

DATE: 10/19/99 AGENDA ITEM # 7
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *Bob*
SUBJECT: REDEVELOPMENT PLAN / EXTENSION OF EMINENT DOMAIN
AUTHORITY; REPORT AND RECOMMENDATION OF PLANNING
COMMISSION ON NEGATIVE DECLARATION AND AMENDMENT
DATE: OCTOBER 19, 1999

Needs: For the City Council and Redevelopment Agency to consider the Planning Commission's report and recommendation on a proposed Negative Declaration and a proposed Amendment to the Paso Robles Redevelopment Plan.

- Facts:
1. The City Council and Redevelopment Agency are scheduled to consider a recommendation from the Planning Commission regarding a proposed Negative Declaration and a proposed Amendment to the Paso Robles Redevelopment Plan.
 2. Attached and labeled September 30, 1999 is a background memorandum from the City Attorney.
 3. The Planning Commission's action was scheduled for Tuesday, October 12, 1999 and had not yet occurred when this report was prepared. A copy of the Draft Planning Commission Resolution is attached. A verbal summary of the Commission's action will be presented at the October 19, 1999 City Council / Redevelopment Agency meeting.
 4. The Council and Agency actions scheduled for October 19, 1999 have been noticed as a public hearing, with required notification to public agencies.

Analysis
and
Conclusion:

As noted in the attached memorandum from the City Attorney, the receipt of the report and recommendation from the Planning Commission is one step in a series that need to be taken to Amend the Paso Robles Redevelopment Project. Attached is an outline describing the steps necessary to Amend the Redevelopment Plan.

The Redevelopment Project is scheduled to be active until 2027. In the absence of an amendment to extend Eminent Domain authority, that authority would expire in November 1999. An extension of the authority would help insure the Agency's ability to carry out the purposes and intent of the Redevelopment Project.

Policy

Reference: State Health and Safety Code Provisions Regarding Redevelopment; Paso Robles Redevelopment Project

Fiscal

Impact: None

Options:

- a. By separate motions, that the City Council and Agency take the following actions:
 - (1) That the Redevelopment Agency accept the report and recommendation of the Planning Commission with regard to the proposed Negative Declaration and Amendment to the Redevelopment Plan, adopt a report to the City Council, as reflected in the attached Agency Resolution, recommending that the City Council approve the proposed Negative Declaration and Amendment, and request that a joint Public Hearing be scheduled on the Amendment to be scheduled for December 7, 1999; and
 - (2) That the City Council receive the Commission report and recommendations, the Agency's report to City Council, pass the attached Resolution approving a Negative Declaration, and call for a joint Public Hearing on the Amendment to be scheduled for December 7, 1999.
- b. Amend, modify or reject Option "a".

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MEMORANDUM

TO: Members of the Paso Robles City Council and
Members of the Paso Robles Redevelopment Agency

FROM: Iris P. Yang, City Attorney

RE: Redevelopment Plan/Extension of Eminent Domain Authority

DATE: September 30, 1999

The Paso Robles Redevelopment Plan (the "Redevelopment Plan") was approved on November 30, 1987. As permitted by the terms of the Community Redevelopment Law, the Redevelopment Plan authorizes the Redevelopment Agency (the "Agency") to acquire certain real property through eminent domain within twelve years, although the life of the Redevelopment Plan itself is longer. The Community Redevelopment Law also authorizes the extension of the time limit for an agency's exercise of its eminent domain authority for an additional twelve years. This may only be done by going through the procedural steps of amending the Redevelopment Plan.

The Agency's existing eminent domain authority does not allow it to acquire certain residential property within the Redevelopment Project Area. Staff was directed by the City's Redevelopment Subcommittee to prepare an amendment that would not revise the scope of the Agency's existing eminent domain authority in any way except to extend the time for its exercise. The proposed text of the Redevelopment Plan Amendment is attached to this memo and is consistent with the subcommittee's direction.

There are a number of procedural steps that are required to be followed to adopt this proposed Amendment, which will take a few months, and will culminate in a noticed public hearing on the Amendment. The Amendment will ultimately be adopted by an ordinance of the City Council, as required by the Community Redevelopment Law.

cc: Jim App
Bob Lata
Mike Compton

PLANNING COMMISSION RESOLUTION NO. _____

**RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF EL PASO DE ROBLES REPORTING ON
AND RECOMMENDING APPROVAL OF A NEGATIVE
DECLARATION AND A PROPOSED
REDEVELOPMENT PLAN AMENDMENT TO THE
PASO ROBLES REDEVELOPMENT PROJECT**

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) provides in Section 33453 that, before a proposed redevelopment plan amendment is submitted to the legislative body, the redevelopment agency shall submit the proposed plan to the planning commission for its report and recommendation; and

