

***RESTATED AND AMENDED
REDEVELOPMENT PLAN
FOR THE
OAKLEY REDEVELOPMENT
PROJECT AREA***

Final

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**RESTATED AND AMENDED REDEVELOPMENT PLAN
FOR THE OAKLEY REDEVELOPMENT PROJECT AREA**

I. (Sec. 100) INTRODUCTION

This is the Restated and Amended Redevelopment Plan for the Oakley Redevelopment Project Area (the “Plan”). This Plan consists of the text (Sections 100 through 900, the Project Area Legal Description (Exhibit A), the Project Area Map (Exhibit B), General Plan Land Use Map (Exhibit C), and a list of Proposed Improvements, Projects and Programs (Exhibit D).

This Plan restates and amends, in its entirety, the Redevelopment Plan for the Oakley Redevelopment Project Area which was originally adopted by the Board of Supervisors of Contra Costa County by Ordinance No. 89-89 on December 21, 1989, and thereafter amended by Ordinance No. 94-65 adopted on December 6, 1994, and Ordinance No. 99-07 adopted on February 23, 1999, and adopted by the City Council of the City of Oakley by Ordinance No. 02-00 on March 27, 2000, following the incorporation of the City of Oakley.

This Plan has been prepared by the Oakley Redevelopment Agency pursuant to the Community Redevelopment Law of the State of California and all applicable laws and ordinances.

The redevelopment of the Project Area as described in this Plan conforms to the General Plan for the City of Oakley as applied in accordance with Local codes and ordinances. This Plan is based upon the Preliminary Plan adopted by the Planning Commission of the City of Oakley on January 16, 2001, by Resolution No. 01-01.

This Plan provides the Agency with powers, duties and obligations to implement the programs generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the Project Area. This Plan does not present a specific plan or establish priorities for specific projects for the redevelopment, rehabilitation, and revitalization of any particular area within the Project Area. Instead, this Plan presents a process and a basic framework within which specific development plans will be presented, priorities for specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, project, and solutions.

Many of the requirements contained in this Plan are necessitated by and are accordance with the statutory provisions in effect at the time of adoption of this Plan. Such statutory provisions may be changed from time to time. In the event that any such statutory changes affect this Plan’s terms, and would be applicable to the Agency, the Project Area, or this Plan, the terms of this Plan that are so affected shall be automatically superseded by such statutory changes, to the extent necessary to be in conformity with such statutory changes (and all other terms of the Plan shall remain in full force and effect).

This Plan adds territory to the Oakley Redevelopment Project Area, which territory is referred to herein as the “Added Project Area.” The Added Project Area boundaries are shown on the Project Area Map attached as Exhibit B. The original Oakley Redevelopment Project Area as adopted by the Board of Supervisors of Contra Costa County by Ordinance No. 89-89 on

December 21, 1989, is referred to herein as the “Original Project Area.” The Original Project Area boundaries are shown on the Project Area Map attached as Exhibit B. The Project Area Legal Description attached as Exhibit A is comprised of a legal description of the Added Project Area and a legal description of the Original Project Area. “Project Area” as used herein refers to the area included within the boundaries of both the Added Project Area and the Original Project Area collectively, and constitutes the Oakley Redevelopment Project Area as amended and established by this Plan.

The definitions of general terms contained in the Redevelopment Law govern the construction of this Plan, unless more specific terms and definitions are otherwise provided in this Plan.

A. (Sec. 101) Purposes and Objectives

The purpose and objectives of this Plan are to eliminate the conditions of blight existing in the Project Area and to prevent the recurrence of blighting conditions in said Project Area.

The Agency proposes to eliminate such conditions and prevent their recurrence by providing, pursuant to this Plan, for the planning, development, replanning, redesign, clearance, redevelopment, reconstruction and rehabilitation of the Project Area and by providing for such structures and spaces as may be appropriate or necessary in the interest of the general welfare, including, without limitation, facilities incidental or appurtenant to them. The Agency further proposes to eliminate the conditions of blight existing in the Project Area and prevent their recurrence by providing for the alteration, improvement, modernization, reconstruction or rehabilitation of existing structures in the Project Area and by providing for open space types of uses, public and private buildings, structures, facilities, and improvements. The Agency further proposes to eliminate such conditions and prevent their recurrence by providing for the replanning or redesign or development of undeveloped areas. Through this Plan, the Agency proposes to:

1. Encourage employment opportunities through environmental and economic improvements resulting from the redevelopment activities.
2. Provide for the rehabilitation of structures in the Project Area.
3. Provide for participation in the redevelopment of property in the Project Area by owners who agree to so participate in conformity with this Plan.
4. Provide for the management of property owned or acquired by the Agency.
5. Provide relocation assistance where Agency activities result in displacement.
6. Provide public infrastructure improvements and community facilities, such as the installation, construction and/or reconstruction of streets, utilities, public buildings, facilities, structures, street lighting, landscaping and other improvements which are necessary for the effective redevelopment of the Project Area.

