

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

112



FROM: Economic Development Agency

SUBMITTAL DATE:

May 6, 2010

SUBJECT: Joint Public Hearing for the proposed Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct a Joint Public Hearing with the Redevelopment Agency Board of Directors to consider the Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area;
2. After receiving public testimony from all interested parties, close the public hearing for the Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area.

(Continued)

FORM APPROVED BY COUNTY COUNSEL  
DATE 5/5/10  
MICHELLE CLACK  
Departmental Concurrence

Robert Field  
Assistant County Executive Officer/EDA

FINANCIAL  
DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: Yes

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

By:

Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and the above Ordinance is approved as introduced with waiver of reading.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: May 18, 2010  
xc: EDA, RDA

Kecia Harper-Ihem  
Clerk of the Board

By:

Deputy

(Comp. Item 4.3)

Prev. Agn. Ref.: 4.6 of 12/22/2009; 3.35, 4.1 of 4/20/10

District: 4

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

9.9

Dep't Recomm.: ☐ Consent  
Per Exec. Ofc.: ☐ Consent  
Policy ☒  
Policy ☒

**RECOMMENDED MOTION** (continued):

3. If written objections are received, continue this item and direct staff to prepare written responses to the objections for consideration at the Board of Supervisors meeting on June 8, 2010.
4. Adopt the attached Resolution No. 2010-160 of the Board of Supervisors of the County of Riverside Adopting the Negative Declaration for the Proposed Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area.
5. Introduce and adopt, on successive weeks, Ordinance No. 898 of the Board of Supervisors of the County of Riverside Approving and Adopting the Proposed Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area.

**BACKGROUND:**

On September 15, 2009, the Redevelopment Agency for the County of Riverside (Agency) and the County of Riverside entered into an *Agreement to Amend Redevelopment Plan* with the City of La Quinta (City) and the La Quinta Redevelopment Agency to remove two parcels identified as assessor's parcel numbers 609-040-07 and 609-040-023 (Property) from the Palm Desert Sub-Area of the Desert Communities Project Area (DCPA).

The Property was annexed by the City in October 2007 and purchased by the City in October 2008. With the purchase of the Property by the City, the Property now has a zero tax base and no longer generates any revenue for the DCPA. The Agency has determined, based on the results of an Independent Fiscal Consultant Report (Report), that the removal of the Property from the DCPA will not have a materially adverse effect on bonds secured by the tax increment from the DCPA. The removal of the Property is expected to result in the removal of the associated valuation from the DCPA's base year assessed valuation, and thereby is expected to increase the incremental assessed valuation and associated tax increment from the DCPA. The Report concludes that the removal of the Property from the DCPA is expected to have a positive effect on the tax increment revenue providing security for the bonds.

The La Quinta Redevelopment Agency is interested in the detachment of the Property so that the La Quinta Redevelopment Agency may add the Property to their redevelopment project area and use the parcels to meet their state-mandated inclusionary housing requirements.

On December 22, 2009, Resolution No. 2009-040 was approved. This Resolution provided a notice of intent for the detachment of the Property from the DCPA and authorized the transmittal of this notification to affected public agencies.

On April 20, 2010, the Board of Supervisors adopted Resolution No. 2010-107 through Agenda Items 3.35 and 4.1, which set May 18, 2010 as the date for the Joint Public Hearing and approval of the Negative Declaration for the Detachment of Territory.

All property owners, residents, businesses, and affected taxing agencies in the Palm Desert Sub-Area of the DCPA were notified via mail of the Joint Public Hearing. In addition, a Notice of Joint Public Hearing was published in the *Desert Sun* newspaper on April 25, May 2, and May 9, 2010.

## **SUMMARY OF BOARD REVIEW AND ACTIONS**

The following actions are recommended to be taken in order:

### **1. Forward Report to the Board of Supervisors (Agency)**

Section 33352 of the CRL requires that every redevelopment plan submitted by an agency to the legislative body is to be accompanied by a report that summarizes the key elements of the process to adopt said redevelopment plan. The attached Report to the Board of Supervisors for the proposed Amendment No. 3 to the Redevelopment Plan for the Desert Communities Project Area, on the Detachment of Territory from the Palm Desert Sub-Area (the Report to Board), was prepared by the Agency in accordance with CCRL Section 33352 for transmittal to the Board of Supervisors.

