

ORDINANCE NO. 898
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN
FOR THE DESERT COMMUNITIES PROJECT AREA,
AMENDMENT NO. 3: DETACHMENT OF TERRITORY FROM THE
PALM DESERT SUB-AREA

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS

- a. The Redevelopment Agency for the County of Riverside (the "Agency") has prepared a Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area ("Amendment") in compliance with the California Community Redevelopment Law (Health and Safety Code Section 3300, et seq.; the "CRL").
- b. The Board of Supervisors of the County of Riverside (the "Board of Supervisors") has received the following from the Agency:
 - i. The proposed Redevelopment Plan for the Amendment Area;
 - ii. The Agency report (the "Report to the Board of Supervisors") prepared pursuant to Section 33352 of the CRL;
 - iii. The Negative Declaration on the proposed Amendment.
- c. The Amendment is not a substantial change to the redevelopment plan since it addresses the detachment of two parcels (APN # 609-040-007 and APN # 609-040-023), from the Palm Desert Sub-Area of the Desert Communities Project Area, which is approximately 0.02% of the total project area.
- d. The Board of Supervisors and the Agency held a joint public hearing on May 18, 2010, concerning the adoption of the Redevelopment Plan and the approval of the Negative Declaration.
- e. Notice of the hearing was duly and regularly published in a newspaper of general circulation in the County of Riverside in accordance to Section 33361 of the CRL, and a copy of said notice and affidavit of publication are on file with the Clerk of the Board of the County of Riverside and Secretary of the Agency.
- f. 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 Riverside, for each parcel of land in the Amendment Area, to each resident, and to each business as practicable.
- g. Copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each known taxing agency which receives taxes from property in the Amendment Area.
- h. During the adoption process of the 4-1986 Project Area in 1986, of which the Palm Desert Sub-Area is a part, the Agency adopted on November 17, 1986, a method for the relocation of persons and business who may be displaced as a result of carrying out

redevelopment activities in accordance with the Redevelopment Plan. The Agency again adopted on November 3, 1998, a method for the relocation of persons and business, via Resolution No. RDA-98-20. This relocation method, which was re-adopted on December 9, 2008, applies to the current Amendment.

- i. Section 33457.1 of the CRL, provides that to the extent warranted by the Amendment, this Ordinance shall contain the findings required by Section 33367 of the CRL.
- j. The existence of blight within the Existing Project Area was established with the adoption of the 4-1986 Project Area in 1986, of which the Palm Desert Sub-Area was a part. Pursuant to CRL Section 33368, these blight findings are final and conclusive. As the purposes of this Amendment are solely to detach parcels from the Existing Project Area, blight findings are not applicable and need not be made in the attached Report to the Board of Supervisors.
- k. At the time of adoption in 1986, the CRL did not include a requirement that the Project Area be predominantly urbanized. The 1986 Report to the Board of Supervisors does not address the urbanization status of the Palm Desert Sub-Area. Currently, the Amendment Area is predominantly urbanized as demonstrated by the Agency's Report to the Board of Supervisors – 100% of the property in the Amendment Area is urbanized.
- l. The proposed Amendment will allow continued redevelopment to occur within the Amended Project Area in conformity with the Community Redevelopment Law and in the interests of the public health, safety and welfare. This finding is based in part upon the fact that the proposed Amendment merely removes the Detachment Area from the boundaries of the Project Area, and thus allows the Agency to undertake needed redevelopment activity in the Amended Project Area.
- m. The adoption and implementation of the proposed Amendment is economically sound and feasible. This finding is based upon the fact that the Agency's Report to the Board of Supervisors further discusses and demonstrates the economic soundness and feasibility of the Redevelopment Plan and undertakings pursuant thereto, with the Detachment Area removed from the Project.
- n. CRL Section 33453 requires that the Redevelopment Plan conforms to the General Plan, including, but not limited to, the Housing Element thereof. Conformity to the General Plan was established with the adoption of the 4-1986 Project Area in 1986, of which the Palm Desert Sub-Area was a part. As the purpose of this Amendment is solely to detach parcels from the Existing Project Area, this section does not apply to the Amendment.
- o. Implementation of the proposed Amendment will promote the public peace, health, safety and welfare of the County of Riverside and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit

- the Amended Project Area and the community by allowing the Agency to correct continuing 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 Amended Project Area and the community.
- p. The Board of Supervisors has considered the Report to the Board of Supervisors, the proposed Amendment, and the Negative Declaration, and 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 Redevelopment Plan and has made written findings in responses to each written objection of an affected property owner and taxing entity, if any were filed with the Clerk of the Board before the hour set for such joint public hearing.
 - q. The Agency and the Board of Supervisors have reviewed and considered the Negative Declaration for the proposed Amendment to the Project, prepared and submitted pursuant to Public Resources Code Section 21000 *et seq.* and Health & Safety Code Section 33352, and adopted said Negative Declaration on May 18, 2010, by Board of Supervisors Resolution No. 2010-160.
 - r. No persons or businesses will be displaced as a result of the adoption of this ordinance; therefore, a relocation method is not necessary for this Amendment. During the adoption process of the 4-1986 Project Area in 1986, of which the Palm Desert Sub-Area is a part, the Agency adopted on November 17, 1986, a method for the relocation of persons and business who may be displaced as a result of carrying out redevelopment activities in accordance with the Redevelopment Plan. The Agency again adopted on November 3, 1998, a method for the relocation of persons and business, via Resolution No. RDA-98-20. This relocation method, which was re-adopted on December 9, 2008, applies to the current Amendment.
 - s. CRL Section 33030(b)(1) requires that a blighted area is one that is predominantly urbanized and constitutes a serious physical and economic burden on the community that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action without redevelopment. This was established with the adoption of the 4-1986 Project Area in 1986, of which the Palm Desert Sub-Area was a part. Pursuant to CRL Section 33368, these findings are final and conclusive. As the purpose of this Amendment is solely to detach parcels from the Existing Project Area, the finding that redevelopment would not reasonably be expected to be accomplished by private enterprise acting alone is not applicable and need not be made.
 - t. The Redevelopment Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Redevelopment Plan and it provides for the retention of controls and the establishment of restrictions and covenants running with the land

sold or leased for private use for periods of time and under conditions specified in the Redevelopment plan, which the Board of Supervisors deems necessary to effectuate the purposes of the CRL.

- u. As the purposes of this Amendment are solely to detach parcels from the Existing Project Area, this Amendment will not affect the current time and financial limitations established for the Existing Project Area.
- v. The Redevelopment Plan does not authorize eminent domain authority to the Agency.
- w. The Board of Supervisors has considered written objections, to the Redevelopment Plan and all evidence and testimony for and against the adoption of the Redevelopment Plan. All written objections have been overruled.
- x. Adoption of this ordinance will not affect the status of the existing redevelopment plans in the Desert Communities Redevelopment Project Area adopted by Ordinance Nos. 638, 647, 668, 794, 795, and 886, which remain in full force and effect.

Section 2. PURPOSE. The purpose of this ordinance is to detach certain territory (the "Detachment Area") from the boundaries of the Project Area in order to allow the Agency to continue to undertake steps and previously approved projects to eliminate blight and blighting conditions and achieve its goals and objectives within the area within the Project following the removal of Detachment Area from the Project Area (the "Amended Project Area").

Section 3. AUHORITY. This ordinance is adopted pursuant to CRL Section 33450, which provides that a redevelopment plan may be amended by the legislative body by ordinance.

Section 4. AVAILABILITY OF PERMANENT HOUSING FACILITIES. The Board of Supervisors is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the Amended Project 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 the County of Riverside at the time of their displacement.

Section 5. INCORPORATION OF MAPS AND REPORTS. That certain document entitled "Report to the Board of Supervisors for the Proposed Amendment No. 3 to the Redevelopment Plan for the Desert Communities Project Area: Detachment of Territory from the Palm Desert Sub-Area", 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 Clerk of the Board of the County of Riverside, having been duly reviewed and considered, is hereby incorporated in this ordinance by reference and made a part hereof.

Section 6. COOPERATION WITH DEPARTMENTS, BOARDS AND AGENCIES. In order to implement and facilitate the effectuation of the Redevelopment Plan as hereby adopted, the Board of Supervisors hereby declares the following:

- a. Pledges its cooperation in helping to carry out the Redevelopment Plan;
- b. Requests the various officials, departments, boards and agencies of the County of Riverside having administrative responsibilities in the Amended Area likewise cooperate to such end and exercise their respective functions and powers in a manner consistent with the redevelopment of the Amended Area;
- c. Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan;
- d. Declares its intention to undertake and complete any proceeding necessary to be carried out by the County of Riverside under the provisions of the Redevelopment Plan.

Section 7. BOARD DIRECTIVES.

- a. The Clerk of the Board is hereby directed to send a certified copy of this ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.
- b. The Clerk of the Board is hereby directed to record with the County Recorder of Riverside County a description of the Detachment Area and a statement that the proceedings for the proposed Amendment has been instituted under the CRL.
- c. The County Clerk is hereby directed to transmit a copy of the description and statement to be recorded by the County Clerk of the Board pursuant to Section 6(b) of this ordinance, a copy of this ordinance and a map or plat indicating the boundaries of the Detachment Area, to the auditor and tax assessor of the County of Riverside, to the governing body of each of the taxing agencies which receives taxes from property in the Amended Area and to the State Board of Equalization.

Section 8. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 9. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 898 Item 3.20 of 05/25/2010 (Eff: 06/24/2010)