

ORDINANCE NO. 09-7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, ADOPTING AMENDMENT NO. THREE TO THE REDEVELOPMENT PLAN FOR NEWHALL REDEVELOPMENT PROJECT AREA PERTAINING TO THE POWER OF EMINENT DOMAIN, AND MAKING FINDINGS IN SUPPORT THEREOF, AND APPROVING AND ADOPTING THE NEGATIVE DECLARATION RELATED THERETO

WHEREAS, on July 8, 1997, the City Council of the City of Santa Clarita, California, (“City Council”) adopted Ordinance No. 97-12 establishing the Redevelopment Plan (“Redevelopment Plan”) for the Newhall Redevelopment Project Area (the “Project Area”), and subsequently amended said Redevelopment Plan on June 26, 2007 by Ordinance No. 07-05 and May 13, 2008 by Ordinance No. 08-6; and

WHEREAS, the Redevelopment Agency of the City of Santa Clarita (“Agency”) is proposing to amend the Redevelopment Plan to modify its eminent domain authority and has prepared a proposed amendment to the Redevelopment Plan (“Amendment No. Three”) pursuant to California Community Redevelopment Law, Health and Safety Code Section 33000 *et seq.*, in the form attached herewith as Exhibit “A”; and

WHEREAS, California Health and Safety Code Section 33450 authorizes a City to amend or modify redevelopment plans by ordinance where it deems such amendment or modification to be necessary and desirable; and

WHEREAS, Amendment No. Three is proposed to extend the authority of the Agency to use the power of eminent domain, if necessary, to acquire property within the Project Area, but with a more limited scope of authority than currently exists. The original eminent domain authority of the Agency expires on July 8, 2009. Amendment No. Three would extend the Agency’s eminent domain authority for twelve years and would permit the use of eminent domain to acquire Project Area property that is not occupied as a residence, as well as two specific residential parcels located in nonresidential zones at the southwest corner of Magic Mountain Parkway and Bouquet Canyon/Railroad Avenue and the northwest corner of Drayton Street and Springbrook Avenue. Other than those specifically identified residential properties, the Agency would have no authority to acquire any other residential property within the Project Area. Because of the limited number of residences subject to the proposed eminent domain authority, formation of a project area committee is not required pursuant to Health and Safety Code Section 33385.3; and

WHEREAS, it is the purpose and intent of the City Council and the Agency to cause and facilitate the orderly redevelopment of the Project Area in order to eliminate blight and the conditions that perpetuate economic stagnation, to increase employment opportunities and property values within the Project Area, and to stimulate economic growth and revitalization

within the Project Area to the benefit of the community and the property owners, residents, and businesses within the Project Area; and

WHEREAS, an Initial Study and Negative Declaration were prepared for Amendment No. Three, in accordance with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, on May 12, 2009 the City and Agency conducted a joint public hearing to consider the Initial Study and proposed Negative Declaration for Amendment No. Three, at which meeting members of the public were afforded an opportunity to comment upon the Negative Declaration; and

WHEREAS, on May 12, 2009, in accordance with Health and Safety Code Section 33458, the City Council and the Agency, upon the consent of both, conducted a joint public hearing, noticed in accordance with Health and Safety Code Section 33452, and at which Amendment No. Three was considered.

THE CITY COUNCIL OF THE CITY OF SANTA CLARITA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that all the facts, findings and conclusions set forth in the above recitations are true and correct.

SECTION 2. The City Council, based upon the substantial evidence within the record as a whole, including, but not limited to, the Report to Council on Amendment No. Three (incorporated herein by reference, on file in the Community Development Department, as Exhibit "B"), the text of the Amendment No. Three (Exhibit "A"), the Redevelopment Plan, as amended, and all previous findings and reports associated with the Redevelopment Plan, as amended, testimony received at the joint public hearing as well as written comments and objections, if any, makes the following findings:

A. The City Council and the Agency consented to holding, and held, a joint public hearing to consider Amendment No. Three in accordance with California Health and Safety Code Section 33458 and, therefore, the City Council may adopt Amendment No. Three with no action necessary by the Agency, including any requirement for the Agency to issue a recommendation to the City Council, prior to adoption; and

B. The reports and information stated in California Health and Safety Code Section 33352, to the extent required by Health and Safety Code Section 33457.1, have been prepared and made available to the public prior to the public hearing concerning adoption of this Ordinance; and

C. It is necessary and desirable to amend the Redevelopment Plan, as previously amended, as proposed in Amendment No. Three.

SECTION 3. California Environmental Quality Act Findings. Based upon the foregoing facts and findings in the Initial Study prepared for the project, the City Council further finds, approves, and determines as follows:

A. An Initial Study and Negative Declaration (attached as Exhibit C) have been prepared for this project in compliance with the California Environmental Quality Act (CEQA).

B. The Initial Study has been circulated for review and comment by affected governmental agencies and the public and all comments received, if any, have been considered. The document was posted and advertised on April 10, 2009 in accordance with CEQA. The public review period was open from April 6, 2009 through May 12, 2009.

C. Staff found that there were no impacts created as a result of the proposed Amendment No. Three and a Negative Declaration has been prepared for the project in accordance with the CEQA. The Negative Declaration reflects the independent judgment of the City of Santa Clarita.

D. The location of the documents and other material which constitutes the record of proceedings upon which the decision of the City Council is based is the Amendment No. Three to the Redevelopment Plan within the Community Development Department and is in the custody of the Director of Community Development.

