

ORDINANCE NO. **029-98**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STOCKTON APPROVING AND ADOPTING THE SECOND AMENDMENT TO THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE WEST END URBAN RENEWAL PROJECT NO. 1 ("PLAN AMENDMENT"), APPROVING A NOTICE OF EXEMPTION FOR THE PLAN AMENDMENT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING CERTAIN FINDINGS PURSUANT TO THE COMMUNITY REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA


WHEREAS, by the City Council Ordinance No. 686, adopted on October 9, 1961, the City Council of the City of Stockton adopted the Redevelopment Plan for the West End Urban Renewal Project No. 1 Redevelopment Project Area (the "Project Area"), as amended by City Council Ordinance No. 1078, adopted on April 6, 1964, as further amended by Ordinance No. 1685, adopted on May 27, 1968, as further amended by Ordinance No. 2567 adopted on September 3, 1974, as further amended by Ordinance No. 3308 on March 31, 1980, as further amended by Ordinance No. 089-86 adopted on December 15, 1986, as further amended by Ordinance No. 039-91 adopted on July 15, 1991, and as further amended by Ordinance No. 034-94 on December 12, 1994 (collectively, the "Plan"); and

WHEREAS, pursuant to the Community Redevelopment Law of the State of California (the "Redevelopment Law"), the Redevelopment Agency of the City of Stockton (the "Agency") has recommended that San Joaquin County Assessor's Parcel No. 149-150-24 be deleted from the Project Area; and

WHEREAS, the Agency has made studies of the impact of the proposed amendment to physical condition of structures, environmental influences, land uses, and social, economic and cultural conditions and has determined that the proposed amendment will promote the proper redevelopment of the Project Area in accordance with the goals, objectives, and policies of the City of Stockton's General Plan, the Plan and the Redevelopment Law; and

WHEREAS, the Agency has prepared and submitted to the City Council of the City of Stockton (the "City Council") for review and adoption the proposed amendment to the Plan which amendment is incorporated in a Second Amendment to the Amended and Restated Redevelopment Plan for the West End Urban Renewal Project No. 1 (the "Plan Amendment"), a copy of which is on file with the City Clerk of the City of Stockton; and

WHEREAS, the Agency has prepared and submitted, and the City Council has reviewed and considered, a written report on the proposed plan amendment (the "Report on the Plan Amendment")

CITY ATTY
REVIEW 
DATE NOV 12 1998

pursuant to Health and Safety Code Section 33457.1, a copy of which is on file with the City Clerk of the City of Stockton; and

WHEREAS, the purpose of the Plan Amendment is to detach one parcel from the Project Area. This parcel is bounded by Main Street, California Street, Market Street and Sutter Street, and is known as the former American Savings Plaza (San Joaquin County Assessor's Parcel No. 149-150-24). The detachment of this parcel is necessary because the downward reassessment of this parcel's value for property tax purposes has resulted in the Agency's inability to collect tax increment from the portion of the Project Area added in 1991. This amendment will not change the uses permitted within the Project Area; and

WHEREAS, the Planning Commission, which is the duly designated and acting official planning body of the City of Stockton, has submitted to the City Council its report and recommendation dated October 23, 1998, recommending approval and adoption of the Plan Amendment, and approval and adoption of the Notice of Exemption from the California Environmental Quality Act ("CEQA"), and has certified that the Plan Amendment conforms to the General Plan; and

WHEREAS, the staff report contains information that the Plan Amendment is exempt from the requirements of CEQA pursuant to State CEQA Guidelines (California Code of Regulations, Title 14, Section 15061(b)(3) and the City of Stockton's Guidelines for Implementation of CEQA (Article 5, Section 5.1); and

WHEREAS, on November 10, 1998, the City Council and the Agency conducted a joint public hearing which was duly noticed in accordance with the requirements of the Redevelopment Law; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

Section 1. In accordance with California Health and Safety Code Sections 33367 and 33457.1, and based upon the evidence contained in the Report on the Plan Amendment and on the evidence presented at the joint public hearing, the City Council finds and determines with respect to the amendment incorporated in the Plan Amendment by this Ordinance that:

The Project Area, as modified by the Plan Amendment, is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law (see particularly Parts I, II, III and IV of the Report on the Plan Amendment regarding evidence with respect to this finding.)