In essence, the Report to Board, which includes the Draft of the Amendment to the Redevelopment Plan and the Negative Declaration/Initial Study, is an overview of the entire amendment process. The Report to the Board is to be approved by the Agency via Resolution No. RDA 2010-029, then transmitted to the Board of Supervisors. This resolution does not approve the Redevelopment Plan, nor does it adopt the Negative Declaration/Initial Study. The resolution is a method of formally transmitting the Report to the Board from the Agency to the Board of Supervisors for discussion purposes.

### **2. Conduct a Joint Public Hearing for the Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area (Agency and Board of Supervisors)**

The Agency and Board of Supervisors may now conduct a joint public hearing on the proposed amendment and take testimony in favor of and/or in opposition to the proposed amended Redevelopment Plan. The Agency Board of Directors and the Board of Supervisors will be formally convened at the same time for the hearing. The Chair of the Board of Supervisors will chair the proceedings. At the conclusion of the joint public hearing, the Board of Supervisors should close the joint public hearing.

### **3. Agency Adopts the Negative Declaration/Initial Study (Agency)**

The Agency, as the body originating the proposed amended Redevelopment Plan, may adopt the Negative Declaration prepared for the Amendment Area via Resolution No. RDA 2010-030. The resolution includes certain findings with respect to the Negative Declaration and the environmental impacts described therein.

### **4. Board of Supervisors Adopts the Negative Declaration (Board of Supervisors)**

The Board of Supervisors, as the legislative body, has final authority and discretion over the approval of the proposed action. Therefore, it is appropriate that the Board of Supervisors, as a responsible agency, adopt the Negative Declaration and the environmental impacts described therein via Resolution No. 2010-160.

### **5. Board of Supervisors introduces Ordinance (County)**

Finally, the Board of Supervisors may proceed with introducing the Ordinance adopting and designating the Redevelopment Plan as the official Redevelopment Plan for the Desert Communities Project Area. The Ordinance adopting the Redevelopment Plan would become effective thirty (30) days following its second reading.

## **6. Conclusion**

Agency staff recommends that the Board of Supervisors and the Redevelopment Agency Board of Directors conduct the Joint Public Hearing, close the public hearing, approve resolutions and introduce the Ordinance adopting the Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area, and direct staff to prepare written responses to any objections for consideration at the Board of Supervisors meeting on June 8, 2010.

**ADOPTING THE NEGATIVE DECLARATION FOR THE REDEVELOPMENT PLAN FOR THE DESERT COMMUNITIES PROJECT AREA, AMENDMENT NO. 3: DETACHMENT OF TERRITORY FROM THE PALM DESERT SUB-AREA**

**WHEREAS**, pursuant to notice duly given, the Board of Supervisors of the County of Riverside (the “Board of Supervisors”) and the Agency have held a public hearing on the Amendment and the Negative Declaration; and

05.18.10 9.9

1       **WHEREAS**, the Board of Supervisors has independently reviewed the Negative  
2 Declaration and did not receive any comments on the Negative Declaration for the  
3 Amendment.

4       **NOW, THEREFORE**, it is hereby resolved by the Board of Supervisors for the  
5 County of Riverside as follows:

6       1. The Board of Supervisors hereby finds that the Negative Declaration for the Amendment  
7 to the Project has been completed in compliance with CEQA and the CEQA Guidelines, and  
8 that the Board of Supervisors has reviewed and considered the Negative Declaration and the  
9 information contained therein prior to deciding whether to approve the Amendment, and finds  
10 that the Negative Declaration reflects the independent judgment of the Board of Supervisors.

11       2. A public hearing has been held on the Amendment to the Project and its associated  
12 Negative Declaration. The Board of Supervisors has not received comments on the Negative  
13 Declaration. These actions having been taken, the Negative Declaration is hereby adopted as  
14 the Negative Declaration for the Amendment to the Project and is incorporated herein by  
15 reference.

16       3. The Agency hereby finds that on the basis of its review of the Initial Study, the Negative  
17 Declaration, and the lack of comments on the Negative Declaration and Initial Study, that there  
18 is no substantial evidence in light of the whole record before the Board of Supervisors that the  
19 Amendment may have a significant effect on the environment.

20       4. The Clerk of the Board of Supervisors, in cooperation with the Executive Director of the  
21 Agency, is hereby authorized and directed to file with the County Clerk of the County of  
22 Riverside, a Notice of Determination, pursuant to Title 14 California Code of Regulations  
23 Section 15075, if the Negative Declaration is adopted.

