

ORDINANCE NUMBER 982

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS CERTIFYING ENVIRONMENTAL IMPACT NUMBER SCH93102006 PREPARED IN CONJUNCTION WITH THE PROPOSED REDEVELOPMENT PLAN FOR THE REDEVELOPMENT PROJECT 1994 THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION AND MONITORING MEASURES PREPARED IN SUPPORT THEREOF, AND APPROVING PERRIS REDEVELOPMENT PROJECT - 1994

*WHEREAS*, the City Council has received from the Redevelopment Agency of the City of Perris (the "Agency") the proposed Ordinance Number 982 (the "Ordinance") to adopt Perris Redevelopment Project - 1994, a copy of which is on file at the office of the City Clerk, together with the Report of the Agency including the reasons for the selection of the territory proposed for the Perris Redevelopment Project - 1994 ("Project Area"), a description of the physical and economic conditions existing in Project Area, the proposed method of financing the redevelopment of the proposed Project Area, a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities in Project Area, an analysis of the Redevelopment Plan of the Project Area, the report and recommendations of the Planning Commission of the City of Perris as to the conformity of the Ordinance with the City's General Plan, an environmental impact report on the Project Area (the "Final EIR"), a summary of consultations with taxing agencies, and a Neighborhood Impact Report describing the impact of the Project Area upon the residents in the area and the surrounding areas; and

*WHEREAS*, the Planning Commission of the City of Perris has submitted to the City Council its report and recommendations concerning the Plan Amendment and its certification that the Ordinance conforms to the General Plan for the City of Perris; and

*WHEREAS*, the City Council and the Agency held a joint public hearing on the adoption of the Project Area; and

*WHEREAS*, notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Perris, once a week for four successive weeks prior to the date of said hearing, and a copy of said notices and affidavits of publication are on file with the City Clerk and the Agency; and

*WHEREAS*, copies of the notice of joint public hearing were mailed to the last known address of each assessee as shown on the last equalized assessment roll of the County of Riverside for each parcel of land in the Project Area; and

*WHEREAS*, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

*WHEREAS*, the Agency and the City have each independently found and determined that, for certain significant effects identified by the Final EIR, mitigation measures and a Mitigation Monitoring Plan therefor have been required in, or incorporated into, Project which avoid or substantially lessen such effects; and

*WHEREAS*, the Agency and City have each independently found and determined that potential mitigation measures or project alternatives not incorporated into Project (including the "No Project" alternative) were rejected as infeasible based upon specific economic, social or other considerations as set forth in the Final EIR and the "Statement of Overriding Considerations"; and

*WHEREAS*, The Agency, as the lead agency, and City, as a responsible agency, have certified the adequacy of the Final EIR submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352; and

*WHEREAS*, the City Council has considered the report and recommendation of the Planning Commission, the report of the Agency, the Plan and its economic feasibility, and the Final EIR, has 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 Plan and has made written findings in response to each written objection of an affected property owner and taxing entity filed with the City Clerk before the hour set for such joint public hearing.

*NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY ORDAIN AS FOLLOWS:*

*SECTION 1.* The purposes and intent of the City Council with respect to the Project Area and its subareas as it relates to the Plan are to accomplish the following:

- (a) To implement the land uses and concepts of the General Plan and the Zoning Ordinance, as they may be amended from time to time.
- (b) To eliminate blighting influences within the subareas, Project Area, including deteriorating buildings, incompatible and uneconomic land uses, obsolete structures, and other environmental, economic deficiencies; improve the overall appearance of existing buildings, streets, parking areas and other facilities public and private as identified in the report to the City Council which is incorporated by this reference; and assure that all buildings, new and old, are safe for persons and businesses to occupy.
- (c) To encourage cooperation and participation of residents, business persons, public agencies and community organizations in revitalizing the Project Area.
- (d) To encourage private sector investment in the redevelopment of the Project Area.
- (e) To promote the economic well being of the area by encouraging diversification of its commercial base.
- (f) To promote development of diverse local job opportunities particularly for low- and moderate-income residents.
- (g) To provide adequate public improvements, public facilities, open spaces, and utilities, the lack of which cannot be remedied by private or governmental action without redevelopment.
- (h) To implement the construction or reconstruction of adequate streets and transportation facilities, curbs, gutters, street lights, storm drains, and other improvements as necessary to correct existing deficiencies.
- (i) To provide for relocation assistance and benefits to area businesses and residences which may be displaced, in accordance with the provisions of the Community Redevelopment Law and the Government Code of the State of California.

- (j) To made provision for affordable housing inside and outside the Project Area as is required to satisfy the needs and desires of various age, income, and ethnic groups of the community, maximizing opportunity for individual choice.
- (k) To 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.

