

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY OF SAN FERNANDO, CALIFORNIA, MERGING PROJECT AREA NOS. 1, 2, 3, 3A AND 4 INTO THE SAN FERNANDO MERGED REDEVELOPMENT PROJECT AREA, AND APPROVING AND ADOPTING AN AMENDED AND RESTATED CONSOLIDATED REDEVELOPMENT PLAN FOR PROJECT AREA NO. 1A AND THE SAN FERNANDO MERGED REDEVELOPMENT PROJECT AREA**

THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of San Fernando (the "City Council") adopted its Ordinance No. 918 on May 26, 1966, approving and adopting the Redevelopment Plan for Redevelopment Project No. 1 ("Project Area No. 1"). The Redevelopment Plan for Project Area No. 1 was amended on October 18, 1971, by Ordinance No. 1018, on November 19, 1984, by Ordinance No. 1260, on December 15, 1986, by Ordinance No. 1294, on June 27, 1988, by Ordinance No. 1316 (the "Third Amendment"), on October 17, 1994, by Ordinance No. 1450, on November 16, 1998, by Ordinance No. 1494, on February 2, 2004, by Ordinance No. 1548, on August 21, 2006, by Ordinance No. 1573, and on October 16, 2006, by Ordinance No. 1575. The Third Amendment added territory to Project Area No. 1, which added territory is herein referred to as "Project Area No. 1A."

SECTION 2. The City Council adopted its Ordinance No. 1032 on August 14, 1972, approving and adopting the Redevelopment Plan for the San Fernando Redevelopment Project No. 2 ("Project Area No. 2"). The Redevelopment Plan for Project Area No. 2 was amended on December 15, 1986, by Ordinance No. 1295, on October 17, 1994, by Ordinance No. 1450 on November 16, 1998, by Ordinance No. 1494, on February 2, 2004, by Ordinance No. 1548, on August 21, 2006, by Ordinance No. 1573, and on October 16, 2006, by Ordinance No. 1575.

SECTION 3. The City Council adopted its Ordinance No. 1050 on June 18, 1973, approving and adopting the Redevelopment Plan for the Civic Center Redevelopment Project ("Project Area No. 3"). The Redevelopment Plan for Project Area No. 3 was amended on April 4, 1983, by Ordinance No. 1219 (the "First Amendment"), on December 15, 1986, by Ordinance No. 1296, on October 17, 1994, by Ordinance No. 1450, on November 16, 1998, by Ordinance No. 1494, on February 2, 2004, by Ordinance No. 1548, on August 21, 2006, by Ordinance No. 1573, and on October 16, 2006, by Ordinance No. 1575. The First Amendment added territory to Project Area No. 3, which added territory is herein referred to as "Project Area No. 3A."

SECTION 4. The City Council adopted its Ordinance No. 1447 on July 18, 1994, approving and adopting the Redevelopment Plan for Redevelopment Project Area No. 4 ("Project Area No. 4"). The Redevelopment Plan for Project Area No. 4 was amended on February 2, 2004, by Ordinance No. 1548, and on October 16, 2006, by Ordinance No. 1575.

SECTION 5. The City Council and the Redevelopment Agency of the City of San Fernando (the “Agency”) have undertaken proceedings pursuant to the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) (the “Redevelopment Law”) to approve and adopt further amendments (the “2010 Amendments”) to the Redevelopment Plans for Project Area Nos. 1, 1A, 2, 3, 3A, and 4 (individually, a “Constituent Project Area” and collectively, the “Constituent Project Areas”).

SECTION 6. The purposes of the 2010 Amendments are to:

- (i) merge Constituent Project Area Nos. 1, 2, 3, 3A and 4, which together will comprise the San Fernando Merged Redevelopment Project Area (the “Merged Project Area”); Constituent Project Area No. 1A is not merged with the other Constituent Project Areas;
- (ii) amend, restate, and consolidate the Redevelopment Plans for the Constituent Project Areas into a single consolidated redevelopment plan for Constituent Project Area No. 1A and the Merged Project Area (the “Amended and Restated Plan”);
- (iii) replace the individual limits on the number of dollars of taxes that may be divided and allocated to the Agency from Constituent Project Area Nos. 1, 2, 3 and 3A with a single limit of Two Hundred Fifty One Million Dollars (\$251,000,000) applicable to Constituent Project Area Nos. 1, 2, 3 and 3A in the aggregate. No change is made to the existing limit on the number of dollars of taxes that may be divided and allocated to the Agency from Constituent Project Area No. 1A, which is Sixteen Million Dollars (\$16,000,000). There is no requirement to have a limit on the number of dollars of taxes that may be divided and allocated to the Agency from Constituent Project Area No. 4 and none is provided in the Amended and Restated Plan;
- (iv) replace the individual limits on the amount of bonded indebtedness, payable in whole or in part from tax increment revenues, that can be outstanding at one time for Constituent Project Area Nos. 1, 2, 3, 3A, and 4 with a single limit of Seventy-Five Million Dollars (\$75,000,000) applicable to Constituent Project Area Nos. 1, 2, 3, 3A and 4 in the aggregate;
- (v) establish a limit on the amount of bonded indebtedness, payable in whole or in part from tax increment revenues, that can be outstanding at one time for Constituent Project Area No. 1A of Five Million Dollars (\$5,000,000);
- (vi) extend the time limits for the effectiveness of the Amended and Restated Plan with respect to Constituent Project Area Nos. 1A, 2, 3 and 3A to June 27, 2029, August 21, 2015, June 18, 2016, and April 4, 2026, respectively;
- (vii) extend the time limits for the repayment of indebtedness and the receipt of tax increment revenues with respect to Constituent Project Area Nos. 1A, 2, 3 and 3A

to June 27, 2039, August 21, 2025, June 18, 2026, and April 4, 2036, respectively;

- (viii) extend the time limit for establishing loans, advances and indebtedness to be paid with the proceeds of tax increment revenues derived from Constituent Project Area No. 4 to July 18, 2024;
- (ix) provide that the land uses permitted by the Amended and Restated Plan for Constituent Project Area No. 1A and the Merged Project Area shall be those land uses permitted by the City's General Plan and Zoning Ordinance, as amended from time to time; and
- (x) make technical or clarifying changes, including changes to update various provisions of the Amended and Restated Plan to conform to the current requirements of the Redevelopment Law.

SECTION 7. By its Resolution No. _____, the Agency has forwarded to the City Council, and the City Council has received, the Amended and Restated Plan entitled "Amended and Restated Consolidated Redevelopment Plan for Project Area No. 1A and the San Fernando Merged Redevelopment Project Area." The Amended and Restated Plan incorporates all of the 2010 Amendments described in Section 6 hereof. A copy of the Amended and Restated Plan is on file in the office of the City Clerk of the City of San Fernando, 117 MacNeil Street, San Fernando, CA 91340, and is hereby incorporated by this reference. Also, by its Resolution No. _____ the Agency has forwarded to the City Council, and the City Council has received the report of the Agency prepared pursuant to Sections 33457.1 and 33352 of the Health and Safety Code, entitled "San Fernando Redevelopment Plan Amendments, Report to Council," (the "Report to Council") which is hereby incorporated by this reference.

SECTION 8. As previously established in the Redevelopment Plans for the Constituent Project Areas, and as established in the Amended and Restated Plan, the purposes and intent of the City Council with respect to the Constituent Project Areas are to eliminate the conditions of blight existing in the Constituent Project Areas and to prevent the recurrence of blighted conditions therein by undertaking all appropriate redevelopment projects and activities pursuant to the Redevelopment Law, including but not limited to, providing public infrastructure improvements and community facilities, providing for the rehabilitation of commercial structures and residential dwelling units, encouraging employment opportunities, and increasing, improving or preserving low and moderate income housing.

SECTION 9. Based upon the record of the joint public hearing on the 2010 Amendments and the Amended and Restated Plan, and the various reports and other information provided to the City Council including the Report to Council, the City Council hereby makes the following findings and determinations as warranted by the 2010 Amendments:

- A. Conditions of blight, including significant blight, remain in Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project

Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A and Constituent Project Area No. 4.

The elimination of the remaining blight, including the remaining significant blight in Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, and Constituent Project Area No. 4, and the redevelopment of each such Constituent Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency.

The elimination of the remaining blight, including the remaining significant blight, in Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, and Constituent Project Area No. 4 can not reasonably be expected to be or reversed or alleviated by private enterprise or governmental action, or both, without the use of tax increment revenues available to the Agency because of the 2010 Amendments.

The implementation of the Amended and Restated Redevelopment Plan will improve or alleviate the physical and economic conditions of blight in Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, and Constituent Project Area No. 4, as described in the Report to Council.

The remaining blight, including the significant remaining blight, in Constituent Project Area No. 1, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, and Constituent Project Area No. 4, cannot be eliminated without the establishment of additional debt and the increase in the limitation on the number of dollars to be allocated to the Agency pursuant to the Amended and Restated Plan.