24       ROLL CALL:

25       Ayes:       Buster, Tavaglione, Stone, Benoit, and Ashley  
26       Nays:       None  
27       Absent:     None

28       The foregoing is certified to be a true copy of a resolution duly  
adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

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

Deputy

ORDINANCE NO. 898

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN  
FOR THE DESERT COMMUNITIES PROJECT AREA,  
AMENDMENT NO. 3: DETACHMENT OF TERRITORY FROM THE PALM  
DESERT SUB-AREA

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS

- a. The Redevelopment Agency for the County of Riverside (the “Agency”) has prepared a Redevelopment Plan for the Desert Communities Project Area, Amendment No. 3: Detachment of Territory from the Palm Desert Sub-Area (“Amendment”) in compliance with the California Community Redevelopment Law (Health and Safety Code Section 3300, et seq.; the “CRL”).
- b. The Board of Supervisors of the County of Riverside (the “Board of Supervisors”) has received the following from the Agency:
  - i. The proposed Redevelopment Plan for the Amendment Area;
  - ii. The Agency report (the “Report to the Board of Supervisors”) prepared pursuant to Section 33352 of the CRL;
  - iii. The Negative Declaration on the proposed Amendment.
- c. The Amendment is not a substantial change to the redevelopment plan since it addresses the detachment of two parcels (APN # 609-040-007 and APN # 609-040-023), from the Palm Desert Sub-Area of the Desert Communities Project Area, which is approximately 0.02% of the total project area.
- d. The Board of Supervisors and the Agency held a joint public hearing on May 18, 2010, concerning the adoption of the Redevelopment Plan and the approval of the Negative Declaration.

- 1 e. Notice of the hearing was duly and regularly published in a newspaper of  
2 general circulation in the County of Riverside in accordance to Section  
3 33361 of the CRL, and a copy of said notice and affidavit of publication are  
4 on file with the Clerk of the Board of the County of Riverside and Secretary  
5 of the Agency.
- 6 f. Copies of the notice of joint public hearing were mailed by first class mail to  
7 the last known address of each assessee, as shown on the last equalized  
8 assessment roll of the County of Riverside, for each parcel of land in the  
9 Amendment Area, to each resident, and to each business as practicable.
- 10 g. Copies of the notice of joint public hearing were mailed by certified mail  
11 with return receipt requested to the governing body of each known taxing  
12 agency which receives taxes from property in the Amendment Area.
- 13 h. During the adoption process of the 4-1986 Project Area in 1986, of which  
14 the Palm Desert Sub-Area is a part, the Agency adopted on November 17,  
15 1986, a method for the relocation of persons and business who may be  
16 displaced as a result of carrying out redevelopment activities in accordance  
17 with the Redevelopment Plan. The Agency again adopted on November 3,  
18 1998, a method for the relocation of persons and business, via Resolution  
19 No. RDA-98-20. This relocation method, which was re-adopted on  
20 December 9, 2008, applies to the current Amendment.
- 21 i. Section 33457.1 of the CRL, provides that to the extent warranted by the  
22 Amendment, this Ordinance shall contain the findings required by Section  
23 33367 of the CRL.
- 24 j. The existence of blight within the Existing Project Area was established  
25 with the adoption of the 4-1986 Project Area in 1986, of which the Palm  
26 Desert Sub-Area was a part. Pursuant to CRL Section 33368, these blight  
27 findings are final and conclusive. As the purposes of this Amendment are  
28 solely to detach parcels from the Existing Project Area, blight findings are



1 not applicable and need not be made in the attached Report to the Board of  
2 Supervisors.

3 k. At the time of adoption in 1986, the CRL did not include a requirement that  
4 the Project Area be predominantly urbanized. The 1986 Report to the Board  
5 of Supervisors does not address the urbanization status of the Palm Desert  
6 Sub-Area. Currently, the Amendment Area is predominantly urbanized as  
7 demonstrated by the Agency's Report to the Board of Supervisors – 100%  
8 of the property in the Amendment Area is urbanized.