WHEREAS, the Redevelopment Agency of the City of El Paso de Robles (the "Agency") has prepared a proposed redevelopment plan amendment to the Paso Robles Redevelopment Project; and

WHEREAS, on October 5, 1999 the Redevelopment Agency of the City of El Paso de Robles (the "Agency") referred the proposed redevelopment plan amendment to the Planning Commission for its report and recommendation; and

WHEREAS, on October 12, 1999, the Planning Commission of the City of El Paso de Robles considered a proposed Negative Declaration and the proposed Amendment No. 1 to the Paso Robles Redevelopment Project; and

WHEREAS, the proposed Amendment to the Redevelopment Plan would have no potential physical impacts beyond those initially anticipated in the environmental assessment for adoption of the original Paso Robles Redevelopment Project; and

WHEREAS, without the ability to implement Eminent Domain procedures, the Redevelopment Agency of the City of El Paso de Robles would be significantly limited in its ability to carry out the purposes and intent of the Paso Robles Redevelopment Project, particularly in light of the fact that the Project Area is scheduled to be active until the year 2027; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES DOES HEREBY REPORT AND RESOLVE that the proposed Negative Declaration and the proposed Redevelopment Plan Amendment for the Paso Robles Redevelopment Project, in the form attached hereto as Exhibit A, is hereby recommended for Redevelopment Agency / City Council approval.

PASSED AND ADOPTED this 12th day of October, 1999, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chairman Ed Steinbeck

ATTEST:

Secretary

Exhibit A

**AMENDMENT NO. 1 TO THE REDEVELOPMENT
PLAN FOR THE PASO ROBLES
REDEVELOPMENT PROJECT**

The Redevelopment Plan for the Paso Robles Redevelopment Project, originally adopted on November 30, 1987, by Ordinance No. 540 N.S. (the "Redevelopment Plan") is hereby amended as follows:

The third paragraph on page 2-6.6 under Section 600.31(2), Acquisition of Real Property by Eminent Domain, of the Redevelopment Plan is hereby amended to read as follows:

"A time limit of twelve (12) years, from the date the ordinance adopting Amendment No. 1 to this Redevelopment Plan becomes effective, shall herein be established within which time the Agency may commence eminent domain proceedings as herein above set forth. Such time limitation may be extended only by amendment of the Redevelopment Plan."

TIME SCHEDULE AND PROCEDURAL GUIDE FOR THE
ADOPTION OF AN AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE PASO ROBLES REDEVELOPMENT PROJECT

(Eminent Domain Only—Negative Declaration)

Scheduled Date

Action

August 23, 1999

NOTE: Review property ownership/business interests, if any, of Agency, Council and Planning Commission members and other City officials in the Project Area to determine whether any conflicts exist.

1. AGENCY staff and consultants commence preparation of an Amendment to the Redevelopment Plan ("Amendment"), a Negative Declaration (based on an Initial Study) and a Health and Safety Code Section 33352 Report on the Amendment ("Report to City Council"). [Health & Saf. Code § 33457.1]

NOTE: Review Agency's CEQA procedures to confirm that no public hearing is required on Negative Declaration.

Action or document required:

Amendment; Negative Declaration; Report to City Council.

August 31, 1999

2. AGENCY provides notice of the preparation and availability of Negative Declaration. (Notice may be by mail, posting or publication.) A copy of the notice and Negative Declaration shall be sent to every "Responsible Agency," "Trustee Agency" (and if any of these agencies are state agencies, a copy must be sent to the State Clearinghouse) and any other public agency with jurisdiction by law over resources affected by the Amendment. In addition, the notice must be posted in the County Clerk's office for 20 days. [Pub. Resources Code §§ 21091, 21092 and 21092.3]

Action or document required:

Public Notice of Preparation and Availability of Negative Declaration.

Scheduled Date

Action

September 21, 1999

3. AGENCY refers the proposed Amendment and the Negative Declaration to the Planning Commission for its report and recommendation. [Health & Saf. Code § 33453]

Action or document required:
Agency Resolution No. _____

October 12, 1999

4. PLANNING COMMISSION reviews the proposed Amendment and Negative Declaration and submits report and recommendations concerning the Amendment to the Agency and the City Council within 30 days of referral. [Health & Saf. Code § 33453]

Action of document required:
Planning Commission Resolution No. _____.

October 19, 1999

5. AGENCY adopts its Report to the City Council on the Amendment; submits Report, proposed Amendment and Negative Declaration to City Council; and requests holding joint public hearing on the Amendment. [Health & Saf. Code §§ 33457.1 and 33458]

Action or document required:
Agency Resolution No. ____.