The remaining blight, including the significant remaining blight, in Constituent Project Area No. 1, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, and Constituent Project Area No. 4 cannot be eliminated without merging these Constituent Project Areas and the receipt of property taxes.

The projects and programs described in the Report to Council and proposed to eliminate remaining blight, including significant blight, in Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project Area No. 2, Constituent Project Area No. 3,

Constituent Project Area No. 3A, and Constituent Project Area No. 4 cannot be completed without adoption of the 2010 Amendments.

- B. The Amended and Restated Plan would redevelop Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, and Constituent Project Area No. 4 in conformity with the Redevelopment Law and in the interests of the public peace, health, safety and welfare. The implementation of the Amended and Restated Plan will assist in the elimination of conditions of blight within the Constituent Project Areas and prevent their reoccurrence. The Amended and Restated Plan provides for the installation and construction of public improvements and for the rehabilitation of public and private structures. These improvements are essential to encouraging private investment and eliminating the conditions of blight in the Constituent Project Areas and preventing their reoccurrence.

The Amended and Restated Plan provides that Constituent Project Area Nos. 1, 2, 3, 3A, and 4 are merged. Such merger will result in substantial benefit to the public and will contribute to the revitalization of blighted areas through the increased economic vitality of such areas and through increased and improved housing opportunities in or near such areas. The merger of Constituent Project Area Nos. 1, 2, 3, 3A, and 4 will enable the Agency to more effectively administer and implement redevelopment projects and programs in the Merged Project Area because it will allow the Agency to (i) move tax increment dollars within the Merged Project Area and (ii) have greater flexibility with respect to long term financing.

- C. The adoption and carrying out of the Amended and Restated Plan is economically sound and feasible. Under the Amended and Restated Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including property tax increment revenues; the nature and timing of redevelopment activities will depend on the amount and availability of such financing resources, including tax increment revenue generated in the Constituent Project Areas; no redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity; and sufficient public and private financial resources, when taken together with tax increment revenue, will be available to carry out the proposed redevelopment projects and activities of the Agency. The Agency will issue its tax increment bonds or other obligations payable from tax increment revenues only when such revenues are projected to be available to the Agency in amounts sufficient to pay for the principal of and interest on such bonds and other obligations and on bonds or other obligations issued by the Agency which are then outstanding. In addition, there are available to the Agency other methods of financing its redevelopment activities within the Constituent Project

Areas, including but not limited to, bonds issued pursuant to Health and Safety Code Section 33750 or Section 33641(d). The Agency may receive financial assistance from the County of Los Angeles, the State of California, the federal government, and any other public agency. As available, other funds also may be used to pay the costs of the Agency's redevelopment activities, including but not limited to, Community Development Block Grant funds.

For the purposes of allocating taxes pursuant to Section 33670 of the Redevelopment Law, the Amended and Restated Plan provides that Constituent Project Area Nos. 1, 2, 3, 3A, and 4 are merged. Except as provided in subdivision (b) of Section 33486 of the Redevelopment Law, taxes which are attributable to Constituent Project Area Nos. 1, 2, 3, 3A, and 4 which are allocated to the Agency pursuant to Section 33670 of the Redevelopment Law may be allocated to the entire Merged Project Area for the purpose of paying the principal of and interest on indebtedness incurred by the Agency to finance or refinance, in whole or in part, such merged redevelopment project. With respect to any indebtedness incurred on account of Constituent Project Area Nos. 1, 2, 3, 3A, or 4 prior to the adoption of the Amended and Restated Plan, taxes attributable to Constituent Project Area No. 1, 2, 3, 3A, or 4 as the case may be, which are allocated to the Agency pursuant to Health and Safety Code Section 33670 shall be first used to comply with the terms of any bond resolution or other agreement pledging the taxes from the Constituent Project Area.

- D. The Amended and Restated Plan is consistent with and conforms to the General Plan of the City of San Fernando, including, but not limited to the General Plan's Housing Element, 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, as set forth in the findings of the Planning and Preservation Commission in its Resolution No. _____, adopted on April 20, 2010. The Amended and Restated Plan proposes land uses and public improvements contemplated by the General Plan and the goals and objectives of such General Plan.
- E. The carrying out of the Amended and Restated Plan would promote the public peace, health, safety, and welfare of the City, and would effectuate the purposes and policies of the Redevelopment Law. The implementation of the Amended and Restated Plan will assist in the elimination of conditions of blight within the Constituent Project Areas. The Amended and Restated Plan, among other things, provides for the installation and construction of public improvements and for the rehabilitation of public and private structures. Under the Amended and Restated Plan, the improvement of the public infrastructure will correct existing deficiencies.

