. The original area of the Project (the "Phase I Area") was expanded to add certain area (the "Phase II Area") by Ordinance No. 1439 adopted on March 10, 1970 (the "Phase II Ordinance"), and was again expanded to include certain additional area (the "Phase III Area") by Ordinance No. 1741 adopted on October 29, 1974 (the "Phase III Ordinance").

C. The text of the Redevelopment Plan as it existed prior to adoption of the Phase II Ordinance (the "Phase I Plan Text") was amended by the Phase II Ordinance to include an additional and separate text applicable to the Phase II Area (the "Phase II Plan Text").

D. The Phase III Ordinance provided that the Phase II Plan Text, as amended by the Phase III Ordinance, was applicable to the Phase III Area.

E. The Redevelopment Agency of the City of Santa Rosa (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Santa Rosa the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan.

F. The Agency has proposed an Amendment to the Redevelopment Plan (the "Amendment") to: (a) provide for the merger of the Project Area with the area within the Grace Brothers Redevelopment Project adopted by Ordinance No. 2476, on August 6, 1985 (the "Grace Brothers Project Area"); and (b) make a technical land use change within the Phase I Area of the Project Area in order to provide for conformance with the City's General Plan.

G. Pursuant to Health and Safety Code Section 33485, et

seq., the Legislature has provided specific procedures for the merger of redevelopment project areas and has determined that mergers are desirable as a matter of public policy if they result in substantial benefit to the public and if they contribute to the revitalization of blighted areas through the increased economic vitality of the project areas and improved housing opportunities in or near such areas.

H. The Planning Commission of the City of Santa Rosa (the "Planning Commission") has reviewed the Amendment and recommended the approval and adoption of the Amendment, together with its certification that the Amendment conforms to the General Plan of the City of Santa Rosa.

I. The City Council has received from the Agency the proposed Amendment, together with the Report of the Agency and the Negative Declaration on the Amendment.

J. The City Council and the Agency held a joint public hearing on October 3, 1994, on adoption of the Amendment and on approval of the Negative Declaration on said Amendment in the City Council Chambers, City Hall, 100 Santa Rosa Avenue, Santa Rosa, California.

K. A notice of said hearing was duly and regularly published in the Press Democrat, a newspaper of general circulation in the City of Santa Rosa, 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 and the Agency.

L. Copies of the notice of public hearing were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Project Area, as shown on the last equalized assessment roll of the County of Sonoma and to each business in the Project Area.

M. Copies of the notice of 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.

N. The Council has considered the Report of the Agency and the report and recommendation of the Planning Commission, the Amendments and its economic feasibility, the Negative Declaration, and 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 Amendment.

O. The Agency and the City Council have reviewed and considered the Negative Declaration on the Amendment, as prepared and submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352, and determined that the Amendment will not have a significant effect on the environment.

Section 2. The purposes and intent of the City Council with respect to the Amendment are to contribute to and complement the overall goals and policies of the Redevelopment Plan by: (a) authorizing the Agency to contribute to the financial feasibility of the Grace Brothers Redevelopment Project which will result in strengthening retail and other commercial functions in downtown Santa Rosa and specifically the Project Area by increasing patronage to the businesses within the Project Area; (b) taking all necessary actions to protect the private and public investment and the redevelopment of the Project Area are not impaired by the remaining blight within the Project Area; and (c) providing for continued conformity with the City's General Plan by making a technical change to a land use designation within the Phase I Area of the Project Area.

Section 3. The City Council hereby specifically finds and determines the following:

a. The Phase I Area, Phase II Area and Phase III Area of the Project Area were each found to be a blighted area pursuant to the findings and determinations made in and the evidence provided at the time of the adoption of the applicable Phase I Ordinance, Phase II Ordinance or Phase III Ordinance. Certain conditions of blight presently exist within the Project Area, the continued 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.). This finding is based upon the following facts:

(1) The Project Area includes structures that are unsafe due to deterioration;

(2) The Project Area includes buildings of substandard design;

(3) There is a lack of adequate parking to accommodate the highest and best, and most economically viable use of lots within the Project Area;

(4) The Project Area includes vacant buildings;

(5) The Project Area includes buildings that have faulty interior arrangements or exterior spacing;

(6) The Project Area continues to suffer from economic dislocation, deterioration and disuse because of: deteriorated or inadequate public improvements, facilities and open spaces, including inadequate pedestrian circulation, and street lights, which cannot be remedied with private or governmental action without redevelopment; and

(7) The Project Area continues to suffer from economic maladjustment evidenced by impaired investments, including the existence of hazardous wastes.