October 19, 1999

6. CITY COUNCIL receives documents from Agency and calls joint public hearing on the Amendment. [Health & Saf. Code § 33385(d)(2)]

Scheduled Date

Action

October 22, 1999

7. AGENCY staff mails copies of notice of joint public hearing, **together with a statement regarding acquisition of property by purchase or condemnation**, via first-class mail to all property owners within the Project Area. Notice is mailed to last known assessee of each parcel of land at his or her last known address as shown on the last equalized assessment roll of the County of San Luis Obispo, or to the owner of each parcel of land as shown on the records of the County Recorder 30 days prior to the date the notice is published, and to persons, firms or corporations which have acquired property from the Agency as shown on the records of the Agency. [Health & Saf. Code §§ 33350 and 33452(b)]

Action or document required:

Notice; Statement; Certificate of Mailing.

By
October 22, 1999

8. AGENCY staff, not less than 30 days prior to the joint public hearing, mails copies of the notice of joint public hearing via first-class mail to all residents and businesses within the Project Area. [Health & Saf. Code § 33452(c)]

NOTE: Notice may be addressed to "occupant" and need only be mailed if mailing addresses are obtainable by the Agency at a reasonable cost.

Action or document required:

Notice; Certificate of Mailing.

By
October 22, 1999

9. AGENCY staff mails copies of the notice of joint public hearing via certified mail, return receipt requested, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area. [Health & Saf. Code § 33452(d)]

Action or document required:

Notice; Certificate of Mailing; Return Receipts.

Scheduled Date

Action

October 25, 1999

10. AGENCY staff sends to newspaper notice of joint public hearing on the Amendment. The notice must contain:

(a) A legal description of the boundaries of the Project Area by reference to the recorded description; and

(b) A general statement of the purpose of the Amendment.

Newspaper publishes notice once a week for three (3) successive weeks on November 16, November 23 and November 30. [Health & Saf. Code § 33452(a)]

Action or document required:

Notice of Joint Public Hearing; Affidavit of Publication.

By
November 30, 1999

11. AGENCY obtains court reporter for public hearing transcript.

By
November 30, 1999

12. AGENCY staff prepares Procedural Outline for the joint public hearing.

Action or document required:

Procedural Outline.

By
November 30, 1999

13. AGENCY staff reminds all scheduled speakers of hearing and sends them copies of the Procedural Outline.

December 7, 1999

14. CITY COUNCIL and AGENCY hold joint public hearing on the Amendment and hear all evidence and testimony for and against adoption of the Amendment.

[NOTE: ALTERNATE DATES ARE GIVEN FOR ACTIONS 15 THROUGH 23; IF WRITTEN OBJECTIONS TO THE PROPOSED AMENDMENT ARE RECEIVED AT OR PRIOR TO THE JOINT PUBLIC HEARING, THE ALTERNATE DATES APPLY.]

Scheduled Date

Action

December 7, 1999
or
December 21, 1999

15. AGENCY adopts resolution approving the Negative Declaration.

Action or document required:

Agency Resolution No. _____

December 7, 1999
or
December 21, 1999

16. CITY COUNCIL acts on adoption of the Amendment and approval of Negative Declaration.

- (a) CITY COUNCIL considers Report to City Council, Negative Declaration, report and recommendations of Planning Commission and all evidence and testimony for and against proposed Amendment and, if applicable, adopts findings in response to each written objection from affected taxing entities and property owners on proposed Amendment. [Health & Saf. Code § 33363]

Action or document required:

Written Findings; Council Resolution No. ____.

- (b) CITY COUNCIL adopts resolution approving the Negative Declaration.

Action or document required:

Council Resolution No. _____.

- (c) After consideration of all objections and adoption of written findings in response to written objections from affected taxing entities and property owners, if any, then CITY COUNCIL introduces Ordinance adopting proposed Amendment for first reading. [Health & Saf. Code §§ 33364, 33365, 33367, 33450 and 33457.1]

Action or document required:

Ordinance No. _____.

Scheduled Date

Action

December 21, 1999
or
January 4, 2000

17. CITY COUNCIL has second reading and adopts Ordinance adopting the Amendment. [Health & Saf. Code §§ 33365, 33367, 33450 and 33457.1]

By
December 23, 1999
or
By
January 7, 2000

18. AGENCY SECRETARY/CITY CLERK file joint Notice of Determination re Negative Declaration with County Clerk and, if necessary, the Office of Planning and Research within 5 working days of adoption of Ordinance adopting the Amendment. [Pub. Resources Code § 21152; CEQA Guidelines §§ 15075 and 15096(i)]

NOTE: Make sure the County Clerk posts this Notice (Pub. Resources Code § 21152), as the 30-day statute of limitations does not run until and unless it is posted in the County Clerk's office.