*SECTION 2.* The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Agency's Report to the City Council on the proposed Plan which is hereby incorporated by this reference, and all documents referenced therein, and evidence and testimony received at the joint public hearing on adoption of the Plan held on June 20, 1994 that:

- (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 (Health and Safety Code Section 33000 et seq.). This finding is based on the following conditions which characterize the subareas, respectively as identified and further described in the Agency's Report which is hereby incorporated by this reference.
  - (1) The existence of buildings and structures used or intended to be used for living, commercial, industrial or other purposes which are characterized by deterioration, dilapidation, age and obsolescence, mixed character, shifting uses, and faulty exterior spacing; and
  - (2) The existence of properties which suffer from deterioration and disuse because of inadequate public improvements, facilities and utilities, which cannot be remedied by private or governmental action without redevelopment, particularly deficiencies in the water, sewer, drainage and street systems; and
  - (3) The existence of parcels that are of irregular form, shape, or size for proper usefulness and development; and
  - (4) The existence of parcels that were laid out without regard to the contours and other topography or physical characteristics of the ground and surrounding conditions; and
  - (5) The presence of depreciated values, impaired investments and economic

maladjustment, poor maintenance, declining taxable sales, declining rents and real property sale prices, and vacant or underutilized buildings within the Project Area; and

- (6) The existence of social maladjustment, as exhibited by high crime rates.

Such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical, social and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise action alone, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City and the State. Evidence supporting this finding includes the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities and other actions required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action.

- (b) Since the adoption of the Redevelopment Plan, the Agency has made efforts to eliminate such conditions of blight by funding needed infrastructure and assisting new development. However, the City Council finds that the majority of conditions described in the Agency's previous Report to the City Council have not changed, and that there is a substantial need to eliminate deficient public improvements and blighting conditions within the Project Area. Such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the Project Area to such an extent that it constitutes a serious physical, social and economic burden on the City 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. Evidence supporting this finding includes the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities and other actions required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action.
- (c) The Project Area is a predominantly urbanized area. With respect to the Project Area, this finding is based upon the City Council's findings contained in the Ordinance, which found that not less than eighty-six percent (86%) of the privately owned property in the Project Area (1) has been or is developed for urban uses, or (2)

is an integral part of an area developed for urban uses, or (3) is characterized by subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development, or (4) is characterized by the laying out of lots in disregard of the contours and other topography or physical characteristics of the ground and surrounding conditions.

- (d) The Ordinance will redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. Evidence supporting this finding includes the fact that the purposes of the Community Redevelopment Law would be attained by the Project Area; by the elimination of area suffering from economic dislocation or disuse, by the replanning, redesign and/or redevelopment of areas which are stagnant or improperly utilized, and which could not be accomplished by private enterprise acting alone without public participation and assistance; by protecting and promoting sound development and redevelopment of blighted areas and the general welfare of the citizens of the City by remedying such injurious conditions through appropriate means; and through the installation of new or replacement of existing public improvements, facilities and utilities in areas which are currently inadequately served with regard to such improvements, facilities and utilities.
- (e) The adoption and carrying out of the Plan is economically sound and feasible. Evidence supporting this finding includes the fact that under the Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including property and retail sales increment; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increment, generated by new investment in the Project Area; that under the Plan no public redevelopment activity can be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity; and that the financing plan included within the Agency's Report to the City Council demonstrates that sufficient financial resources will be available to carry out the Project.
- (f) The Plan conforms to the General Plan of the City of Perris, including but not limited to, the housing element of the General Plan, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based on the finding of the Planning Commission that the Plan conforms to the General Plan for the City of Perris.
- (g) The carrying out of the Plan will promote the public peace, health, safety and welfare

of the City of Perris and will effectuate the purposes and policies of the Community Redevelopment Law. Evidence supporting this finding includes the fact that redevelopment will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic and physical conditions of the Project Area, and by increasing employment opportunities within the City.

- (h) The condemnation of real property to the extent provided for in the Plan is necessary to the execution of the Plan and adequate provisions have been made for payment for property to be acquired as provided by law. Evidence supporting this finding includes the need to assemble sites for certain public facilities, to assemble developable units for economic activity and to prevent the recurrence of blight.
- (i) The Agency has a feasible method and plan for the relocation of families and persons who might be displaced temporarily or permanently from housing facilities in the Project Area. The Agency also has a feasible method and plan for its relocation of businesses. Evidence supporting this finding includes the fact that the Agency has adopted a plan for relocation of families, persons and businesses by Agency projects, and upon the fact that the Project Area provides for relocation assistance according to law, and the fact that such assistance, including relocation payments, constitutes a feasible method for relocation.
- (j) There are, or shall be provided, within the Project 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 the families and persons displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. Evidence supporting this finding includes the information contained in the Agency's Report to the City Council, herein incorporated by this reference, no persons are expected to be displaced as a result of the implementation of the Project Area, and that even if some persons were to be displaced there are sufficient existing dwellings which would be available to persons displaced by the implementation of the Project Area.
- (k) All noncontiguous areas of the Project Area are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from the area pursuant to Section 33670 of the Health and Safety Code without other substantial justification for their inclusion. With respect to the existing Project Area, this finding is based upon the City Council's findings contained in the Ordinance. With respect to the Project Area, this finding is based upon the evidence in the record, and the Report to the City Council, herein incorporated by this reference.

