

CITY OF RIVERBANK

ORDINANCE NO. 2009-005

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING AND ADOPTING THE REINVESTMENT PLAN FOR THE RIVERBANK
REINVESTMENT PROJECT, AMENDMENT NO. 1**

WHEREAS, The Riverbank Redevelopment Agency (the "Agency") has prepared the proposed Amendment No. 1 to the Reinvestment Plan (the "Amendment") for the Riverbank Reinvestment Project Area ("Existing Project Area") to add certain area (the "Added Area") to the boundaries of the Existing Project Area (the Existing Project Area and Added Area are collectively referred to herein as the "Amended Project Area"); and,

WHEREAS, The Amendment is incorporated herein by this reference; and,

WHEREAS, The Agency has prepared the Final Environmental Impact Report ("Final EIR") for the Amendment in accordance with the California Environmental Quality Act ("CEQA"), *State CEQA Guidelines*, and the *Agency local CEQA Guidelines*; and,

WHEREAS, The City Council has received from the Agency the proposed Amendment, together with the report of the Agency to the City Council of the City of Riverbank (the "City Council") prepared pursuant to Section 33352 of the California Health and Safety Code (the "Report to City Council"), including: (1) the reasons for selection of the Added Area; (2) a description of the physical and economic conditions existing in the Added Area; (3) a description of specific projects proposed by the Agency in the Added Area and an explanation as to how the proposed projects will improve or alleviate the conditions existing in the Added Area; (4) the proposed method of financing redevelopment of the Added Area, including an assessment of the economic feasibility of the Amendment and an explanation of why the elimination of blight and redevelopment of the Added Area cannot be accomplished by private enterprise acting alone or by the City Council's use of financing alternatives other than tax increment financing; (5) a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities as a result of the Amendment; (6) the *Report and Recommendations of the Planning Commission of the City of Riverbank* (the "Planning Commission"); (7) an analysis of the Preliminary Plan for the Added Area; (8) the Final Environmental Impact Report prepared in connection with the Amendment; (9) a neighborhood impact report; (10) a summary of consultations with affected taxing agencies and responses to written objections and concerns expressed by affected taxing agencies during the consultations; and (11) an amendment to the Five-Year Implementation Plan; and,

WHEREAS, The Planning Commission has submitted to the Agency and the City Council its report and recommendations for approval of the Amendment and its finding that the Amendment conforms to the Riverbank General Plan; and,

WHEREAS, The City Council and the Agency held a joint public hearing on June 29, 2009, concerning the adoption of the Amendment and the certification of the Final EIR prepared in connection therewith; and,

WHEREAS, A notice of the hearing was duly and regularly published in the Riverbank News, a newspaper of general circulation in Riverbank, once a week for four (4) successive weeks beginning on June 3, 2009, in accordance with Health and Safety Code Sections 33349 and 33361, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and,

WHEREAS, In accordance with Health and Safety Code Section 33349, 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 Stanislaus of each parcel of land in the Amended Project Area; and,

WHEREAS, In accordance with Health and Safety Code Section 33349, copies of the notice of the joint public hearing were mailed by first class mail to all residential and business occupants within the Amended Project Area; and,

WHEREAS, In accordance with Health and Safety Code Section 33349, 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 Added Area; and,

WHEREAS, The Agency adopted rules governing the participation of owners and business operators within the Added Area on May 11, 2009; and,

WHEREAS, The City Council has reviewed and considered the report and recommendations of the Planning Commission, the Report to City Council, the Amendment and its economic feasibility, the feasibility of the Agency's relocation program, the adequacy of the Final EIR, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented orally and in writing for or against any and all aspects of the Amendment and the Final EIR, although no testimony was received orally or in writing against the Amendment; and,

WHEREAS, The Agency reviewed and considered the Final EIR for the Amendment, prepared and submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352, and certified the Final EIR on July 6, 2009; and,

WHEREAS, The Added Area includes territory within the City of Riverbank and certain other territory within the unincorporated area of the County of Stanislaus which is contiguous to the City of Riverbank and within its Sphere of Influence; and,

WHEREAS, Health and Safety Code Section 33213 allows a community to authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to the community; and,

WHEREAS, The City Council and the Agency have provided the Amendment to the County of Stanislaus for consideration by the Stanislaus County Board of Supervisors which unanimously approved its waived first reading of the ordinance held on June 30,2009; and,

WHEREAS, This Ordinance is conditioned upon the adoption by the Stanislaus County Board of Supervisors of an ordinance authorizing the redevelopment of the unincorporated area of the County of Stanislaus in the Added Area and approving and adopting the Amendment; and,

WHEREAS, All actions required by law have been taken by the appropriate public bodies.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES ORDAIN AS FOLLOWS:

Section 1. The purpose and intent of the Amendment is to alleviate conditions of blight in the Added Area by providing needed public improvements, assistance for the development and redevelopment of existing properties, the provision of low- and moderate-income housing and other activities authorized by Community Redevelopment Law (Health and Safety Code Section 33000, et seq.). To this end, the Agency intends to minimize or eliminate inadequate or obsolete design, irregularly shaped and inadequately sized lots, declining property values and economic *maladjustment in the Added Area*. In eliminating these blighting conditions, the Amendment will facilitate development as contemplated in the Riverbank General Plan.

