

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA BARBARA  
AMENDING ORDINANCE NOS. 3894 and 4382  
AND APPROVING AND ADOPTING THE SECOND AMENDMENT  
TO THE REDEVELOPMENT PLAN FOR THE  
ISLA VISTA REDEVELOPMENT PROJECT**

**WHEREAS**, and on November 27, 1990, by Ordinance No. 3894, the Board of Supervisors of the County of Santa Barbara ("Board of Supervisors") approved and adopted the Redevelopment Plan ("Plan") for the Isla Vista Redevelopment Project ("Project" or "Project Area"); and

**WHEREAS**, the Redevelopment Agency of the County of Santa Barbara ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, ("CRL") and is vested with the responsibility for carrying out the Plan for the Project Area; and

**WHEREAS**, the Plan has been amended once (as amended, the "Existing Plan") on December 9, 1999, by Ordinance No.4382, pursuant to Assembly Bill 1342, to extend the time limits on the establishment of loans, advances and indebtedness, Plan effectiveness and payment of indebtedness and receipt of tax increment to the maximum time limits previously authorized by Assembly Bill 1290; and

**WHEREAS**, the ordinances adopting the Existing Plan (collectively, the "Original Ordinances"), including the findings and determinations made by the Board of Supervisors therein are made a part hereof by reference, and are final and conclusive, there having been no action timely brought to question the validity of the Existing Plan; and

**WHEREAS**, the Agency has proposed a Second Amendment to the Existing Plan ("Amendment" or "Second Amendment") to: 1) ensure consistency between the proposed Isla Vista Master Plan and the Redevelopment Plan; 2) clarify that the Agency cannot use eminent domain to acquire land within the Project Area; and 3) modify the language in the Redevelopment Plan to allow the Agency the flexibility to acquire land from voluntary sale for mixed-use, affordable housing and commercial projects as necessary; and

**WHEREAS**, the Planning Commission of the County of Santa Barbara ("Planning Commission") has reviewed the Amendment and recommended the approval and adoption of the Amendment, together with its certification that the Amendment conforms to the County of Santa Barbara Coastal Land Use Plan ("Coastal Land Use Plan") and Comprehensive Plan both as they currently exist and as they are proposed for amendment through the adoption of the proposed Isla Vista Master Plan and related actions; and

**WHEREAS**, the County Board of Supervisors, acting as the Lead Agency, prepared and circulated for public review and comment the Isla Vista Master Plan Environmental Impact Report 03 EIR 08 RV1 (“Environmental Impact Report” or “EIR”) which served multiple purposes including updating the Countywide Comprehensive Plan, the Goleta Plan, the Coastal Land Use Plan, identifying specific catalyst projects and evaluating potential impacts of the Second Amendment pursuant to the California Environmental Quality Act, Public Resources Code §21000 *et seq.* (“CEQA”), and the Guidelines for Implementation of the California Environmental Quality Act, Title 14, California Code of Regulations §15000 *et seq.* (“CEQA Guidelines”); and

**WHEREAS**, the Board of Supervisors has received from the Agency the proposed Redevelopment Plan for the Isla Vista Redevelopment Project as amended to incorporate the Second Amendment, a copy of which is on file at the County Executive Office 105 E. Anapamu Street, Santa Barbara, California, Room 406, together with the Agency’s Report to the Board of Supervisors on the Amendment, including the reasons for the Amendment; effect of the Amendment on implementing projects and programs; Implementation Plan; the method or plan for relocation; the report of the Planning Commission of the County of Santa Barbara with respect to the conformity of the Amendment with the Coastal Land Use Plan and Isla Vista Master Plan; Isla Vista Project Area Committee’s report and recommendations on the Amendment, a neighborhood impact report; the Environmental Impact Report; and a summary of consultations with affected taxing agencies; and

**WHEREAS**, the Project Area Committee (“PAC”) for the Project has submitted its report and recommendations concerning the Amendment, and has recommended approval of the Amendment; and

**WHEREAS**, the Board of Supervisors and the Agency held a joint public hearing on August 21 2007, on the adoption of the Amendment and the Environmental Impact Report evaluating said Amendment (03-EIR-08 RV1), in the County Administration Building Board Hearing Room, located at 105 East Anapamu Street, Fourth Floor, Santa Barbara, California; and