The Plan Amendment conforms to the General Plan (see particularly Part VII of the Report on the Plan Amendment regarding evidence with respect to this finding).

The Plan Amendment would redevelop the Project Area in conformity with the Redevelopment Law and would be in the interest of the public peace, health, safety, and welfare; and the implementation of the Plan Amendment would promote the public peace, health, safety and welfare of the City of Stockton, and would effectuate the purposes and policy of the Redevelopment Law (see particularly the Introduction and Parts I, II and III of the Report on the Plan Amendment regarding evidence with respect to this finding).

The adoption and implementation of the Plan Amendment is economically sound and feasible (see particularly Part IV of the Report on the Plan Amendment regarding evidence with respect to this finding).

The Plan Amendment will not affect the status of tax increment financing in the Project Area and, consequently, will not cause significant financial burden or detriment on any taxing agency deriving revenues from the Project Area (see particularly Part IV, X and XII of the Report on the Plan Amendment regarding evidence with respect to this finding).

The City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area, if any, are displaced and that pending the development of such facilities there will be available to such displaced occupants housing facilities at rents comparable to those in the community at the time of their displacement (see particularly Part V of the Report on the Plan regarding evidence with respect to this finding).

The matters set forth in Health and Safety Code Section 33367 (d)(6), (d)(7), (d)(8), (d)(9), (d)(10), (d)(11), d(12) and (d)(13) are not applicable to or affected by the Plan Amendment and consequently no further findings with respect to such matters are required (see particularly the Introduction, Parts V, VI, XI and XIII of the Report on the Plan Amendment regarding evidence with respect to this finding).

Section 2. The City Council hereby further finds and determines that there is no substantial evidence that the Plan Amendment will have a significant effect on the environment.

Based on the foregoing, the City Council hereby adopts and approves a Notice of Exemption from CEQA for the Plan Amendment.

Section 3. It is the continuing purpose and intent of the City Council that the Plan, as modified by the Plan Amendment, be implemented in order to continue to:

Eliminate the conditions of blight;

Ensure, as far as possible, that the causes of the blighting conditions will be either eliminated or protected against;

Encourage and ensure the redevelopment of the Project Area; and

Encourage and foster the economic revitalization of the Project Area, as necessary.

Section 4. It is hereby found and determined that the Plan Amendment is necessary and desirable. The Plan, all amendments to and restatements of the Plan, and all ordinances adopting or previously amending the Plan are hereby amended in accordance with the Plan Amendment.

The Plan, as amended by the Plan Amendment, is hereby adopted, approved and designated as the official redevelopment plan for the Project Area. The Plan Amendment, consisting of two pages and two exhibits, is incorporated in this Ordinance by reference and made a part of the Ordinance as if set out in full in the Ordinance. The City Clerk of the City of Stockton is hereby directed to file a copy of the Plan Amendment. The Agency is vested with the continuing responsibility to implement the Plan Amendment.

Section 5. The Executive Director of the Agency is hereby directed to record the Plan Amendment in compliance with the provisions of Health and Safety Code Section 33456 and Government Code Section 27295.

Section 6. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or the Plan Amendment is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Ordinance or the Plan Amendment.

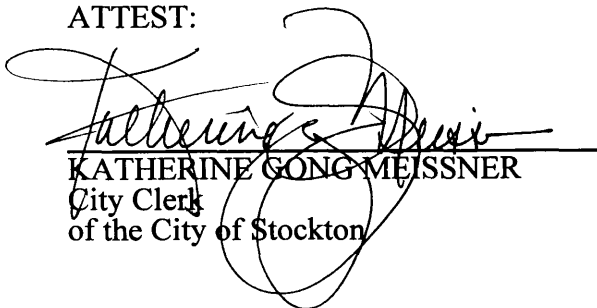
Section 7. This Ordinance shall be published once in The Stockton Record, a newspaper of general circulation printed and published in San Joaquin County and circulated in the City of Stockton within fifteen (15) days from and after its adoption, and shall take effect and be enforced thirty (30) days after its adoption.