Vision Statement for the Agency

Riverbank is a well established community with citizens, neighborhoods, and businesses sharing a sense of local identity and purpose. Riverbank will maintain its unique sense of place and economic vitality while preserving its history, diversity, natural beauty, and "small town" character. Reinvestment efforts by the Agency will focus on the elimination or alleviation of blight without ever having eminent domain available to the Agency. In other words, all *improvement activities and programs* will be made to the public on a voluntary basis.

Urban Environment

Overriding Goal: Help make Riverbank a positively distinctive community that is attractive as a living, working and shopping environment. The following objectives are intended to help implement the Overriding Urban Environment Goal:

- Encourage high quality development according to the City's General Plan, any applicable specific plans, and the City zoning ordinance
- Help preserve and enhance existing conforming residential neighborhoods through landscaping, street, and infrastructure improvements.
- Upgrade the physical appearance of properties in the Added Area, including the public right-of-way.
- Rehabilitate deteriorated residential, commercial and industrial structures to eliminate safety deficiencies and to extend the useful lives of these structures.
- Reduce or eliminate the negative impacts related to incompatible and nonconforming land uses in the Added Area.
- Buffer residential neighborhoods from noise, odors and vibrations from adjacent nonresidential uses.
- Clean-up properties that are or have been exposed to hazardous materials.

Economic Development

Overriding Goal: Riverbank should have pleasant and successful commercial, office and manufacturing areas that serve local residents, employees and visitors. Revitalizing Riverbank's traditional downtown area is of primary importance for the economic health of the entire City.

The following objectives are intended to help implement the Overriding Economic Development Goal:

- Encourage investment in the proposed Added Area by the private sector.
- Assist economically depressed areas and reverse stagnant or declining property investment trends.
- Develop and implement a reinvestment and revitalization program for the traditional downtown area.
- Promote the development of new and diverse employment opportunities.
- Enhance and expand shopping facilities in the Added Area by encouraging the development of new commercial uses and rehabilitation

of existing commercial uses in conformance with the *General Plan* and the *City zoning ordinance*.

- Promote the improvement and internal integration of commercial and industrial areas to make them more attractive and efficient while incorporating the *Urban Environment Overriding Goal*.
- Promote the expansion of the *Added Area's* industrial and commercial bases and local employment opportunities to provide jobs to unemployed and underemployed workers in the *City*.
- Consolidate parcels as needed to induce new or expanded, internally integrated, business development in the proposed *Added Area*.
- Remove economic impediments to land assembly and in-fill development in areas that are not properly subdivided for development or redevelopment.
- Provide relocation assistance to businesses and residents displaced due to economic development activities.

Housing Affordability and Quality

Overriding Goal: Establish *Riverbank* as a community with a quality housing stock, which is affordable to a wide range of households. The following objectives are intended to help implement the *Overriding Housing Affordability and Quality Goal*:

- Protect the health and general welfare of the *Added Area's* many low- and moderate-income residents by utilizing 20% of the tax increment revenues from the *Amended Project Area* to improve, increase and preserve the supply of low- and moderate-income housing.
- Provide replacement housing as required by law when dwellings housing low- or moderate-income persons or families are lost from the low- or moderate-income housing market as a result of *Agency activities*.
- Provide relocation assistance to households displaced by direct *Agency activities*.

Public Infrastructure

Overriding Goal: Improve *Riverbank's* public infrastructure system to the greatest possible extent, and to help ensure the public health, safety and welfare. The following objectives are intended to help implement the *Overriding Public Infrastructure Goal*:

- Provide a broad range of public service infrastructure improvements to induce private investment in the proposed Added Area. Such improvements could include, but are not limited to, the construction or reconstruction of roads, streets, curbs and gutters, sidewalks; the upgrading of street side landscaping; street widening; the construction and reconstruction of water storage and distribution facilities; the construction and reconstruction of sewerage systems; and the development of drainage and flood control facilities.
- Provide new or improved community facilities such as fire stations, schools, park and recreational facilities, and the expansion of public health and social facilities, where appropriate, to enhance the public health, safety and welfare.