*Action or document required:
Notice of Determination.*

By
December 23, 1999
or
By
January 7, 2000

19. CITY CLERK sends Ordinance to newspaper for publication.

By
December 23, 1999
or
By
January 7, 2000

20. CITY CLERK sends copy of Ordinance adopting the Amendment to the Agency. [Health & Saf. Code § 33372]

By
December 23, 1999
or
By
January 7, 2000

21. CITY CLERK records Notice of Amendment with County Recorder. [Health & Saf. Code § 33456]

*Action or document required:
Letter from Clerk filing documents; Notice.*

Scheduled Date

Action

By
December 23, 1999
or
By
January 7, 2000

January 20, 2000
or
February 3, 2000

22. Ordinance is published. [Gov. Code § 36933]

23. Ordinance adopting the Amendment becomes effective 30 days after adoption.

REDEVELOPMENT AGENCY RESOLUTION NO. _____

**RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF EL PASO DE ROBLES ACCEPTING FROM
THE PLANNING COMMISSION ITS REPORT AND
RECOMMENDATION FOR APPROVAL OF A NEGATIVE
DECLARATION AND THE PLAN AMENDMENT,
ADOPTING THE AGENCY'S REPORT TO THE CITY
COUNCIL, AND REQUESTING A JOINT PUBLIC HEARING
ON THE PROPOSED AMENDMENT**

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) provides in Section 33453 that, before a proposed redevelopment plan amendment is submitted to the legislative body, the redevelopment agency shall submit the proposed plan to the planning commission for its report and recommendation; and

WHEREAS, the Redevelopment Agency of the City of El Paso de Robles (the "Agency") has prepared a proposed redevelopment plan amendment to the Paso Robles Redevelopment Project; and

WHEREAS, on October 5, 1999 the Agency referred the proposed redevelopment plan amendment to the Planning Commission of the City of El Paso de Robles (the "Commission") for its report and recommendation; and

WHEREAS, on October 12, 1999, the Commission considered a proposed Negative Declaration and the proposed Amendment No. 1 to the Paso Robles Redevelopment Project and reported their recommendations for approval of a Negative Declaration and the proposed Amendment; and

WHEREAS, the Agency received the report and recommendation of approval of the Negative Declaration and Amendment from the Commission on October 19, 1999; and

WHEREAS, the proposed Amendment to the Redevelopment Plan would have no potential physical impacts beyond those initially anticipated in the environmental assessment for adoption of the original Paso Robles Redevelopment Project; and

WHEREAS, without the ability to implement Eminent Domain procedures, the Redevelopment Agency of the City of El Paso de Robles would be significantly limited in its ability to carry out the purposes and intent of the Paso Robles Redevelopment Project, particularly in light of the fact that the Project Area is scheduled to be active until the year 2027; and

WHEREAS, the Agency has prepared its Report to the City Council on the proposed Amendment, pursuant to the requirements of Section 33457.1 of the Community Redevelopment Law;

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE;

Section 1. The Agency hereby receives the report and recommendations of the Commission regarding the Negative Declaration and the proposed Amendment.

Section 2. The Agency hereby approves and adopts its Report to the City Council regarding the Plan Amendment, attached hereto as Exhibit B, and incorporated herein by reference.

Section 3. The Agency hereby calls for a Joint Public Hearing between the City Council and the Agency to be set for Tuesday, December 7, 1999, to consider the proposed Redevelopment Plan Amendment for the Paso Robles Redevelopment Project, in the form attached hereto as Exhibit B.

PASSED AND ADOPTED this 19th day of October, 1999, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Chairman Walter Macklin

ATTEST:

Deputy Secretary Sharilyn M. Ryan

Exhibit A

**AMENDMENT NO. 1 TO THE REDEVELOPMENT
PLAN FOR THE PASO ROBLES
REDEVELOPMENT PROJECT**

The Redevelopment Plan for the Paso Robles Redevelopment Project, originally adopted on November 30, 1987, by Ordinance No. 540 N.S. (the "Redevelopment Plan") is hereby amended as follows:

The third paragraph on page 2-6.6 under Section 600.31(2), Acquisition of Real Property by Eminent Domain, of the Redevelopment Plan is hereby amended to read as follows:

"A time limit of twelve (12) years, from the date the ordinance adopting Amendment No. 1 to this Redevelopment Plan becomes effective, shall herein be established within which time the Agency may commence eminent domain proceedings as herein above set forth. Such time limitation may be extended only by amendment of the Redevelopment Plan."

**AGENCY REPORT TO THE CITY COUNCIL
ON THE PROPOSED AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE
PASO ROBLES REDEVELOPMENT PROJECT**

INTRODUCTION

The Redevelopment Agency of the City of El Paso de Robles ("Agency") has submitted to the City Council of the City of El Paso de Robles (the "City Council") the proposed Amendment (the "Amendment") to the Redevelopment Plan (the "Redevelopment Plan") for the Paso Robles Redevelopment Project (the "Project") which would extend the time limit for the Authority to acquire property through the use of eminent domain for 12 years and expand that authority to enable the Agency to acquire any interest in certain real property in the Project Area by eminent domain.