This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: NOV 17 1998

EFFECTIVE: DEC 17 1998

ATTEST:


KATHERINE GONG MEISSNER
City Clerk
of the City of Stockton


GARY PODESTO, Mayor
of the City of Stockton

029-98

SECOND AMENDMENT
TO THE
AMENDED AND RESTATED
REDEVELOPMENT PLAN
FOR
WEST END URBAN RENEWAL PROJECT NO. 1

REDEVELOPMENT AGENCY
OF THE CITY OF STOCKTON

NOVEMBER, 1998

029-98

SECOND AMENDMENT
TO THE
AMENDED AND RESTATED
REDEVELOPMENT PLAN FOR THE
WEST END URBAN RENEWAL PROJECT NO. 1

I. INTRODUCTION

The Second Amendment to the Amended and Restated Redevelopment Plan for the West End Urban Renewal Project No. 1 (the "Amendment") consists of text, one map, and the legal description of the area covered by the Plan as amended by this Amendment (the "Project Area"). This Amendment amends the Amended and Restated Redevelopment Plan for the West End Urban Renewal Project No. 1 (the "Plan"), adopted on July 15, 1991 by Ordinance No. 039-91, as amended by Ordinance No. 034-94, adopted on December 19, 1994. The purpose of this Amendment is to detach certain property, San Joaquin Assessor's Parcel No. 149-150-24 (formerly known as the American Savings Plaza), from the project area affected by the Plan.

This Amendment has been prepared by the Redevelopment Agency of the City of Stockton pursuant to the Constitution of the State of California, the Community Redevelopment Law of the State of California, and all applicable laws and local ordinances. This Amendment has been prepared to be accompanied by the Report on this Amendment, as called for in the California Community Redevelopment Law.

II. AMENDMENTS TO PLAN

A. Part II, Section M, of the Plan shall be replaced in its entirety as follows:

"M. "Project Area" means the area included within the boundaries of the West End Urban Renewal Project No. 1 as shown on the Project Area Boundary and Land Use Map (Exhibit 1) and described in the Legal Description of the Project Area (Exhibit 2)."

B. Part III of the Plan shall be replaced in its entirety as follows:

"PART III. PROJECT AREA BOUNDARIES

Following the text of this Plan are Exhibit 1: "Project Area Boundary and Land Use Map," and Exhibit 2: "Legal Description of the Project Area," which exhibits are incorporated in this Plan by this reference. The Project Area boundaries are shown in Exhibit 1 and described in Exhibit 2."

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C. Part V, Section C, of the Plan shall be replaced in its entirety as follows:

"C. Project Area Boundary and Land Use Map

The Project Area Boundary and Land Use Map (Exhibit 1) shows the Project Area boundaries, major circulation routes and street layouts, permitted land uses, the location of proposed open space areas, and the property to be devoted to public purposes within the Project Area. The specific types of uses and activities permitted or conditionally permitted in each land use category mapped on the Project Area Boundary and Land Use Map (Exhibit 1) are those types of uses and activities described in the General Plan for the relevant land use category. The land uses shown on the Project Area Boundary and Land Use Map are drawn from the Land Use Element of the General Plan and shall be deemed to be automatically modified as the Land Use Element of the General Plan may be revised from time to time in order to maintain conformance of this Plan with the General Plan, as provided in Sections A and B of this Part."

D. Exhibits A and B to the Plan are deleted in their entirety from the Plan and replaced with Exhibit 1 attached to this Amendment and incorporated herein by this reference.

E. Exhibit C to the Plan is deleted in its entirety from the Plan and replaced with Exhibit 2 attached to this Amendment and incorporated herein by this reference.