It is further found and determined that such conditions continue to cause a reduction and 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 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 the nature and costs of site

preparation and the public improvements and facilities 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 without the aid and assistance of the Agency.

b. The Amendment will enable the Project Area to continue to be redeveloped 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 Amendment will enable the Agency to continue to implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight and deterioration in the Project Area by providing conformity with the City's General Plan and by improving the economic conditions of both the Project Area and the Grace Brothers Project Area.

c. The adoption and carrying out of the Amendments is economically sound and feasible. This finding is based upon the estimated costs of the remaining projects that are proposed for the Project Area, as proposed to be merged with the Grace Brothers Redevelopment Project pursuant to the Amendment, does not exceed the Agency's estimated revenues, and that under the Redevelopment Plan, as proposed to be amended, no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

d. The Amendment conforms to the General Plan of the City of Santa Rosa. This finding is based on the report of the Planning Commission that the Amendment conforms to the General Plan of the City of Santa Rosa.

e. The carrying out of the Amendment will promote the public peace, health, safety and welfare of the City of Santa Rosa and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based upon the fact that the Amendment will benefit the Project Area by continuing to correct conditions of blight and improve the economic and physical conditions of the Project Area through the coordination of public and private actions to stimulate development within both the Project Area and the Grace Brothers Project Area.

f. The continued elimination of blight and the redevelopment of the Project Area cannot be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the fact that the problems of hazardous waste, parking and structures of substandard design have not and cannot be solved by private enterprise acting alone, and the Amendment will give the Agency increased flexibility in its ability to attract business and people to the Project Area.

Section 4. The Council is satisfied that all written objections received before or at the noticed public hearing have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing.

Section 5. The Redevelopment Plan for the Redevelopment Project, as adopted by Ordinance No. 1036 and as amended by Ordinance Nos. 1127, 1191, 1237, 1439, 1741 and 1791, is hereby amended as set forth in the proposed "Amendment to the Redevelopment Plan for the Santa Rosa Center Redevelopment Project (Calif. R-45)", attached hereto and incorporated herein and made a part hereof by reference. As so amended, the Redevelopment Plan is hereby incorporated by reference herein and designated as the official Redevelopment Plan for the Santa Rosa Center Redevelopment Project (Calif. R-45).

The Executive Director of the Agency is hereby authorized to combine the text of the Redevelopment Plan applicable to the Phase I Area, as amended by this Amendment, into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan text applicable to the Phase I Area in place of the document currently constituting said text of the Redevelopment Plan. The Executive Director of the Agency is further hereby authorized to combine the text of the Redevelopment Plan applicable to the Phase II Area and Phase III Area, as amended by this Amendment, into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan text applicable to the Phase II Area and Phase III Area in place of the document currently constituting said text of the Redevelopment Plan.

Section 6. In order to implement and facilitate the effectuation of the Amendment hereby approved, it may be necessary for the City Council to take certain actions, and accordingly, this City Council hereby (a) pledges its cooperation in helping to carry out the Amendment, (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 the redevelopment of the Project Area pursuant to the Amendment; (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amendment; and (d) declares its intention to undertake and complete any proceedings necessary to be carried out by the City under the provisions of the Amendment.

Section 7. Ordinance Nos. 1036, 1127, 1191 continued in full force and effect as amended by this Ordinance.

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 Redevelopment Plan as amended by the Amendment.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Sonoma County a notice of the approval and adoption of the Amendment pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Project Area pursuant to the Amendment have been instituted under the

California Community Redevelopment Law.

Section 10. The City Clerk is hereby directed to transmit a copy of this Ordinance to the governing body of each of the taxing agencies which levies taxes upon any property in the Project Area.

Section 11. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 12. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in the Press Democrat, a newspaper of general circulation, published and circulated in the City of Santa Rosa, California.

Section 13. If any part of this Ordinance, or the 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 Amendment, and this City COUNCIL hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Amendment, if such invalid portion thereof had been deleted.

IN COUNCIL DULY PASSED AND ADOPTED this 11th day of October, 1994.

AYES: (4) Mayor Knight; Councilmembers Berto, Casey and Pedgrift

NOES: (0)

ABSENT: (1) Councilmember Wright

ABSTAIN: (0)

APPROVED: _____

Mayor

ATTEST: _____

Gayle Petersen
Assistant City Clerk

EXHIBIT A

AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE SANTA ROSA CENTER REDEVELOPMENT PROJECT (CALIF. R-45)

The Redevelopment Plan for the Santa Rosa Center Redevelopment Project (Calif. R-45), as adopted by the City Council of the City of Santa Rosa by Ordinance No. 1036, as amended by Ordinance Nos. 1127, 1191, 1237, 1439, 1741 and 1791 (the "Plan"), is hereby amended as follows as set forth herein.

1. As to the text of the Plan applicable to the original area of the Santa Rosa Center Project established by Ordinance No. 1036 (generally known and hereinafter referred to as the "Phase I Area of the Santa Rosa Center Project"):

- a. A new second subparagraph under the subparagraph entitled, "Land Use" under subsection (2) of Section C. is hereby added to read as follows:

"In addition, the permitted uses may include the residential uses permitted under the General Plan of the City of Santa Rosa."

- b. A new Section G is hereby added to read as follows:

"G. MERGER

This Project Area is hereby merged with the project area established and described in the Redevelopment Plan for the Grace Brothers Redevelopment Project adopted by the City Council of the City of Santa Rosa by Ordinance No. 2476."

2. As to the text of the Plan applicable to the areas added to the Phase I Area of the Santa Rosa Center Project by Ordinance Nos. 1439 and 1741 (generally known and referred to as the Phase II and Phase III Areas of the Santa Rosa Center Project), a new Section G is hereby added as follows:

"G. MERGER

This Project Area is hereby merged with the project area established and described in the Redevelopment Plan for the Grace Brothers Redevelopment Project adopted by the City Council of the City of Santa Rosa by Ordinance No. 2476."

