

RECORDED AT REQUEST OF:

REDEVELOPMENT AGENCY OF THE  
CITY OF BRISBANE

WHEN RECORDED MAIL TO:

Goldfarb & Lipman  
1300 Clay Street, 9<sup>th</sup> Floor  
Oakland, CA 94612  
Attention: Lynn Hutchins



NO RECORDING FEE PURSUANT TO  
GOVERNMENT CODE SECTION 27383

**ORDINANCE NO. 471**

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**AN ORDINANCE OF THE CITY OF BRISBANE APPROVING AND  
ADOPTING THE FOURTH AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE BRISBANE COMMUNITY  
REDEVELOPMENT PROJECT AREA NUMBER TWO (THE  
"FOURTH AMENDMENT") AND MAKING CERTAIN FINDINGS  
PURSUANT TO THE COMMUNITY REDEVELOPMENT LAW OF  
THE STATE OF CALIFORNIA**

**WHEREAS**, by City Council Ordinance No. 284, adopted on June 14, 1982, the City Council of the City of Brisbane adopted the Redevelopment Plan (the "Original Plan") for the Brisbane Community Redevelopment Project Area Number Two (the "Project Area"), as amended by Ordinance No. 342, adopted October 12, 1988, as amended by City Council Ordinance No. 397, adopted on January 9, 1995, and as further amended by City Council Ordinance No. 442, adopted on November 8, 1999 (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 Brisbane (the "Agency") has recommended certain amendments to the Plan that, among other things, would re-establish the Agency's authority to commence eminent domain proceedings for twelve (12) years, increase the amount of bonded indebtedness that may be outstanding at any one time, and provide for continuing conformity between the land uses set forth in the City's General Plan and the Redevelopment Plan; and

**WHEREAS**, the Project Area has no residents; and

**WHEREAS**, the proposed Fourth Amendment does not contain substantial changes to the Redevelopment Plan which affect the Brisbane General Plan, and therefore,

the Fourth Amendment was not submitted to the Planning Commission, pursuant to Health and Safety Code Section 33453; and

**WHEREAS**, the Agency has made studies of the impact of the proposed amendments to physical condition of structures, environmental influences, land uses, and social, economic and cultural conditions and has determined that the proposed amendments will promote the proper redevelopment of the Project Area in accordance with the goals, objectives, and policies of the City of Brisbane'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 Brisbane (the "City Council") for review and adoption the Fourth Amendment to the Redevelopment Plan for the Brisbane Community Redevelopment Project Area Number Two (the "Fourth Amendment"), a copy of which is on file with the City Clerk of the City of Brisbane; and

**WHEREAS**, the Agency has prepared and submitted, and the City Council has reviewed and considered, a written report on the proposed Fourth Amendment (the "Report"), pursuant to Health and Safety Code Section 33457.1, a copy of which is on file with the City Clerk of the City of Brisbane; and

**WHEREAS**, the City Council has reviewed the California Environmental Quality Act (the "CEQA") Negative Declaration prepared for the Fourth Amendment pursuant to the CEQA regulations (the "Negative Declaration"); and

**WHEREAS**, the primary purposes of the Fourth Amendment are to re-establish the Agency's authority to commence eminent domain proceedings for twelve (12) years, increase the limit on outstanding bonded indebtedness and provide for continuing conformity between the City's General Plan and the Redevelopment Plan; and

**WHEREAS**, the Fourth Amendment will not change the land uses permitted within the Project Area; and

**WHEREAS**, on July 8, 2002, the City Council and the Agency conducted a joint public hearing on the Fourth Amendment which was duly noticed in accordance with the requirements of the Redevelopment Law; and

**WHEREAS**, the City Council and Agency received no written objections to the Fourth Amendment at or prior to the joint public hearing on the Fourth Amendment.

**NOW, THEREFORE**, the City Council of the City of Brisbane does ordain 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 and on the



evidence presented at the joint public hearing, the City Council finds and determines with respect to the Fourth Amendment that:

- a) The Project Area continues to contain blighted properties, the redevelopment of which is necessary to effectuate the public purposes of the Redevelopment Law (see particularly Sections I, II and III of the Report regarding evidence with respect to this finding).
- b) The Fourth Amendment conforms to the General Plan (see particularly Sections VIII and X of the Report and Section II.C of the Fourth Amendment regarding evidence with respect to this finding).
- c) The Fourth 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 Fourth Amendment would promote the public peace, health, safety and welfare of the City of Brisbane, and would effectuate the purposes and policy of the Redevelopment Law (see particularly the Sections I, II, III, IV and V of the Report regarding evidence with respect to this finding).
- d) The adoption and implementation of the Fourth Amendment are economically sound and feasible (see particularly Section IV of the Report regarding evidence with respect to this finding).
- e) The Fourth 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 the Section IV and Appendix C of the Report regarding evidence with respect to this finding).
- f) The condemnation of real property, if any, is necessary to the execution of the Fourth Amendment and adequate provisions have been made for payment of property to be acquired as provided by law (see particularly Sections I, II and VI of the Report and Section V.E. and V.F. of the Original Plan regarding evidence with respect to this finding).
- g) The matters set forth in Health and Safety Code Section 33367(d)(7), (d)(8), (d)(9), (d)(10), (d)(11), (d)(12), (d)(13) and (e) are not applicable to or affected by the amendments incorporated in the Fourth Amendment, and consequently no further findings with respect to such matters are required (see particularly Sections I, II, III, IV and VI of the Report regarding evidence with respect to this finding).

**SECTION 2:** It is the continuing purpose and intent of the City Council that the Fourth Amendment be implemented in order to continue to:

- a) Eliminate the conditions of blight;



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- b) Ensure, as far as possible, that the causes of the blighting conditions will be either eliminated or protected against;
- c) Encourage and ensure the redevelopment of the Project Area; and
- d) Encourage and foster the economic revitalization of the Project Area, as necessary.

**SECTION 3:** All oral objections to the Fourth Amendment are hereby overruled by this Ordinance.

**SECTION 4:** It is hereby found and determined that the proposed Fourth Amendment is necessary and desirable. The Plan and all ordinances adopting or previously amending the Plan are hereby amended in accordance with the Fourth Amendment.

The Plan as amended by the Fourth Amendment is hereby adopted, approved and designated as the official redevelopment plan for the Project Area. The Fourth Amendment, consisting of nine (9) pages and three (3) exhibits, is incorporated into 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 Brisbane is hereby directed to file a copy of the Fourth Amendment with the minutes of this meeting. The Agency is vested with the continuing responsibility to implement the Fourth Amendment.

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

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or the Fourth 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 Fourth Amendment.

**SECTION 5:** This Ordinance shall be published once in the San Mateo County Times, within fifteen (15) days from and after its adoption, and shall take effect and be enforced thirty (30) days after its adoption.

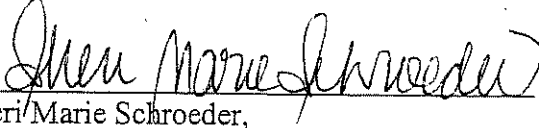
  
Clara A. Johnson, Mayor



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The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the 22nd day of July, 2002, by the following vote:

AYES: Councilmembers Barnes, Bologoff, Panza, Richardson, and Mayor Johnson  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
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Sheri Marie Schroeder,  
City Clerk



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