7. Increase and improve the City's supply of affordable housing.
8. Acquire real property.
9. Dispose of real property acquired by the Agency in the Project Area for redevelopment in accordance with this Plan.
10. Encourage the redevelopment of the Project Area through the cooperation of private enterprise and public agencies.
11. Encourage the development of new commercial and industrial businesses throughout the Project Area.

II. (Sec. 200) GENERAL DEFINITIONS

The following definitions will apply in this Plan unless the context otherwise requires:

1. "Agency" means the Oakley Redevelopment Agency.
2. "Agency Board" means the Board of Directors of the Agency.
3. "Added Project Area" means the area added to the Oakley Redevelopment Project Area by this Plan restating and amending the original Redevelopment Plan for the Oakley Redevelopment Project Area as adopted by the Board of Supervisors of Contra Costa County by Ordinance No. 89-89 on December 21, 1989, as shown on the Project Area Map attached as Exhibit B and more particularly described in the Project Area Legal Description attached as Exhibit A.
4. "City" means the City of Oakley, California.
5. "City Council" means the City Council of the City of Oakley, California.
6. "County" means Contra Costa County, California.
7. "General Plan" means the General Plan of the City of Oakley, as it now exists or as it may from time to time hereafter be amended, and any specific plan applicable to all or a portion of the Project Area that may now or hereafter be in effect from time to time.
8. "Original Project Area" means the area originally established by the Redevelopment Plan for the Oakley Redevelopment Project Area as initially adopted by the Board of Supervisors of Contra Costa County by Ordinance No. 89-89 on December 21, 1989, as shown on the Project Area Map attached as Exhibit B and more particularly described in the Project Area Legal Description attached as Exhibit A.

9. "Planning Commission" means the Planning Commission of the City of Oakley.
10. "Plan" means this Restated and Amended Redevelopment Plan for the Oakley Redevelopment Project Area, adopted by the City Council of the City of Oakley on _____, by Ordinance No. _____, as it now exists or may hereafter be amended.
11. "Project Area" means the entire area included within the boundaries of this Plan as shown on the Project Area Map, Exhibit A, and more particularly described in the Project Area Legal Description, Exhibit B, which consists of the area included within the boundaries of the Added Project Area and the Original Project Area collectively.
12. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000 et seq.).
13. "Relocation Guidelines" means the Agency's Relocation Guidelines adopted by the Agency on _____, 2001, by Resolution No. _____, as such guidelines now exist or may hereafter be amended.
14. "Rules Governing Participation" means those Rules Governing Owner Participation and Business Reentry adopted by the Agency on _____, 2001, by Resolution No. _____, as such rules now exist or may hereafter be amended.
15. "State" means the State of California.

III. (Sec. 300) PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated in the Project Area Map attached as Exhibit B. The legal description of the boundaries of the Project Area are as set forth in the Project Area Legal Description attached as Exhibit A.

The Project Area includes the Original Project Area and the Added Project Area together, as set forth in the map and legal description referenced above.

IV. (Sec. 400) PROPOSED REDEVELOPMENT ACTIONS

A. (Sec. 401) General

The Agency proposes to eliminate and prevent the spread of blight in the Project Area by:

1. Installation, construction, reconstruction, redesign, or reuse of streets, utilities, curbs, gutters, sidewalks, street lighting, landscaping, and other public improvements;
2. Acquisition and disposition of property for uses in accordance with this Plan;

3. Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
4. Construction and improvement of recreational facilities, community facilities, parking facilities and other public facilities;
5. Acquisition, construction or rehabilitation of housing for low and moderate-income families and persons within the City;
6. Financing of the construction of residential, commercial and industrial buildings as permitted by applicable State and Local laws, to increase the residential, commercial and industrial base of the Project Area and the City and the number of temporary and permanent jobs within the City;
7. In appropriate cases, rehabilitation of structures and improvements or development of vacant land by present owners, their successors and/or the Agency for uses in accordance with this Plan;
8. The upgrading and modernization of the existing commercial and underdeveloped industrial properties to serve the needs of the Project Area and the City and/or
9. Such other action as may be permitted by law.

In the accomplishment of these activities, and in the implementation of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted or provided for by law, which powers are not expressly limited by this Plan.

B. (Sec. 402) Property Acquisition

1. (Sec. 403) Acquisition of Real Property

Except as specifically limited herein, the Agency may acquire but is not required to acquire, any real property located in the Project Area, by any means authorized by law including through the power of eminent domain.