This Report has been prepared pursuant to Section 33457.1 of the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) and is a supplement to the original report and information prepared on the Redevelopment Plan pursuant to Health and Safety Code Section 33352.

BACKGROUND

The Redevelopment Plan was originally adopted by the City Council of the City of El Paso de Robles on November 30, 1987, by Ordinance No. 540 N.S. The Agency is vested with the responsibility for carrying out the Redevelopment Plan.

The Redevelopment Project Area consists of one contiguous area, containing approximately 1.036 acres, as shown on the Map of the Redevelopment Project Area, attached hereto as Exhibit A.

DESCRIPTION OF AMENDMENT

Section 600.31(2) of the Redevelopment Plan, as originally adopted, gave the Agency the authority to acquire any real property located in the Project Area by any means authorized by law, including through the use of eminent domain; however, the Agency could not acquire by eminent domain certain property that was zoned for residential purposes and developed in accordance with the Municipal Code. The Redevelopment Plan further provides that the Agency's authority to commence any eminent domain proceedings expires twelve (12) years from the effective date of the ordinance adopting the Redevelopment Plan. Based upon the effective date of Ordinance No. 540 N.S., the Agency's authority to use eminent domain to acquire property within the Project Area expires on November 30, 1999.

The Amendment to the Redevelopment Plan would extend for an additional twelve (12) years the Authority's authority to use eminent domain to acquire within the Project Area and to expand that authority by eliminating the previous exemption relating to residential dwellings.

REPORT TO COUNCIL REQUIREMENTS

Section 33457.1 of the Community Redevelopment Law provides that, to the extent warranted, "the reports and information required by Section 33352 shall be prepared and made available to the public prior to the hearing on [the] amendment." Generally, subsections (a), (b), (d), (e), (g), (j), (l) and (n) of Section 33352 are not applicable to the Amendment because the Amendment does not propose to add territory to the existing Project Area, nor does it propose any additional programs or activities to be implemented through the Redevelopment Plan which were not included and authorized under the Redevelopment Plan as originally adopted. These requirements were met as a part of the original adoption

of the Redevelopment Plan and, therefore, need not be reestablished for the Amendment.

The following sections of this Report to Council address the remaining applicable elements of Section 33352.

ANALYSIS OF AMENDMENT NO. 1

The Redevelopment Plan sets forth the major goals and objectives to be achieved by the Agency. The basic approach of the Agency toward the redevelopment of the Project Area remains unchanged. Completion of the public improvements projects approved and authorized under the existing Redevelopment Plan is important to improve or alleviate the continuing adverse conditions existing in the Project Area, as well as to aid the Agency in fulfilling its objectives of assembling land into parcels suitable for modern, integrated development with improved vehicular and pedestrian circulation in the Project Area; replanning, redesign and development of underutilized areas which are stagnant or improperly utilized; strengthening the economic base of the community; stimulating new commercial development, expansion, and economic growth; installing necessary public improvements; creating job opportunities; providing adequate land for parking and open spaces; and improving the social conditions and progress of the Project Area.

The public improvements projects referred to above are not new, nor are they additional projects proposed to be included as part of this Amendment. They are all activities which were authorized and approved as part of the original Redevelopment Plan and the previous administrative amendment to establish and amend certain time limits with respect to the Redevelopment Project.

As noted above, the Redevelopment Plan, as originally adopted, gives the Agency the power to acquire any real property, except certain residentially zoned and developed property, located in the Project Area by any means authorized by law, including through the use of eminent domain. The Authority's power to commence any eminent domain proceedings expires on November 30, 1999 (twelve (12) years from the effective date of the ordinance adopting the Redevelopment Plan). The Amendment to the Redevelopment Plan would extend for an additional twelve (12) years the Agency's power to use eminent domain to acquire property within the Project Area, however, the restrictions on the Agency's ability to acquire certain residential property would remain the same.

Since the adoption of the Redevelopment Plan, the Agency has been successful in acquiring parcels of land within the Project Area through means other than the use of eminent domain. In fact, the Agency has been involved in no eminent domain actions. The use of eminent domain to acquire property is viewed by the Agency as a means of last resort, however, it is anticipated that the Agency may need to utilize this method of acquisition to acquire certain properties and assemble adequate sites in connection with other redevelopment-related projects.

IMPLEMENTATION PLAN

In compliance with the provisions of Section 33490 of the Community Redevelopment Law, the Agency prepared and adopted a five-year Implementation Plan for the Paso Robles Redevelopment Project. As part of this Redevelopment Plan Amendment process, the Agency has reviewed the Implementation Plan and determined that no revisions are required in connection with the present Amendment. In accordance with Section 33490, the Agency anticipates it will adopt a new Implementation Plan prior to the end of 1999. The current Implementation Plan is attached hereto as Exhibit B.