Amended Project Area Management

Overriding Goal: Ensure that the plan for the Riverbank Reinvestment Amended Project Area is managed in the most efficient, effective and economical manner possible. The following objectives are intended to help implement the Overriding Plan Management Goal:

- Encourage the cooperation and participation of Added Area property owners, public agencies and community organizations in the elimination of blighting conditions and the promotion of new or improved development in all portions of the proposed Added Area.
- Provide a procedural and financial mechanism by which the Agency can assist, complement and coordinate public and private development, redevelopment, revitalization and enhancement of the community.
- Eliminate or alleviate conditions of blight without ever including eminent domain in the Amendment; make all improvement activities and programs available to the public on a voluntary basis.

Section 2. The City Council hereby finds and determines that:

(a) The Added Area is a blighted area pursuant to Section 33030 of the Health and Safety Code, the redevelopment of which is necessary to effectuate the public purposes of the Health and Safety Code. These findings are based on the following facts, as more particularly set forth in the Report to City Council:

- (1) The Added Area is predominantly urbanized.
- (2) The Added Area is characterized by and suffers from a combination of blighting physical and economic conditions, including, among others: buildings that are deteriorated and dilapidated; buildings suffering from defects in design or physical construction; buildings with serious building

code violations; buildings which are defective in design and have faulty or inadequate utilities; buildings which are substandard in design; incompatible uses; lots of irregular form and shape and of inadequate size for proper usefulness which are under multiple ownership; depreciated or stagnant property values and impaired investments; low lease rates; vacant and under-utilized parcels; residential overcrowding; a high crime rate; and inadequate public improvements, facilities and utilities.

(3) The combination of the conditions referred to in paragraph (2) above is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the Added Area to such an extent that it constitutes a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(b) The Amendment will assist the Agency efforts to redevelop the Added Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based in part upon the fact that redevelopment of the Added Area will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; improving, increasing and preserving the supply of low and moderate income housing within the community; providing additional employment opportunities; and providing for higher economic utilization of potential useful land.

(c) The adoption and carrying out of the Amendment is economically sound and feasible. This finding is based in part on the facts, as more particularly set forth in the Report to City Council, that under the Amendment the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will

depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Added Area; and that under the Amendment no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

(d) The Amendment is consistent with the General Plan, including, but not limited to, the Housing Element thereof, which substantially complies with State housing law 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 in part on the finding of the Planning Commission that the Amendment conforms to the General Plan.

(e) The carrying out of the Amendment will promote the public peace, health, safety and welfare of Riverbank and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based on the fact that

redevelopment will benefit the Added Area and the community by correcting existing and ongoing conditions of blight and by coordinating public and private actions to stimulate development, contribute toward needed public improvements, and improve the economic and physical conditions of the Added Area and the community, as outlined in the Report to City Council.

(f) The Amendment does not authorize the Agency to purchase real property through eminent domain, and the City Council does not intend the Agency to have or acquire said authority.

(g) The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Added Area. This finding is based on the fact that the Agency and City Council have knowledge of the local housing conditions existing in the Added Area and of the availability of suitable housing in the City for the relocation of families and persons who may be displaced by redevelopment activities, and in light of such knowledge of local housing conditions, have adopted by reference applicable state relocation assistance guidelines. This finding is further based on the fact that the Agency's plan for relocation, as contained in the Report to City Council, and the Amendment provides for relocation assistance and benefits according to law and authorize the Agency to provide other assistance as determined to be appropriate under the circumstances.

(h) There are, or shall be provided, within the Added Area 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 any families and persons who might be displaced from the Added Area, decent, safe and sanitary dwellings equal in number to the number of and available to the displaced families and persons, and reasonable accessible to their places of

employment. This finding is based on the fact that in the event any residential displacement is caused by any redevelopment activities, no person or family will be required to move from any dwelling unit until suitable replacement housing is available.

(i) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Health and Safety Code Sections 33411 and 33411.1. 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 Health and Safety Code Sections 33334.5, 33413 and 33413.5.

(j) The Added Area is contiguous to the Existing Project Area so that the Amended Project Area will have no noncontiguous areas.

(k) Inclusion of any lands, buildings or improvements into the Added Area, which are not detrimental to the public health, safety or welfare, is necessary for the effective redevelopment of the entire area of which they are a part, and any

such area is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is based in part upon the fact that the boundaries of the Added Area were specifically chosen as a unified and consistent whole to include those lands that were under-utilized because of blighting influences, to include land affected by the existence of blighting influences or land uses significantly contributing to the conditions of blight, and to include land that is necessary for effective redevelopment, which inclusion is necessary to accomplish the objectives and benefits of the Amendment.

