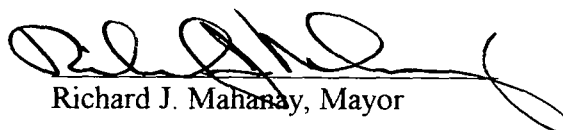


**CITY COUNCIL**  
**ORDINANCE JURAT**

**ORDINANCE NO. 96-02**

**AN ORDINANCE OF THE  
CITY OF AMERICAN CANYON  
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN  
FOR THE HIGHWAY 29 CORRIDOR REDEVELOPMENT PROJECT**

  
Richard J. Mahanay, Mayor


ATTEST:

  
Vicki Zink, Deputy City Clerk

State of California            )  
County of Napa                )  
City of American Canyon    )

I, Millett Thomas, Deputy City Clerk of the City of American Canyon, do hereby certify that the foregoing Ordinance had its first reading on July 11, 1996, and had its second reading on July 18, 1996, and was passed by the following vote:

**AYES:**           **Councilmembers Orlando, Winters, Mayor Mahanay**  
**NOES:**           **Councilmember Cypher, Mayor Pro-Tem Anderson**  
**ABSTAIN:**       **None**  
**ABSENT:**         **None**

  
Millett Thomas, Deputy City Clerk

**ORDINANCE NO. 96-02**

**AN ORDINANCE OF THE  
CITY OF AMERICAN CANYON  
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN  
FOR THE HIGHWAY 29 CORRIDOR REDEVELOPMENT PROJECT**

**WHEREAS**, the City Council of the City of American Canyon has received from the American Canyon Community Redevelopment Agency the proposed Redevelopment Plan for the Highway 29 Corridor Redevelopment Project, a copy of which is on file at the office of the City Clerk, City Hall, 2185 Elliott Drive, American Canyon, California, and at the office of the American Canyon Community Redevelopment Agency (the "Agency") at the same address, together with the Agency's Report to City Council including the reasons for the selection of the Project Area, a description of the physical and economic conditions existing in the Project Area, a description of specific projects proposed by the Agency, the proposed method of financing the redevelopment of the Project Area, a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities in the Project Area, an analysis of the Preliminary Plan, the report and recommendations of the Planning Commission of the City of American Canyon, a summary of consultations with Project Area owners, residents, community organizations and others, the environmental impact report on the Redevelopment Plan, the neighborhood impact report, the report of the county fiscal officer and the Agency's analysis thereof, and a summary of consultations with taxing agencies; and

**WHEREAS**, the Planning Commission of the City of American Canyon has submitted to the City Council its report and recommendations concerning the Redevelopment plan and its certification that the Redevelopment Plan conforms to the General Plan for the City of American Canyon; and

**WHEREAS**, the City prepared a Draft Environmental Impact Report ("Draft EIR") on the Redevelopment Plan for the Highway 29 Corridor Redevelopment Project, and received comments on the Draft EIR during the 45-day review period; and

**WHEREAS**, the Planning Commission of the City of American Canyon on April 11, 1996, held a duly noticed public hearing on the Draft Environmental Impact Report ("EIR"), prepared in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), the Guidelines for implementation of the California Quality Act (14 Cal. Adm. Code Section 15000 *et seq.*) and local environmental procedures adopted pursuant thereto, and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, during the public comment period, and, as so revised and supplemented, a Final EIR was prepared by the City; and

**WHEREAS**, the Agency and the City Council have, by concurrent resolution adopted on July 11, 1996, jointly certified that the EIR has been completed in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA guidelines, and local guidelines; and have jointly adopted a mitigation monitoring program, made findings, and declared the statement of overriding considerations; and

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**WHEREAS**, the City Council and the Agency held a joint public hearing on June 6, 1996, on adoption of the Redevelopment Plan at Donaldson Way Elementary School, American Canyon California; and

**WHEREAS**, notice of said hearing was duly and regularly published in *The Vallejo Times* and *The Napa Valley Register*, newspapers of general circulation in the City of American Canyon, 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 hearing, including a map and legal description, 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 Napa for each parcel of land in the Project Area; and

**WHEREAS**, each assessee in the Project Area whose property would be subject to acquisition by purchase or condemnation under the provisions of the Redevelopment Plan was sent a letter to such effect attached to the notice of the joint hearing; and

**WHEREAS**, copies of the notice 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**, notices of the joint public hearing were also mailed first class mail to residents, businesses, and others; and

**WHEREAS**, the City Council has considered the report and recommendations of the Planning Commission, consultations with Project Area owners, residents, community organizations and others, the Report to City Council on the proposed Redevelopment plan for the Highway 29 Corridor Redevelopment Project, the Redevelopment Plan, the Owner Participation and Business Reentry Preference Rules, and the Final Environmental Impact Report, has provided an opportunity for all persons to be heard, has received and considered all evidence presented for or against any and all aspects of the Redevelopment Plan, and has made written findings in response to each written objection of a property owner and affected taxing entity.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, DOES ORDAIN AS FOLLOWS:**

Section 1. The purposes and intent of the City Council with respect to the Project Area are to accomplish the following:

1. The development of a downtown area that will serve the residential population, encourage tourist oriented uses and enhance City revenues.