PLAN FOR RELOCATION OF FAMILIES DISPLACED

In 1987, when the Redevelopment Plan was originally adopted, it was anticipated that little or no displacement of individuals or families would occur as a result of an acquisition of, or alteration of, property during the course of implementation of the Redevelopment Plan. Although the Amendment would extend the time period of the Agency's authority to acquire property by eminent domain, the Agency does not anticipate that it will be acquiring large quantities of land. Further, the Agency's anticipates its acquisition activities will be limited primarily to the acquisition of commercial properties and assistance with commercial development projects, as well as possible acquisitions of additional rights-of-way and/or property for certain of the public improvements previously anticipated with in the Redevelopment Plan. Also, the Agency's eminent domain authority will be utilized only as a last resort, in the event all other attempts to acquire the property through a negotiated sale or other means have failed.

Section 600.80 et seq. outline the broad policies that would be implemented by the Agency in the event that the Redevelopment Project were to result in the displacement of persons or families from the Project Area. Section 600.82 specifically requires that the Agency assist all persons (including individuals and families), business concerns and others displaced by the Project in finding other locations and facilities, and sets forth the standard for the new location and facilities. In addition, Section 600.88 provides that the Agency is required to make relocation payments to persons, including individuals and families, business concerns and others displaced by the Project for moving expenses and direct losses of personal property and additional relocation payments as may be required by law. All such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Section 7260 et seq.) and the Agency rules and regulations adopted pursuant thereto. The Agency is also authorized to make any other payments as may be appropriate and for which funds are available.

The Community Redevelopment Law (Section 33334.5, 33413, 33413.5) and the Redevelopment Plan (Section 600.84) further require that whenever dwelling units housing persons or families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of the Project, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop or construct, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency, in accordance with all of the provisions of the Community Redevelopment Law.

General relocation procedures were further discussed in the Agency's Report to Council prepared in connection with the original adoption of the Redevelopment Plan. That discussion and information remains unchanged and is hereby incorporated into this Report. The proposed Amendment will have little effect on families as the Amendment continues to restrict the Agency's authority to acquire certain residential property by eminent domain. In the event any persons or families, businesses or others are displaced as a result of any redevelopment activity, the Agency will prepare and adopt a relocation plan, and a replacement housing plan if necessary, and will further comply with all rules, regulations and procedures necessary to relocate the displacee.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

Pursuant to Section 33453 of the Community Redevelopment Law, the Amendment was referred to the Planning Commission of the City of El Paso de Robles. On _____, the Planning Commission reviewed the Amendment, together with the Negative Declaration on the Amendment. By Resolution No. _____, adopted by the Planning Commission on _____, the Planning Commission (1) made a finding that the proposed Amendment conforms to the General Plan of the City of El Paso de Robles; and (2) recommended the approval and adoption of the proposed Amendment. A copy of said Resolution No. _____ is attached hereto as Exhibit C.

REPORT OF THE PROJECT AREA COMMITTEE

Section 33385.3 of the Community Redevelopment Law requires that a project area committee (the "PAC") be formed if a proposed amendment to a redevelopment plan would either: (a) grant the Agency the authority to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low- and moderate-income persons reside; or (b) add territory in which a substantial number of low- and moderate-income person reside and grant the Agency the authority to acquire by eminent domain property on which persons reside in the added territory.

The Amendment does not add territory to the Project Area. In addition, the Amendment merely extends the time period for the Agency to exercise its existing authority to acquire property by eminent domain. However, the Agency will have the same restrictions on its power of eminent domain for certain residentially zoned and developed property under the Amendment as currently exists. Therefore, no PAC is required to be formed in connection with the proposed Amendment. (The composition and selection of the PAC members required under

Section 33385 of the Health and Safety Code is different from the PAC which the City currently has advising it on redevelopment matters.)

NEGATIVE DECLARATION

An Initial Study on the proposed Amendment No. 1 was completed by the Agency on _____. Based upon the Initial Study, it was determined that Amendment will not have a significant effect on the environment, and the Agency prepared a Negative Declaration. A "Notice of Intent to Adopt a Negative Declaration" was also prepared and published and posted in the office of the County Clerk for a 30 day period, commencing _____ and ending _____. A copy of the Notice, the Negative Declaration and Initial Study are attached hereto as Exhibit D.

NEIGHBORHOOD IMPACT REPORT

The Project Area contains a significant number of low and moderate-income households. As noted above, although the Agency has no plans to acquire any property at this time, the proposed Amendment could result in displacement of persons or families (of low or moderate income, or otherwise) within the Project Area, as a result of future implementation of the Plan. It is anticipated that land acquisition activities that may be necessary in the future would be generally limited to the acquisition of commercial properties in the Project Area as well as small portions of property as may be used for right-of-way or public improvement purposes. Since the current project proposals would have little, if any, potential for displacing low or moderate income households, and any and all households displaced would receive relocation assistance from the Authority in accordance with applicable federal, state, and/or local regulations, adverse effects upon low or moderate income households would be minimal.