Except as otherwise specifically limited herein, the Agency may acquire any interest in real property located in the Project Area by gift, devise, lease, exchange, purchase, option, condemnation, or any other means authorized by law. The Agency may further, to the greatest extent allowed by law, purchase, lease, obtain option upon or acquire any interest in real property and improvements within a survey area or for purposes of redevelopment by any means authorized by law. Acquisition of property will generally be achieved by cooperative negotiations between the owner of such property and the Agency.

Within the Original Project Area, no property designated for residential use as of the time this Plan is adopted, as shown on the General Plan Land Use Map attached as Exhibit C, shall be acquired by the Agency by eminent domain.

The Agency shall not exercise the power of eminent domain to acquire property owned by a public body unless the public body has consented to the acquisition.

Without the consent of an owner, the Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan and the owner fails or refuses to agree to participate in the Plan pursuant to the Redevelopment Law, this Plan, and the Rules Governing Participation.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement unless provision for such acquisition is made in the agreement or the owner is not faithfully performing under the agreement.

The Agency must commence eminent domain proceedings with respect to any property it intends to acquire in the Original Project Area by December 21, 2013 (twelve (12) years from December 21, 2001). The Agency must commence eminent domain proceedings with respect to any property it intends to acquire in the Added Project Area within twelve (12) years from the date of adoption of this Plan. These time limitations may be extended only by amendment of this Plan as allowed by law.

Prior to any acquisition of property through eminent domain the Agency shall adopt a resolution declaring a need to acquire such property and authorizing the acquisition by such method.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee interest.

2. (Sec. 404) Acquisition of Personal Property

Generally, personal property shall not be acquired by the Agency, unless such acquisition is necessary in connection with the acquisition of real property. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area and, to the greatest extent allowed by law, within a survey area for purpose of redevelopment, by any lawful means, including the use of eminent domain.

C. (Sec. 405) Participation by Owners and Tenants

1. (Sec. 406) Owner and Tenant Participation and Business Reentry

The provisions of this Section 405 shall be implemented according to the Rules Governing Participation adopted by the Agency, as amended from time to time. In the event of a conflict between this Plan and the Rules Governing Participation, this Plan shall prevail.

As provided for in Sections 33339 and 33380 of the Redevelopment Law, the Agency shall extend a reasonable opportunity to the owners in the Project Area to participate in the redevelopment of the Project Area if they agree to participate in redevelopment in conformity with the Plan and otherwise meet the requirements of this Plan and the Rules Governing Participation adopted by the Agency, which rules may be amended from time to time, and the owners agree to participate in the redevelopment in accordance with this Plan.

As provided for in Section 33339.5 of the Redevelopment Law, the Agency shall extend reasonable preference to persons who are engaged in business in the Project Area to reenter in business within the redeveloped area if they otherwise meet the requirements of this Plan and the Rules Governing Participation adopted by the Agency, which rules may be amended from time to time.

The Agency desires participation in redevelopment by as many owners and business tenants as reasonably feasible and will provide assistance wherever possible. If conflicts develop between the desires of participants for particular sites or uses available for participation, the Agency is authorized to establish reasonable priorities and preferences among owners and tenants.

Participation opportunities are necessarily subject to and limited by factors such as the following:

1. The elimination and/or modification of land uses.
2. The realignment and abandonment of streets.
3. The ability of participants to finance the proposed development in accordance with this Plan and the development experience of participants.
4. The reduction of the total number of individual parcels in the Project Area.
5. Change in orientation and character of an area.
6. Existing buildings which have historical and/or architectural qualities that will enhance the Plan.
7. The expansion of public facilities.
8. Assembly of land and redevelopment of areas for public and/or private development in accordance with this Plan.

2. (Sec. 407) Participation Agreements

The Agency may enter into a binding agreement with each person desiring to participate in redevelopment pursuant to this Plan in which the participant agrees to rehabilitate, develop or use the property in conformance with the Plan and be subject to the provisions hereof and such other provisions and conditions to which the parties may agree. The participation agreement is distinguished from a disposition and development agreement for the disposition of property by the Agency. In the participation agreement, whenever it is appropriate to do so, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan and the participation agreement applicable to their properties. Such agreement may include provisions that in the event participant defaults under the terms of the participation agreement, the Agency may terminate the agreement and acquire the real property. In the event that the Agency is not directly involved in the development of a particular property, a participation agreement may not be required. The determination of whether or not a participation agreement is required shall be made by the Executive Director of the Agency or his or her designated representative whose decision, subject to an appeal to the Agency Board, shall be final.