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2. The encouragement of the development of commercial and industrial uses that are compatible with residential neighborhood.
3. The preservation of the natural landscape features of the City.
4. The elimination and prevention of the spread of blight and deterioration; and the conservation, rehabilitation and redevelopment of the Project Area in accordance with the General Plan, specific plan, if any, the Redevelopment Plan and local codes and ordinances.
5. The achievement of an environment reflecting a high level of concern for the architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
6. The provision for increased revenues to the City, including sales, business license, and other fees, taxes and revenues to the City.
7. The provision for tax increment to provide funds as necessary to finance rehabilitation and development programs which cannot be accomplished through existing publicly funded programs or by the private sector acting alone to eliminate blighting influences in the Project Area.
8. The encouragement of neighborhood serving commercial uses such as markets, drug stores, banks and other lending institutions.
9. The creating and development of local job opportunities and the preservation of the area's existing employment base.
10. The elimination or amelioration of certain environmental deficiencies, including substandard vehicular circulation systems, inadequate water, sewer and storm drainage systems; insufficient off-street parking; and other similar public improvements, facilities and utilities deficiencies adversely affecting the Project Area.
11. The encouragement of investments by the private sector in the redevelopment of the Project Area by assisting in the alleviation of impediments to such redevelopment.
12. The elimination of blight through abatement or code compliance, reconstruction and assembly of parcels into more developable sites for more compatible uses.
13. The expansions and upgrading of housing opportunities in the community to eliminate blight and improve housing stock and standards for the present population.

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14. The encouragement of participation of Project Area businesses, property owners, and community organizations in the redevelopment of the Project Area.

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 City Council on the Proposed Redevelopment Plan for the Highway 29 Corridor Redevelopment Project, and all documents referenced therein, and evidence received at the joint public hearing on adoption of the Redevelopment Plan held on June 6, 1996, that:

a) The recitals to this Ordinance are true and correct.

b) 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 Project Area:

(1) Buildings in which it is unsafe or unhealthy for persons to live or work caused deterioration and dilapidation, defective design, building code violations, and faulty or inadequate utilities and other similar factors; and

(2) Factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots including substandard design and other factors; and

(3) The existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership; and

(4) Adjacent or nearby uses that are incompatible with each other; and

(5) Impaired investments and declining retail sales tax revenues; and

(6) Hazardous waste; and

(7) Lack of necessary commercial facilities including grocery stores, drug stores, and banks and other lending institutions; and

(8) High crime rates; and

(9) Inadequate public improvements, parking facilities or utilities.

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 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. This finding is based on the fact that governmental

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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 as defined by subsection (b) of Health and Safety Code Section 33320.1 and described in Section 33344.5(c). This finding is based on the fact that not less than eighty percent (80%) of the Project Area has been or is developed for urban uses, as demonstrated by the Agency's Report to City Council.

d) The Redevelopment Plan will redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that the purposes of the Community Redevelopment Law would be attained by the Project: by eliminating areas suffering from economic dislocation or disuse; by replanning, redesigning and/or redevelopment 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 by installing new, or replacing existing public improvements, facilities and utilities in areas which are currently inadequately serviced with regard to such improvements, facilities and utilities.

e) The adopting and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Redevelopment Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including property 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 Project Area; that under the Redevelopment 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 City Council demonstrates that sufficient public and private financial resources will be available to carry out the Project.

f) The Redevelopment Plan conforms to the General Plan of the City of American Canyon, including the Housing Element which complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 Division 1 of Title 7 of the Government Code. This finding is based on the finding of the Planning Commission that the Redevelopment Plan conforms to the General Plan for the City of American Canyon.

g) The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the City of American Canyon and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based on 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.

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h) The condemnation of non-residential property, as provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Redevelopment Plan will be carried out and to prevent the recurrence of blight, and the fact that no property will be acquired until adequate funds are available to pay full compensation therefor.