III. EFFECT OF AMENDMENTS

All provision of the Plan not specifically amended or deleted in this Amendment shall continue in full force and effect.

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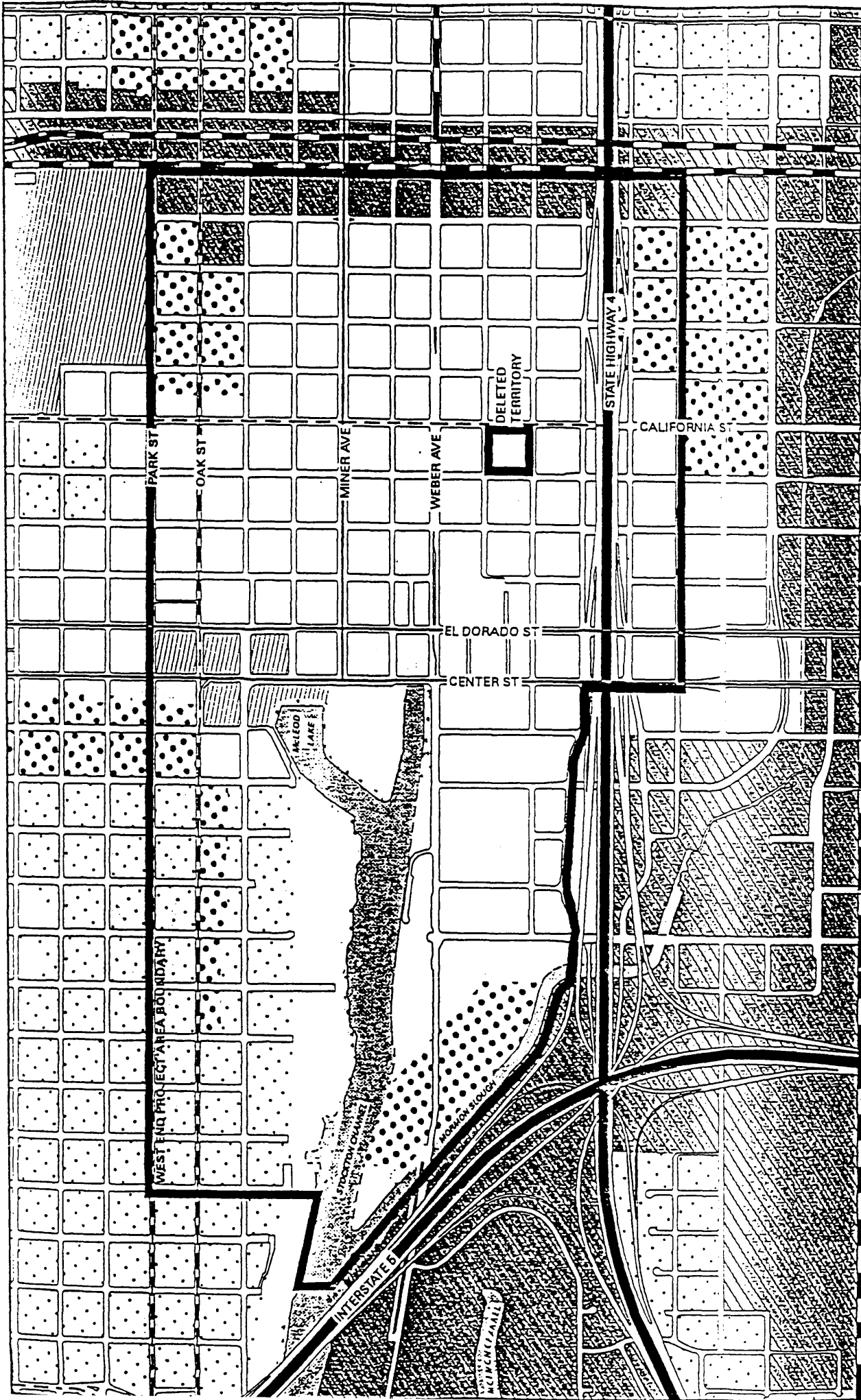