(l) The elimination of blight and the redevelopment of the Added Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. As more particularly set forth in the Report to the City Council, due to the higher costs and more significant risks associated with development of blighted areas, individual developers are unable and unwilling to invest in blighted areas without substantial public assistance and that funds of other public sources and programs are insufficient to eliminate the blighting conditions.

(m) The Added Area is a predominately urbanized area pursuant to Section 33320.1(b) of the Community Redevelopment Law. This finding is based upon the information contained in the Agency's Report to City Council.

(n) The Amendment contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Amendment, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land on land sold or leases for private use for periods of time and under conditions specified in the Amendment, which the City Council deems necessary to effectuate the purposes of the Health and Safety Code.

(o) The time limitations and financial limitations established for the Added Area are reasonably related to the projects proposed to be implemented in the Amendment and to the ability of the Agency to eliminate blight within the Added Area.

Section 3. The City Council is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the Added Area, if any, are displaced, and that, pending the development of such permanent facilities, there will be available to any such displaced occupants temporary housing facilities at rents comparable to those in Riverbank at the time of their displacement.

Section 4. The City Council is satisfied that having considered all evidence and testimony presented for, and having received no written or oral testimony against any aspect of the Amendment, the City Council hereby supports the public's agreement with the Amendment.

Section 5. That certain document entitled "Reinvestment Plan for the Riverbank Reinvestment Project Amendment No. 1," the maps contained therein and such other reports as are incorporated therein by reference, a copy of which is on file in the Office of the City Clerk, having been duly reviewed and considered, is hereby incorporated in this Ordinance by reference and made a part hereof. The Amendment is hereby designated, approved and adopted as the official amended and restated Reinvestment Plan for the Riverbank Reinvestment Amended Project Area.

Section 6. In order to implement and facilitate the effectuation of the Amendment as hereby approved, and to express its purposes and intents with respect to the Added Area, the City Council hereby:

- (a) Pledges its cooperation in helping to carry out the Amendment, and including, but not limited to, the objectives, goals and implementation described in Section 1 of this Ordinance;
- (b) Directs the various officials, departments, boards and agencies of Riverbank having administrative responsibilities in the Added Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with 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 proceeding necessary to be carried out under the provisions of the Amendment.

Section 7. 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 Amendment.

Section 8. The City Clerk is hereby directed to record with the Stanislaus County Recorder a notice of the approval and adoption of the Amendment pursuant to this Ordinance, including a description of the land within the Added Area, and a statement that proceedings for redevelopment of the Added Area have been instituted under the Community Redevelopment Law.

Section 9. The City Clerk is hereby directed to transmit recorded copies of the description and statement to be recorded by the Stanislaus County Recorder pursuant to Section 8 of this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Added Area, to the auditor and tax assessor of Stanislaus County, to the governing body of each of the taxing agencies which receives taxes from property in the Added Area, and to the State Board of Equalization within thirty (30) days following the adoption of this Ordinance.

Section 10. 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

Riverbank News, a newspaper of general circulated, published and circulated in the City of Riverbank.

Section 11. The Community Development Department of Riverbank is hereby directed for a period of at least two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the Added Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

Section 12. This Ordinance is conditioned upon the adoption by the Stanislaus County Board of Supervisors of an ordinance authorizing the redevelopment of the unincorporated area of the County of Stanislaus in the Added Area and approving and adopting the Amendment. This Ordinance shall be in full force and effect upon the later to occur of (a) thirty (30) days after its passage, or (b) upon the effective date of an Ordinance adopted by the Stanislaus County Board of Supervisors approving and adopting the Amendment.


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 the City Council hereby declares it would have passed the remainder of this Ordinance or approved the remainder of the Amendment if such invalid portion thereof had been deleted.

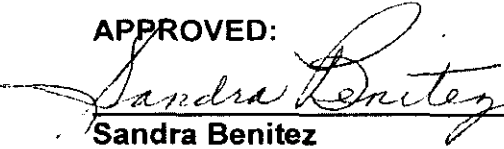
Section 14. This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted.

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on July 6, 2009. Said ordinance was given a second reading at a regular meeting of said Council on July 13, 2009, and Vice Mayor Dave White, seconded by Councilmember Jesse James White, moved the adoption of said ordinance, and upon roll call was carried by the following vote of 3-0:

AYES: Councilmembers: J. J. White, Benitez, and Vice Mayor D. White
NAYS: None
ABSENT: Councilmember: Fielder
ABSTAIN: None

ATTEST:

Linda Abid-Cummings, CMC
City Clerk

APPROVED:

Sandra Benitez
Councilmember