The Agency does not currently have any specific plans within the Project Area which would involve the removal of low and moderate income housing. Agency activities could, however, lead to the displacement of low- and moderate-income residents. If residential displacement is contemplated, the Agency will conduct individual household surveys to determine the exact number, type and

location of comparable replacement housing units and the required number of referrals thereto prior to displacement of any persons of low or moderate income. Documentation and projection of the number of dwelling units housing persons and families of low- and moderate-income expected to be destroyed or removed from the low and moderate-income housing market will be provided within the Agency's Implementation Plan prepared and updated to cover five-year periods throughout the duration of the Redevelopment Plan.

Not less than 30 days prior to the execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of a participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low- and moderate-income housing market, the Agency shall adopt by resolution a replacement housing plan. For a reasonable time prior to adopting a replacement housing plan by resolution, the Agency shall make available a draft of the proposed replacement housing plan for review by other public agencies and the general public.

The replacement housing plan shall include those elements required by the Community Redevelopment Law. A dwelling unit housing persons of low- or moderate-income whose replacement is required by the Agency, but for which no replacement housing plan has been prepared, shall not be destroyed or removed from the low and moderate income housing market until the Agency has by resolution adopted a replacement housing plan.

Nothing, however, shall prevent the Agency from destroying or removing from the low- and moderate-income housing market a dwelling unit which the Agency owns and which is an immediate danger to health and safety. In such event, Agency shall, as soon as practicable, adopt by resolution a replacement housing plan with respect to such a dwelling unit.

Pursuant to Section 33670 of the Community Development Law not less than 20 percent of all taxes which may be allocated to the Agency shall be used by the Agency for purposes of increasing, improving, and preserving the supply of low- and moderate-income and very low-income households. This source of funding is expected to be utilized for replacement housing should the Agency be required to create such housing, and for the construction of low- and moderate-income housing as well as rehabilitation of low- and moderate-income housing.

If any activities do result in displacement of any Project Area occupants, the Relocation Plan(s) required to be prepared by the Agency pursuant to Section 6038 of the State Relocation Guidelines (Title 25 of the Code of California Regulations) shall contain schedules to insure comparable replacement housing is available in accordance with the requirements of the Community Redevelopment Law and the State Relocation Guidelines. If replacement housing is to be provided pursuant to Section 33413 of the Community Redevelopment Law, the Agency shall take necessary steps to cause the construction, rehabilitation or development of such housing in accordance with the time limits prescribed by law.

The major impact that the Amendment would have upon the residents of the Project Area and the surrounding areas is realization of the impacts that were initially identified and addressed at the time the Redevelopment Plan was originally adopted. These impacts include traffic circulation, environmental quality, property assessments and taxes, and other matters affecting the physical and social quality of the Project Area. The Amendment would enable the Agency and the City to implement future redevelopment activities in the Project Area. As noted in the original Report to Council prepared in connection with the adoption of the Redevelopment Plan, the construction and development of new commercial developments in the Project Area would have the potential to increase and/or redirect traffic volumes on roadways throughout the community. However, since

the inception of the Redevelopment Plan, the Agency and City have undertaken and expect to continue their efforts to construct various public improvements projects, including new street and road improvements and other public improvements and facilities throughout the Project Area. These public improvements will improve the parking conditions and the traffic and pedestrian circulation throughout the Project Area and alleviate any adverse impacts that may have been created by the expansion and redevelopment of commercial or residential uses within the Project Area.

These public improvements, and the planned commercial, were anticipated in the Redevelopment Plan, and the adverse impacts, including all environmental impacts, were specifically addressed at the time of adoption of the Redevelopment Plan. As noted above, adoption of the Amendment is expected to have minimal impact on the persons and families residing in the Project Area and the surrounding areas.

The power of eminent domain was provided to the Agency when the Plan was originally adopted, but that power is scheduled to terminate within the next few months. The Amendment merely extends that existing authority for an additional 12 years. The Amendment will ensure the Agency will have the ability to acquire any properties, subject to the restrictions regarding certain residential property, which are necessary to implement its redevelopment activities and further the goals and objectives of the Agency stated in the Redevelopment Plan. The Agency's eminent domain authority will be utilized as a last resort, and only in the event the Agency is unable to acquire the property through a negotiated sale or other means.