EXHIBIT 1 - PROJECT AREA BOUNDARY AND LAND USE MAP

Key:	Land Use	Performance/Industrial	Circulation
XXXX	Low-Medium Density Residential	Performance/Industrial	Freeway
XXXX	High Density Residential	Industrial	Major Arterial
XXXX	Administrative/Professional	Institutional	Minor Arterial
XXXX	Commercial	Parks & Recreation	Railroad
XXXX	Open Space	Agricultural	



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The information on this map is based on the most current information available to the City of Stockton Geographic Information System Division. This information is not intended to replace engineering, financial or primary records research.

HRD/GPLAN

LEGAL DESCRIPTION

WEST END URBAN RENEWAL PROJECT AREA
REDEVELOPMENT PROJECT No. 1

All that real property in the City of Stockton, County of San Joaquin, State of California within the boundaries of the West End Urban Renewal Redevelopment Project No. 1, the description of which was recorded with the San Joaquin County Recorder pursuant to Section 33373 of the Health and Safety Code, at Volume 2522, Page 509, Official Records of San Joaquin County, and on July 16, 1991 was last amended by Instrument No. 91067310, San Joaquin County Records, and more particularly described as follows:

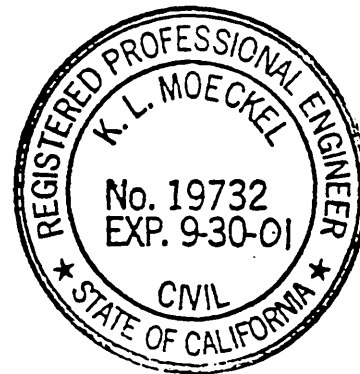
Beginning at the intersection of the north line of Park Street with the west line of Yosemite Street, as shown on the Official Map of the City of Stockton, approved and adopted by the City Council on July 23, 1894; thence easterly along said north line of Park Street to its intersection of the west line of the Union Pacific Railroad right-of-way (formerly Sacramento Street); thence southerly along said west right-of-way line of Union Pacific Railroad to its intersection with the south line of Sonora Street; thence westerly along said south line of Sonora Street to its intersection with the west line of Center Street; thence northerly along said west line of Center Street to its intersection with the south line of Washington Street; thence, South 78°23'00" West, 262.19 feet, more or less, to a point on the south line of Washington Street, said point being the southeasterly corner of that survey recorded in Book 27 of Surveys at Page 186, San Joaquin County Records (the bearings and distances in this description are based on this map of survey); thence, along the said south line of Washington Street on the arc of a curve to the right having a radius of 308.00 feet, a central angle of 22°52'32", an arc length of 122.97 feet, and a chord bearing South 89°49'16" West, 122.16 feet; thence, North 78°44'28" West, 100.81 feet; thence, along a curve to the left having a radius of 292.00 feet, a central angle of 19°38'32", an arc length of 100.10 feet and a chord bearing North 88°33'43" West, 99.61 feet; thence, South 81°37'00" West, 886.93 feet; thence, along said south line on the arc of a curve to the left having a radius of 392.00 feet, a central angle of 28°26'13", an arc length of 194.56 feet and a chord bearing South 67°23'54" West, 192.57 feet; thence, leaving said south line South 79°59'19" West, 253.58 feet; thence, South 85°11'15" West, 311.80 feet to a point on the southwest line of Mormon Channel; thence, along said southwest line from a tangent bearing North 35°59'08" West along the arc of a curve to the left having a radius of 140.00 feet and a chord bearing North 60°41'04" West, 117.00 feet; thence, North 85°23'00", 286.00 feet; thence along a curve to the right having a radius of 580.00 feet, a central angle of 25°00'00", an arc length of 253.07 feet and a chord bearing North 72°53'00", 251.07 feet; thence, North 60°23'00" West, 2309.87 feet along said southwest line and the northwest projection thereof to a point in the Stockton Channel on the