- F. The condemnation of real property is provided for in the Amended and Restated Plan; however, the 2010 Amendments make no changes to the provisions of the Redevelopment Plans for the Constituent Project Areas with respect to condemnation. The Agency is required to comply with all State laws pertaining to a public agency acquiring real property, whether acquisition is by condemnation or negotiation, and these laws require paying just compensation for all real property. The Agency shall not proceed with any voluntary acquisition or with condemnation of real property for which funds are not available.
- G. The Agency intends to accomplish all redevelopment pursuant to the Amended and Restated Plan with as little displacement of families and persons from the Constituent Project Areas as possible. The Agency has a feasible method or plan for the relocation of families and persons displaced from the Constituent Project Areas, if the Amended and Restated Redevelopment Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Constituent Project Areas. The Agency shall provide relocation assistance and make all payments in accordance with applicable State law, including but not limited to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code (“State Act”); the Relocation Assistance and Real Property Acquisition Guidelines (Chapter 6 of Title 25 of the California Code of Regulations, beginning with Section 6000) (“State Guidelines”) adopted by the Department of Housing and Community Development to implement and interpret the State Act; and, if and when applicable, Federal law, including but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C., Section 4601 *et seq.*) (the “Federal Act”) and the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Regulations (49 Code of Federal Regulations, Part 24, beginning with Section 24.1) (the “Federal Guidelines”).
- H. There are, or shall be provided, in the Constituent Project Areas, or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Constituent Project Areas, decent, safe, and sanitary dwellings equal in number to the number of and available to the displaced families and persons and reasonably accessible to their places of employment. The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Constituent Project Areas may be displaced and that pending the development of such facilities, there will be available to such occupants who may be displaced adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

- I. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Redevelopment Law. 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, 33413 and 33413.5 of the Redevelopment Law.
- J. The time limitation and, if applicable, the limitation on the number of dollars to be allocated to the Agency that are contained in the Amended and Restated Plan for Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, Constituent Project Area No. 4, and the Merged Project Area are reasonably related to the proposed projects to be implemented in Constituent Project Area No. 1, Constituent Project Area No. 1A, Constituent Project Area No. 2, Constituent Project Area No. 3, Constituent Project Area No. 3A, and Constituent Project Area No. 4 and to the ability of the Agency to eliminate blight in the Constituent Project Areas .

SECTION 10. The 2010 Amendments to the Redevelopment Plans for the Constituent Project Areas are hereby approved as official amendments to such Redevelopment Plans, and the Amended and Restated Plan is hereby approved and adopted and is hereby designated as the official redevelopment plan for Constituent Project Area No. 1A and the Merged Project Area.

SECTION 11. In order to implement and facilitate the effectuation of the Amended and Restated Plan, the City Council hereby (a) states its pledge of cooperation in helping to carry out the Amended and Restated Plan, (b) states its request that the various officials, departments, boards and agencies of the City of San Fernando having administrative responsibilities in Constituent Project Area No. 1A and the Merged Project Area, likewise cooperate to such end and exercise their respective functions and powers in a manner consistent with the redevelopment of Constituent Project Area No. 1A and the Merged Project Area, (c) affirms that it stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended and Restated Plan, and (d) declares its intention to undertake and complete any proceeding necessary to be carried out by the City of San Fernando under the provisions of the Redevelopment Law.

SECTION 12. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published or posted as required by law.

SECTION 13. 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 Amended and Restated Plan.

SECTION 14. The City Clerk is hereby directed to record, in accordance with Health and Safety Code Section 33456, with the County Recorder of the County of Los Angeles a statement that the Redevelopment Plans for the Constituent Project Areas have been amended.

SECTION 15. By adoption of the Amended and Restated Plan it is the intention of the City Council to effectuate each of the purposes enumerated in Section 6 of this Ordinance. If any portion or aspect of any of those purposes, or the procedures or actions necessary for the effectuation thereof, are invalidated by a court of competent jurisdiction, the remaining actions of the City Council as to the adoption of the Amended and Restated Plan, and the remaining portions of such Amended and Restated Plan not affected by the court's decision to invalidate, shall be severable from the invalidated portion or aspect and shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2010.

Mario F. Hernandez, Mayor

ATTEST:

Elena G. Chávez, City Clerk