EXHIBIT A

MAP OF PROJECT AREA

(TO BE INSERTED)

EXHIBIT B

IMPLEMENTATION PLAN

(TO BE INSERTED)

EXHIBIT C

PLANNING COMMISSION RESOLUTION

(TO BE INSERTED)

EXHIBIT D

NEGATIVE DECLARATION

(TO BE INSERTED)

CITY COUNCIL RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL PASO DE ROBLES ACCEPTING FROM THE PLANNING
COMMISSION AND REDEVELOPMENT AGENCY THEIR
REPORTS AND RECOMMENDATIONS, APPROVING A
NEGATIVE DECLARATION, AND REQUESTING A JOINT
PUBLIC HEARING ON THE PROPOSED AMENDMENT**

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) provides in Section 33453 that, before a proposed redevelopment plan amendment is submitted to the legislative body, the redevelopment agency shall submit the proposed plan to the planning commission for its report and recommendation; and

WHEREAS, the Redevelopment Agency of the City of El Paso de Robles (the "Agency") has prepared a proposed redevelopment plan amendment to the Paso Robles Redevelopment Project; and

WHEREAS, on October 5, 1999 the Agency referred the proposed redevelopment plan amendment to the Planning Commission of the City of El Paso de Robles (the "Commission") for its report and recommendation; and

WHEREAS, on October 12, 1999, the Commission considered a proposed Negative Declaration and the proposed Amendment No. 1 to the Paso Robles Redevelopment Project and reported their recommendations for approval of a Negative Declaration and the proposed Amendment; and

WHEREAS, the Agency received the report and recommendation of the Commission on October 19, 1999 and forwarded the report and recommendation for consideration by the City Council; and

WHEREAS, the Agency has prepared a Report to the City Council regarding the proposed Amendment; and submitted it to the Council; and

WHEREAS, the proposed Amendment to the Redevelopment Plan would have no potential physical impacts beyond those initially anticipated in the environmental assessment for adoption of the original Paso Robles Redevelopment Project; and

WHEREAS, without the ability to implement Eminent Domain procedures, the Redevelopment Agency of the City of El Paso de Robles would be significantly limited in its ability to carry out the purposes and intent of the Paso Robles Redevelopment Project, particularly in light of the fact that the Project Area is scheduled to be active until the year 2027; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RECEIVE THE REPORT AND RECOMMENDATIONS OF THE COMMISSION AND AGENCY AND DOES HEREBY APPROVE the proposed Negative Declaration and call for a Joint Public Hearing between the City Council and the Agency to be set for Tuesday, December 7, 1999, to consider the proposed Redevelopment Plan Amendment for the Paso Robles Redevelopment Project, in the form attached hereto as Exhibit A.

PASSED AND ADOPTED this 19th day of October, 1999, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Mayor Duane Picanco

ATTEST:

Deputy City Clerk Sharilyn M. Ryan

Exhibit A

**AMENDMENT NO. 1 TO THE REDEVELOPMENT
PLAN FOR THE PASO ROBLES
REDEVELOPMENT PROJECT**

The Redevelopment Plan for the Paso Robles Redevelopment Project, originally adopted on November 30, 1987, by Ordinance No. 540 N.S. (the "Redevelopment Plan") is hereby amended as follows:

The third paragraph on page 2-6.6 under Section 600.31(2), Acquisition of Real Property by Eminent Domain, of the Redevelopment Plan is hereby amended to read as follows:

"A time limit of twelve (12) years, from the date the ordinance adopting Amendment No. 1 to this Redevelopment Plan becomes effective, shall herein be established within which time the Agency may commence eminent domain proceedings as herein above set forth. Such time limitation may be extended only by amendment of the Redevelopment Plan."

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING


Newspaper: THE TRIBUNE

Date of Publication: September 30, 1999

Meeting Date: October 19, 1999
(City Council/Redevelopment Agency)

Project: Notice of Preparation; Availability and a Public Hearing Regarding Negative Declaration of Environmental Impact (Extend time frame for acquisition of properties through use of Eminent Domain)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

NOTICE OF PREPARATION; AVAILABILITY, AND A PUBLIC HEARING REGARDING NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
NOTICE IS HEREBY GIVEN of preparation and availability of a Negative Declaration of Environmental Impact, and that the City Council / Redevelopment Agency of the City of El Paso de Robles will hold a Public Hearing to consider approval of the Negative Declaration. The subject of the Negative Declaration is a proposal to amend the Paso Robles Redevelopment Project Plan to extend the time frame during which the Redevelopment Agency could acquire properties through the use of eminent domain.
This hearing will take place in the Community Room of the Paso Robles Library / City Hall, 1000 Spring Street, Paso Robles, California 93446, at the hour of 7:30 PM or thereafter on Tuesday, October 19, 1999 at which time all interested parties may appear and be heard.
Consideration of the proposed Negative Declaration will be in conjunction with receipt of a report and recommendation from the City's Planning Commission.
If you challenge the Negative Declaration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.
Please direct any questions regarding this public notice to Bob Lata, Community Development Department, City of Paso Robles, at (805) 237-3970.
Bob Lata, Community Development Director
SEPT. 30, 1999 51956624