**WHEREAS**, notice of said joint public hearing was duly and regularly published in a newspaper of general circulation in the community of Isla Vista, once a week for four successive weeks prior to the date of such joint public hearing, and a copy of said notice and affidavit of publication are on file with the County Clerk-Recorder and the Agency; and

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

**WHEREAS**, copies of the notice of joint public hearing were mailed by first class mail to all residents and businesses 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 that receives taxes from property in the Project Area; and

**WHEREAS**, the County of Santa Barbara prepared and circulated a Draft Environmental Impact Report (the “Draft EIR”) evaluating the potential impacts of the Amendment in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), the Guidelines for Implementation of the California Environmental Quality Action (14.Cal. Codes Regs, Section 15000 *et seq.*), and the Draft EIR was thereafter revised and supplemented to incorporate comment received and responses thereto and to incorporate project changes recommended by the Planning Commission, and as so revised and supplemented, a Final Environmental Impact Report (the “Final EIR”) was prepared and certified by the Board of Supervisors (03 EIR 08 RV1); and

**WHEREAS**, the Agency and the Board of Supervisors have reviewed and considered the Final EIR evaluating the potential impacts of the Amendment, and have each adopted a Statement of Findings, Facts, Overriding Considerations application to the environmental impacts identified in the Final EIR; and

**WHEREAS**, the Board of Supervisors has considered the report and recommendation of the Planning Commission, the Agency’s Report to the Board of Supervisors, the Existing Plan as amended by the Amendment, 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 Amendment and has made written findings in response to each written objection of an affected property owner or taxing entity, if any, filed with the County Clerk – Recorder before or during such joint public hearing; and

**WHEREAS**, all actions required by law have been taken by all appropriate public bodies.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The purposes and intent of the Board of Supervisors with respect to the Amendment are: 1) ensure consistency between the proposed Isla Vista Master Plan and the Redevelopment Plan; 2) clarify that the Agency cannot use eminent domain to acquire land within the Project Area; and 3) modify the language in the Redevelopment Plan to allow the Agency the flexibility to acquire land through voluntary sale for mixed-use, affordable housing and commercial projects, as necessary. These actions will assist in the elimination of blighting conditions that remain in the Project Area, will assist in preventing the reoccurrence of such remaining blighting conditions, and will enable the Agency to fully achieve the goals and objectives for redevelopment of the Project Area pursuant to the Existing Plan.

**Section 2.** Based on the evidence in the record, including, but not limited to, the Agency's Report to the Board of Supervisors on the Amendment prepared in accordance with

CRL Section 33457.1, and all documents referenced therein, and evidence and testimony received at the joint public hearing on adoption of the Amendment held on August 21, 2007, the Board of Supervisors hereby makes the following findings and determinations as warranted by the Amendment:

a) The Amendment will permit the continued redevelopment of the Project Area in conformity with the CRL and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that the Amendment will enable the Agency to fully achieve the goals and objectives for redevelopment of the Project Area thereby further eliminating existing blighting conditions that remain in the Project Area and preventing the reoccurrence of blighting conditions.

b) The Amendment will permit the continued redevelopment of the Project Area in conformity with the CRL and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that the purposes of the CRL would be attained by implementing the Existing Plan, as amended by the Amendment, to eliminate and correct the remaining conditions of blight in the Project Area and prevent their reoccurrence through the implementation of the Agency's on-going projects and programs in conjunction with other agencies public and private projects and programs.

c) The adoption and carrying out of the Amendment is economically sound and feasible. This finding is based on the fact that under the Existing Plan, as amended by the Amendment, the Agency will continue to be authorized to seek and utilize a variety of potential financing resources, including property tax increment revenues; that the nature and timing of public redevelopment assistance within the Project Area will continue to depend upon the amount and availability of such financing resources, including tax increment generated by new investment in the Project Area; that under the Existing Plan, as amended by the Amendment, no public redevelopment activity can be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity; and that the Amendment does not alter the financing plan previously prepared and included within the Agency's Reports to the Board of Supervisors prepared for the Existing Plan.

d) The Amendment is consistent with the Coastal Land Use Plan and Isla Vista Master Plan, as they conform to the Housing Element of the Comprehensive 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 upon the Comprehensive Plan, Coastal Land Use Plan, Isla Vista Master Plan and the findings of the Planning Commission that the Amendment conforms to the Coastal Land Use Plan and Isla Vista Master Plan as set forth in its Resolution No. 07-5.