- (l) Inclusion of any lands, buildings, or improvements 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 solely 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. Evidence supporting this finding includes the fact that all properties within Project Area boundaries were included because they were underutilized because of blighting influences, or were affected by the existence of blighting influences, or were necessary either to accomplish the objectives and benefits of the Ordinance or because of the need to impose uniform requirements on the Project Area as a whole. Such properties will share in the benefits of the Project Area.
  
- (m) The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. Evidence supporting this finding includes the existence of blighting influences, including the lack of adequate public improvements and facilities, and the inability of individual owners and developers to economically remove these blighting influences without substantial public assistance.



- (n) The effect of tax increment financing will not cause a significant financial burden or detriment to any taxing agency deriving revenues from the Project Area. Evidence supporting this finding includes the fact that all affected taxing agencies were consulted with or had the opportunity to be consulted regarding the effects of the Plan.
- (o) The time limitation and if applicable, the limitation on the number of dollars to be allocated to the Agency that are contained in the plan 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.
- (p) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Section 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 Sections 33334.5 and 33413 and 33413.5.

*SECTION 3.* The City Council is satisfied that permanent housing facilities will be available within three years from the time residential occupants of the Project Area, if any, are displaced, and that pending the development of such facilities, there will be available to any such displaced residential occupants temporary housing facilities at rents comparable to those in the City of Perris at the time of their displacement. Evidence supporting this finding includes the City Council's finding that no persons or families of low and moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings.

*SECTION 4.* Written objections to the Plan filed with the City Clerk before the hour set for hearing and all written and oral objections presented to the City Council at the hearing having been considered.

*SECTION 5.* The Final EIR for the Plan, a copy of which is on file in the office of the Agency and in the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated into this Ordinance by reference and made a part hereof. All activities undertaken by the Agency and/or the City of Perris pursuant to or in implementation of the Redevelopment Plan, shall be undertaken in accordance with the mitigation measures and Mitigation Monitoring Plan set forth in the Final EIR, and the Agency shall undertake such additional environmental review or assessment as necessary at the time of the proposed implementation of such activities.

*SECTION 6.* That the Redevelopment Plan for the Perris Redevelopment Project - 1994, the map contained therein the Report to the City Council for the Perris Redevelopment Project - 1994 submitted on June 20, 1994, and such other reports as are incorporated therein by reference, a

copy of which is on file in the office of the Agency and the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated into this Ordinance by reference and made a part hereof, and as so incorporated is hereby designated, approved, and adopted as the official Redevelopment Plan.

*SECTION 7.* In order to implement and facilitate the effectuation of the Project Area hereby approved, this City Council hereby (a) pledges its cooperation in helping to carry out the Ordinance, (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 redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Ordinance, and (d) declares its intention to undertake and complete and proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Project Area.

*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 Ordinance.

*SECTION 9.* The City Clerk is hereby directed to record with the County Recorder of Riverside County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Community Redevelopment Law.

*SECTION 10.* The Building Department of the City is hereby directed for a period of two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the Project 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 11.* The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the City Clerk pursuant to Section 9 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Project Area, to the Auditor-Controller and Assessor of the County of Riverside, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area, and to the State Board of Equalization, within thirty (30) days following the adoption of the Project Area.

*SECTION 12.* The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation which is published and circulated in the City of Perris.

*SECTION 13.* If any part of this Ordinance 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, and this City Council hereby declares that it would have passed the remainder of the Ordinance if

such invalid portion thereof had been deleted.

*SECTION 14.* The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its passage.

*ADOPTED, SIGNED and APPROVED* this 27th day of June, 1994.

\_\_\_\_\_  
MAYOR OF THE CITY OF PERRIS

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    ) ss  
CITY OF PERRIS            )

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 982 was introduced at a special meeting held the 20th day of June, 1994, and adopted by the City Council at a regular meeting held the 27th day of June, 1994, by the following called vote:

Ayes:                    Torres, Fletcher and Denney  
Noes:                    None  
Absent:                 None  
Abstain:                Long  
Disqualified:   Baitinger

\_\_\_\_\_  
CITY CLERK