SECTION 4. The requirements of California Health and Safety Code Sections 33354.5 and 33354.6, insofar as they apply to the amendment of California redevelopment plans, are not applicable to Amendment No. Three and, with respect to such sections, the City Council makes the findings as follows:

A. Amendment No. Three does not add territory to, or change the boundaries of, the Project Area; and

B. Amendment No. Three does not change the taxing authority of the Agency or the allocation of taxes among affected taxing entities within the Project Area; and

C. Amendment No. Three does not contain any changes in land use designation or regulation which affect the General Plan for the City.

SECTION 5. Based upon the scope of Amendment No. Three and the findings of the City Council as set forth in Section 3, above, and the materials relied upon by the City Council as described in Section 3, the findings and determinations pursuant to California Health and Safety Code Sections 33457.1 and 33367 are not relevant and not warranted. Nevertheless, the findings of such Section 33367, made in conjunction with the Redevelopment Plan, Amendment No. 1 and Amendment No. 2 continue to be applicable to the Redevelopment Plan, as amended, and the City Council finds that the following continue to be applicable with Amendment No. Three:

A. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law; and

B. The Redevelopment Plan, as amended, will assist in the redevelopment of the Project Area in conformity with the California Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare; and

C. The adoption and carrying out of the Redevelopment Plan, as amended, is economically sound and feasible; and

D. The Redevelopment Plan, as amended, is consistent with the City of Santa Clarita's General Plan, including the Housing Element, which is in substantial compliance with California Government Code Section 65580 *et seq.*; and

E. The carrying out of the Redevelopment Plan, as amended, will promote the public peace, health, safety, and welfare of the City of Santa Clarita and will effectuate the purposes and policies of the California Community Redevelopment Law; and

F. The condemnation of real property, as limited under Amendment No. Three, is necessary to the implementation of the Redevelopment Plan, as amended, and, since the Agency is required under the Redevelopment Plan, as amended, to exercise its powers of eminent domain in the manner consistent with the adopted Owner Participation Rules and Relocation Plan as well as the California Constitution and the California Eminent Domain Law, adequate provisions exist for payment for property to be acquired as provided by law; and

G. Although Amendment No. Three only permits very limited acquisition of real property upon which persons reside, the Agency's previously adopted Relocation Plan, as well as the discussion set forth in the Agency's report for Amendment No. Three satisfy the requirement for a feasible plan for relocation of any such displaced persons; and

H. As a safeguard for families and residents in the Project Area, the Agency has adopted a Relocation Plan and a Replacement Housing Plan that provide a feasible method for the relocation of any occupants of housing facilities that, in rare circumstances, may be displaced as the result of a redevelopment project within the Project Area. These plans contain procedures that ensure the availability of temporary decent, safe, and sanitary dwellings that: (i) are located in the Project Area or in other areas not generally less desirable in regard to public utilities and commercial facilities; (ii) are equal in number to the number of displaced families and/or residents; (iii) leased at rents or sold at prices within the financial means of such displaced families and/or residents; and (iv) are reasonably accessible to their places of employment. These plans also contain procedures that ensure permanent dwellings meeting the above requirements will be available to displaced families and/or residents within a period not longer than three years from the time of displacement; and

I. Inclusion of lands, buildings, or improvements which are not detrimental to the public health, safety, or welfare, but which are located within the existing boundaries of the Project Area, are necessary for the effective redevelopment of the Project Area; and

J. All real property and areas included within the existing boundaries of the Project Area have been included because they are necessary for effective redevelopment and not primarily for the purpose of obtaining the allocation of tax increment revenues from the area pursuant to California Health and Safety Code Section 33670; and

K. The elimination of blight and the redevelopment of the Project Area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency; and

L. The Project Area is “predominantly urbanized” as that term is defined in California Health and Safety Code § 33320.1 in that not less than eighty percent (80%) of the lots in the Project Area have been developed for urban uses; and

M. The time limitations contained in the Redevelopment Plan, as amended, are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight within the Project Area; and

N. The implementation of the Redevelopment Plan, as amended, will improve or alleviate the physical and economic conditions of blight in the project area, as described in the report prepared pursuant to Section 33352, (Exhibit "B").

O. As further described in the report for Amendment No. Three, the City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced, and pending development of any such facilities, there will be available to any displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

SECTION 6. The City Council of the City of Santa Clarita hereby adopts and approves Amendment No. Three, Exhibit “A,” and designates the Redevelopment Plan, as amended, including Amendment No. Three, as the official redevelopment plan of the Project Area.

SECTION 7. Upon the effective date of this Ordinance, the provisions of Amendment No. Three shall supersede any inconsistent or conflicting provisions of the Redevelopment Plan, as amended.

SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Santa Clarita hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 9. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED this 9th day of June, 2009.

MAYOR

ATTEST:

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

I, Sharon L. Dawson, MMC, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Ordinance No. 09-7 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 26th day of May, 2009. That thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council on the 9th day of June, 2009, by the following vote, to wit:

AYES: COUNCILMEMBERS: McLean, Ender, Kellar, Ferry

NOES: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: Weste

ABSENT: COUNCILMEMBERS: None

AND I FURTHER CERTIFY that the foregoing is the original of Ordinance No. 09-7 and was published in The Signal newspaper in accordance with State Law (G.C. 40806).

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

Dated

CERTIFICATION OF
CITY COUNCIL ORDINANCE

I, Sharon L. Dawson, City Clerk of the City of Santa Clarita, do hereby certify that this is a true and correct copy of the original Ordinance No. 09-7, adopted by the City Council of the City of Santa Clarita, CA on June 9, 2009, which is now on file in my office.

Witness my hand and seal of the City of Santa Clarita, California, this ____ day of _____, 20__.

Sharon L. Dawson, MMC
City Clerk

By _____
Susan Caputo, CMC
Deputy City Clerk