e) The carrying out of the Amendment would promote the public peace, health, safety and welfare of the County and would effectuate the purposes and policies of the CRL. This finding is based on the fact that the Amendment will allow the Agency the flexibility to acquire land from voluntary sale for mixed-use, affordable housing and commercial projects, as necessary. This action will enable the Agency to fully achieve the goals and objectives for redevelopment of the Project Area pursuant to the Existing Plan and allow for the future development and redevelopment of the Project Area in accordance with the Coastal Land Use Plan and Isla Vista Master Plan thereby further eliminating existing blighting conditions that remain in the Project Area and preventing the reoccurrence of blighting conditions.

f) The Redevelopment Plan does not provide the authority to condemn real property within the Project Area. Furthermore, the Amendment reiterates and future clarifies that the Agency does not have the authority to acquire property by eminent domain. As set forth in the Agency's Report to the Board of Supervisors, should any voluntary relocation occur as a result of a negotiated sale, the Agency will provide relocation assistance in accordance with the California Relocation and Real Property Acquisition Laws (Government Code Section 7260 *et seq.*).

g) 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. This finding is based upon the facts set forth in the Agency's Report to the Board of Supervisors in particular that the Agency has adopted the relocation guidelines promulgated by the California Department of Housing and Community Development requiring that relocation assistance and benefits be provided and, the Existing Plan, as amended by the Amendment, does not authorize the use of eminent domain authority to acquire property within the Project Area on which any persons reside.

h) 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 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. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to CRL Sections 33411 and 33411.1, and 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 CRL Sections 33334.5, 33413 and 33413.5.

i) The matters set forth in Section 33367 (d)(1),(d)(9), (d)(10), (d)(11), (d)(12),d(13) and d(14) of the CRL are not applicable to or affected by the Amendment and, consequently, as provided in CRL Section 33457.1, no findings with respect to such matters are warranted or required.

**Section 3.** The Board of Supervisors 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 County at the time of their displacement. No persons or families of low and moderate income shall be displaced from residences unless and until there are suitable housing units 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.** Having considered all evidence and testimony presented for or against any aspect of the Amendment, the Board of Supervisors hereby overrules all written and oral objections to the Amendment.

**Section 5.** The Existing Plan is hereby further amended as set forth by the Second Amendment identified in the Redevelopment Plan attached hereto as Exhibit A. As so amended, the Existing Plan is hereby incorporated herein by reference. The Executive Director of the Agency is hereby authorized to amend the Existing Plan as provided by the Second Amendment attached hereto as Exhibit A, and when filed with the County Clerk and the Secretary of the Agency, the Existing Plan, as amended, shall constitute the official Redevelopment Plan for the Isla Vista Redevelopment Project.

**Section 6.** In order to implement and facilitate the effectuation of the Amendment hereby approved, it may be necessary for the Board of Supervisors to take certain actions, and accordingly, this Board of Supervisors hereby: (a) pledges its cooperation in helping to carry out the Amendment; (b) authorizes and directs the various officials, departments, boards, and agencies of the County 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 Amendment; and (d) declares its intention to undertake and complete any proceeding necessary to be carried out by the County under the provisions of the Amendment.

**Section 7.** The County Clerk – Recorder 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 Existing Plan, as amended by the Amendment.

**Section 8.** The County Clerk is hereby directed to record with the County Recorder of the County of Santa Barbara a notice of the approval and adoption of the Amendment pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Project Area pursuant to the Existing Plan, as amended by the Amendment, have been instituted under the CRL.

**Section 9.** The County Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same or a summary thereof to be published in a newspaper of general circulation, which is published and circulated in the Santa Barbara News Press.

**Section 10.** This Ordinance shall be in full force and effect thirty (30) days after its passage.

**Section 11.** If any part of this Ordinance or the Amendment 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 or of the Amendment, and this Board of Supervisors hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Amendment, if such invalid portion thereof had been deleted.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of Santa Barbara County this 21st day of August, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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CHAIRMAN,  
COUNTY OF SANTA BARBARA

APPROVED AS TO FORMSTEPHEN SHANE STARK  
COUNTY COUNSEL

By: \_\_\_\_\_  
Deputy County Counsel

ATTEST  
Michael F. Brown  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

**EXHIBIT A**

**REDEVELOPMENT PLAN  
FOR THE  
ISLA VISTA REDEVELOPMENT PROJECT  
AS AMENDED BY THE SECOND AMENDMENT**