9 l. The proposed Amendment will allow continued redevelopment to occur  
10 within the Amended Project Area in conformity with the Community  
11 Redevelopment Law and in the interests of the public health, safety and  
12 welfare. This finding is based in part upon the fact that the proposed  
13 Amendment merely removes the Detachment Area from the boundaries of  
14 the Project Area, and thus allows the Agency to undertake needed  
15 redevelopment activity in the Amended Project Area.

16 m. The adoption and implementation of the proposed Amendment is  
17 economically sound and feasible. This finding is based upon the fact that  
18 the Agency's Report to the Board of Supervisors further discusses and  
19 demonstrates the economic soundness and feasibility of the Redevelopment  
20 Plan and undertakings pursuant thereto, with the Detachment Area removed  
21 from the Project.

22 n. CRL Section 33453 requires that the Redevelopment Plan conforms to the  
23 General Plan, including, but not limited to, the Housing Element thereof.  
24 Conformity to the General Plan was established with the adoption of the 4-  
25 1986 Project Area in 1986, of which the Palm Desert Sub-Area was a part.  
26 As the purpose of this Amendment is solely to detach parcels from the  
27 Existing Project Area, this section does not apply to the Amendment.  
28

- 1 o. Implementation of the proposed Amendment will promote the public peace,  
2 health, safety and welfare of the County of Riverside and will effectuate the  
3 purposes and policy of the Community Redevelopment Law. This finding is  
4 based on the fact that redevelopment will benefit the Amended Project Area  
5 and the community by allowing the Agency to correct continuing conditions  
6 of blight and by coordinating public and private actions to stimulate  
7 development, contribute toward needed public improvements and improve  
8 the economic and physical conditions of the Amended Project Area and the  
9 community.
- 10 p. The Board of Supervisors has considered the Report to the Board of  
11 Supervisors, the proposed Amendment, and the Negative Declaration, and  
12 has provided an opportunity for all persons to be heard, and has received  
13 and considered all evidence and testimony presented for or against any and  
14 all aspects of the Redevelopment Plan and has made written findings in  
15 responses to each written objection of an affected property owner and taxing  
16 entity, if any were filed with the Clerk of the Board before the hour set for  
17 such joint public hearing.
- 18 q. The Agency and the Board of Supervisors have reviewed and considered the  
19 Negative Declaration for the proposed Amendment to the Project, prepared  
20 and submitted pursuant to Public Resources Code Section 21000 *et seq.* and  
21 Health & Safety Code Section 33352, and adopted said Negative  
22 Declaration on May 18, 2010, by Board of Supervisors Resolution No.  
23 2010-160.
- 24 r. No persons or businesses will be displaced as a result of the adoption of this  
25 ordinance; therefore, a relocation method is not necessary for this  
26 Amendment. During the adoption process of the 4-1986 Project Area in  
27 1986, of which the Palm Desert Sub-Area is a part, the Agency adopted on  
28 November 17, 1986, a method for the relocation of persons and business

1 who may be displaced as a result of carrying out redevelopment activities in  
2 accordance with the Redevelopment Plan. The Agency again adopted on  
3 November 3, 1998, a method for the relocation of persons and business, via  
4 Resolution No. RDA-98-20. This relocation method, which was re-adopted  
5 on December 9, 2008, applies to the current Amendment.

- 6 s. CRL Section 33030(b)(1) requires that a blighted area is one that is  
7 predominantly urbanized and constitutes a serious physical and economic  
8 burden on the community that cannot reasonably be expected to be reversed  
9 or alleviated by private enterprise or governmental action without  
10 redevelopment. This was established with the adoption of the 4-1986 Project  
11 Area in 1986, of which the Palm Desert Sub-Area was a part. Pursuant to  
12 CRL Section 33368, these findings are final and conclusive. As the purpose  
13 of this Amendment is solely to detach parcels from the Existing Project  
14 Area, the finding that redevelopment would not reasonably be expected to  
15 be accomplished by private enterprise acting alone is not applicable and  
16 need not be made.
- 17 t. The Redevelopment Plan contains adequate safeguards so that the work of  
18 redevelopment will be carried out pursuant to the Redevelopment Plan and it  
19 provides for the retention of controls and the establishment of restrictions  
20 and covenants running with the land sold or leased for private use for  
21 periods of time and under conditions specified in the Redevelopment plan,  
22 which the Board of Supervisors deems necessary to effectuate the purposes  
23 of the CRL.
- 24 u. As the purposes of this Amendment are solely to detach parcels from the  
25 Existing Project Area, this Amendment will not affect the current time and  
26 financial limitations established for the Existing Project Area.
- 27 v. The Redevelopment Plan does not authorize eminent domain authority to  
28 the Agency.