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. This finding is based upon the fact that the Redevelopment Plan 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 are being 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 who might be 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. This finding is based upon the fact that no person or family will be required to move from any dwelling unit until suitable replacement housing is available for occupancy, and that such housing must meet the standards established in State law and regulations.

k) The Project Area does not include any non-contiguous areas. 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. This finding is based upon the fact that all properties within Project Area boundaries were included because they were underutilized due to blighting influences, or were affected by the existence of blighting influences, or were necessary either to accomplish the objectives and benefits of the Redevelopment Plan 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.

l) 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. This finding is based upon the existence of substantial blighting conditions and influences, and the inability of individual owners and developers to economically remove these blighting conditions and influences without substantial assistance.

m) The time limitations contained in the Redevelopment Plan are reasonably related to the proposed projects to be implemented in the Project and to the ability of the Agency to eliminate blight within the Project. This finding is made based on the fact that the Redevelopment Plan contains

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a debt establishment, a plan effectiveness, and a debt repayment limit pursuant to Section 33333.2 of the Community Redevelopment Law, and the Agency's Report to City Council adequately demonstrates this relationship.

n) The development of the public improvements set forth in the Redevelopment Plan are of benefit to the Project Area and to the immediate neighborhood in which the Project is located; no other reasonable means of financing such improvements are available to the community; and, based on these findings, the Agency is authorized to pay all or a part of the value of the land and the cost of the installation and construction of the public improvements set forth in the plan, as permitted by Health and Safety Code Section 33445. This evidence is based upon the existence of deficiencies in the public infrastructure, library and park systems in the Project Area and the immediate neighborhood of the Project and upon the lack of other financial resources to devote to these improvements.

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 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 American Canyon at the time of their displacement. 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 Redevelopment 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 and, [in the case of written objections received from Project property owners and affecting taxing agencies, having been responded to in writing] are hereby overruled.

Section 5. That certain document entitled "Final Environmental Impact Report for the Highway 29 Corridor Redevelopment Project," 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 American Canyon pursuant to or in implementation of the Redevelopment Plan shall be undertaken in accordance with the mitigation monitoring program set forth in said Final Environmental Impact Report, and the Agency shall undertake such additional environmental reviews as necessary at the time of implementation of such activities.

Section 6. That certain document entitled "Redevelopment Plan for the Highway 29 Corridor Redevelopment Project" the map contained therein, and such other reports as are incorporated therein by reference, copies of which are on file in the office of the Agency and 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, and as so incorporated is hereby designated, approved and adopted as the official "Redevelopment Plan for the Highway 29 Corridor Redevelopment Project."



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Section 7. In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, this City Council hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (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 Redevelopment Plan, and (d) declares its intention to undertake and complete any proceeding, including the expenditure of monies, necessary to be carried out by the City under the provisions of the redevelopment Plan.

Section 8. By resolution, the City Council has referred this Ordinance to a vote of the electorate of the City of American Canyon pursuant to Election Code Section 9222. This Ordinance shall take effect and be in full force and effect only upon a majority vote of the electorate of the City of American Canyon at the above reference election.

Section 9. 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 Redevelopment Plan.

Section 10. The City Clerk is hereby directed to record with the County Recorder of Napa 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 11. The Building Department of the City of American Canyon 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 12. 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 Napa, 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 days following the adoption of the Redevelopment Plan.

Section 13. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published in *The Vallejo Times Herald* and *The Napa Valley Register*, newspapers of general circulation, published and circulated in the City of American Canyon.

Section 14. If any part of this Ordinance or the Redevelopment Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion

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of this Ordinance or of the Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof has been deleted.

Section 15. If this Ordinance becomes effective upon a majority vote of the electorate of the City of American Canyon as provided in Section 8 above, the effective date of this Ordinance shall be the date thirty (30) days after passage of this Ordinance by the City council.

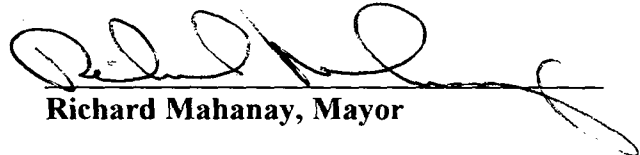
First read at a regular meeting of the City Council of the City of American Canyon, held July 11, 1996, and finally passed, approved and adopted at a regular meeting thereof, held on the 18th day of July, 1996 by the following vote.

**AYES:** Councilmembers Orlando, Winters, Mayor Mahanay

**NOES:** Councilmember Cypher, Mayor Pro-Tem Anderson

**ABSTAIN:** None

**ABSENT:** None




**Richard Mahanay, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Ralph Freedman, City Clerk**

  
\_\_\_\_\_  
**William D. Ross, City Attorney**