EXHIBIT 2

southerly projection of the east line of Argonaut Street; thence, along the easterly line of Argonaut Street projected southerly, North $11^{\circ}39'07''$ West, 274.56 feet to Harbor Line Point No. 64, as said Harbor Line Point is shown upon the Map entitled "Harbor Lines, Stockton and Fremont Channels and McLeod Lake, Stockton, California ", U.S. Engineer's Office, Sacramento, California and dated April, 1952; thence South $88^{\circ}47'42''$ East, 705.59 feet along the north Harbor Line to Harbor line Point No. 62, said point also being a point on the southerly projection of the westerly line of Yosemite Street; thence, northerly along the southerly projection of the westerly line of Yosemite Street and along the westerly line of Yosemite Street to its intersection with the north line of Park Street, and the point of beginning.

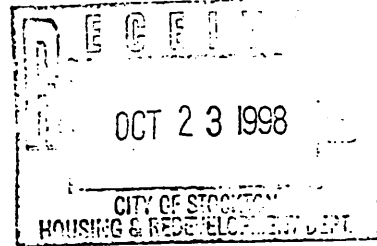
Excepting therefrom all of Block 14, East of Center Street bounded by Main Street on the north, California Street on the east, Market Street on the South and Sutter Street on the west, said block and streets are shown on said Official Map of the City of Stockton.

Containing 640.34 acres more or less.



A handwritten signature in cursive script that reads "Kenneth L. Moeckel".

CITY OF STOCKTON
NOTICE OF EXEMPTION



TO: COUNTY CLERK
COUNTY OF SAN JOAQUIN
24 South Hunter Street, Room 304
Stockton, CA 95202

FROM: Lead Agency
City of Stockton
c/o Community Development Dept.
Planning Division
425 North El Dorado Street
Stockton, CA 95202-1997

NOTICE OF EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152(B) AND CALIFORNIA CODE OF REGULATIONS TITLE 14, SECTION 15062

PROJECT DATA

Project Title: Second Amendment to the Amended and Restated Redevelopment Plan for the West End Urban Renewal Project No. 1

CEQA Exemption File No.: CE202-98

Applicant: City of Stockton Redevelopment Agency

Project Description/Location: The City of Stockton Redevelopment Agency proposes to amend the boundaries of the West End/Central Stockton Redevelopment Project Area to delete the block bounded by Main, California, Market and Sutter Streets (see attached map) (H&R/wk).

DETERMINATION/FINDING OF EXEMPTION

The above-described activity/project is exempt from the environmental assessment requirements of the California Environmental Quality Act (CEQA) pursuant to the following section(s) of the State CEQA Guidelines (California Code of Regulations, Title 14):

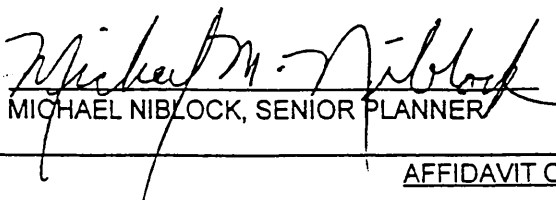
- The activity is not a "project" as defined in Section 15378.
- The activity is exempt under the "general rule" that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061(B)(3).
- The project has been granted a "Statutory Exemption" under Article 18 and, specifically, by Section(s):
- The project has been granted a "Categorical Exemption" under Article 19 and, specifically, by Section(s):

BASIS FOR FINDING OF EXEMPTION

- The activity does not qualify as a project and/or clearly could not have a significant effect on the environment and, therefore, CEQA does not apply.
- The activity constitutes a discretionary project under the City's jurisdiction and qualifies as a project which has been determined not to have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA under the above-noted statutory or categorical exemption(s).

JOHN CARLSON, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

October 23, 1998
(DATE OF PREPARATION)

By: 
MICHAEL NIBLOCK, SENIOR PLANNER

(DATE OF FINAL APPROVAL)

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice or included it on a list of such notices which was posted as required by California Public Resources Code Section 21152(B). Said notice or list of notices will remain posted for 35 days from the filing date.

029-98

Signature

Title