1 w. The Board of Supervisors has considered written objections, to the  
2 Redevelopment Plan and all evidence and testimony for and against the  
3 adoption of the Redevelopment Plan. All written objections have been  
4 overruled.

5 x. Adoption of this ordinance will not affect the status of the existing  
6 redevelopment plans in the Desert Communities Redevelopment Project  
7 Area adopted by Ordinance Nos. 638, 647, 668, 794, 795, and 886, which  
8 remain in full force and effect.

9 Section 2. PURPOSE. The purpose of this ordinance is to detach certain territory  
10 (the "Detachment Area") from the boundaries of the Project Area in order to allow the Agency  
11 to continue to undertake steps and previously approved projects to eliminate blight and  
12 blighting conditions and achieve its goals and objectives within the area within the Project  
13 following the removal of Detachment Area from the Project Area (the "Amended Project  
14 Area").

15 Section 3. AUHORITY. This ordinance is adopted pursuant to CRL Section  
16 33450, which provides that a redevelopment plan may be amended by the legislative body by  
17 ordinance.

18 Section 4. AVAILABILITY OF PERMANENT HOUSING FACILITIES. The  
19 Board of Supervisors is satisfied that permanent housing facilities will be available within three  
20 (3) years from the time occupants of the Amended Project Area, if any, are displaced, and that  
21 pending the development of such permanent facilities, there will be available to any such  
22 displaced occupants temporary housing facilities at rents comparable to those in the County of  
23 Riverside at the time of their displacement.

24 Section 5. INCORPORATION OF MAPS AND REPORTS. That certain  
25 document entitled "Report to the Board of Supervisors for the Proposed Amendment No. 3 to  
26 the Redevelopment Plan for the Desert Communities Project Area: Detachment of Territory  
27 from the Palm Desert Sub-Area", the maps contained therein and such other reports as are  
28 incorporated therein by reference, a copy of which is on file in the Office of the Clerk of the

1 Board of the County of Riverside, having been duly reviewed and considered, is hereby  
2 incorporated in this ordinance by reference and made a part hereof.

3 Section 6. COOPERATION WITH DEPARTMENTS, BOARDS AND AGENCIES.

4 In order to implement and facilitate the effectuation of the Redevelopment Plan as hereby  
5 adopted, the Board of Supervisors hereby declares the following:

- 6 a. Pledges its cooperation in helping to carry out the Redevelopment Plan;
- 7 b. Requests the various officials, departments, boards and agencies of the County  
8 of Riverside having administrative responsibilities in the Amended Area  
9 likewise cooperate to such end and exercise their respective functions and  
10 powers in a manner consistent with the redevelopment of the Amended Area;
- 11 c. Stands ready to consider and take appropriate action upon proposals and  
12 measures designed to effectuate the Redevelopment Plan;
- 13 d. Declares its intention to undertake and complete any proceeding necessary to be  
14 carried out by the County of Riverside under the provisions of the  
15 Redevelopment Plan.

16 Section 7. BOARD DIRECTIVES.

- 17 a. The Clerk of the Board is hereby directed to send a certified copy of this  
18 ordinance to the Agency, whereupon the Agency is vested with the  
19 responsibility for carrying out the Redevelopment Plan.
- 20 b. The Clerk of the Board is hereby directed to record with the County Recorder of  
21 Riverside County a description of the Detachment Area and a statement that the  
22 proceedings for the proposed Amendment has been instituted under the CRL.
- 23 c. The County Clerk is hereby directed to transmit a copy of the description and  
24 statement to be recorded by the County Clerk of the Board pursuant to Section  
25 6(b) of this ordinance, a copy of this ordinance and a map or plat indicating the  
26 boundaries of the Detachment Area, to the auditor and tax assessor of the  
27 County of Riverside, to the governing body of each of the taxing agencies  
28

which receives taxes from property in the Amended Area and to the State Board of Equalization.

Section 8. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 9. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

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

Chairman

ATTEST:

CLERK OF THE BOARD

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

Deputy

[SEAL]

APPROVED AS TO FORM

May 18, 2010

By: *[Signature]*

MICHELLE CLACK

Deputy County Counsel