Whether or not an owner or business tenant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

3. (Sec. 408) Conforming Uses

The Agency is authorized, in its sole and absolute discretion, to make determinations of properties which conform to this Plan. If such determination is made by the Agency, the owners of such property will be permitted to remain as conforming owners without a participation agreement with the Agency so long as the property continues to be operated, used and maintained to conform to this Plan and in accordance with such further terms and conditions as the Agency may require as necessary or appropriate to carry out this Plan. A conforming owner may be required by the Agency to enter into a participation agreement in the event such owner desires to (1) construct any additional improvements or substantially alter or modify existing structures on any of the property described above as conforming; or (2) acquire additional property in the Project Area.

D. (Sec. 409) Cooperation with Public Bodies

Certain public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Plan. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency shall seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area

will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of projects under this Plan located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

1. Dedicate, sell, convey, or lease any of its property to the Agency.
2. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with projects under this Plan.
3. Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.
4. Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.
5. Enter into agreements with the federal government, the Agency, or any other public body respecting action to be taken pursuant to any of the powers granted by the Redevelopment Law or any other law; such agreements may extend over any period, notwithstanding any law to the contrary.
6. Purchase or legally invest in any of the bonds of the Agency and exercise all of the rights of any holder of such bonds.
7. Purchase and buy or otherwise acquire land in the Project Area from the Agency for redevelopment in accordance with this Plan, and in connection therewith, is authorized to become obligated in accordance with Section 33437 of the Redevelopment Law, except that subdivision (b) of Section 33437 shall apply to a public body only to the extent that it is authorized, and funds have been made available, to make the improvements or structures required.

E. (Sec. 410) Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. The Agency may rent or lease, maintain, manage, operate, repair and clear real property of the Agency. The Agency may insure or provide for the insurance of any real property or personal property of the Agency pending its

disposition for redevelopment. All such actions shall be pursuant to such policies as the Agency may adopt.

F. (Sec. 411) Payments In Lieu of Taxes

As provided for in Section 33401 of the Redevelopment Law, the Agency may pay an amount of money in lieu of taxes in any year during which it owns tax exempt property in the Project Area. Such payment may be made directly to a city, county, or special district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt. The amount paid may not exceed the amount of money the public entity would have received if the property had not been tax exempt.

G. (Sec. 412) Relocation of Persons Displaced by the Project

1. (Sec. 413) General

Relocation of displaced persons and businesses shall be carried out in accordance with and as may be required by the California Relocation Assistance Act (Government Code Sections 7260, et seq.) and the regulations adopted pursuant thereto and the Agency's Relocation Guidelines. When applicable, relocation shall be carried out in accordance with any Federal statutes and regulations. Families and persons shall not be displaced from housing facilities in the Project Area prior to the preparation of a relocation plan pursuant to Sections 33411 and 33411.1 of the Redevelopment Law. Whenever dwelling units housing persons and families of low or moderate income are removed or destroyed from the low and moderate income housing market as part of a redevelopment project, the Agency shall, within four years of such removal or destruction, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing cost, as defined by Health and Safety Code Section 50052.5, within the Project Area or the City, in accordance with all of the provisions of Sections 33413 and 33413.5 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.

The Agency shall establish a grievance procedure for persons or businesses that are dissatisfied with relocation assistance or payments provided. Such procedure shall provide that any complaints not resolved by the Agency may be brought before a Relocation Appeals Board composed of five members appointed by the City's Mayor, subject to the approval of the City Council.

2. (Sec. 414) Relocation Housing Requirements

No persons or families of low and moderate income shall be displaced from housing facilities in the Project Area unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family 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. The Agency shall

not displace such person or family until such housing units are available and ready for occupancy.

There shall be provided in the Project Area 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 families and persons displaced from the Project Area 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.

Permanent housing facilities shall be made available within three years from the time occupants of the Project Area are displaced. Pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

3. (Sec. 415) Replacement Housing Plan

In accordance with Section 33413.5 of the Redevelopment Law, not less than thirty days prior to the execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low and moderate income housing market, the Agency shall adopt by resolution a replacement housing plan.

The replacement housing plan shall include: (1) the general location of housing to be rehabilitated, developed or constructed pursuant to Section 33413 of the Redevelopment Law; (2) an adequate means of financing such rehabilitation, development or construction; (3) a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained; (4) the number of dwelling units housing persons and families of low or moderate income planned for construction or rehabilitation; and (5) the timetable for meeting the plan's relocation, rehabilitation and replacement housing objectives. A dwelling unit whose replacement is required by Section 33413 of the Redevelopment Law but for which no replacement housing plan has been prepared, shall not be destroyed or removed from the low and moderate income housing market until the Agency has by resolution adopted a replacement housing plan.

The Agency shall not be prevented from destroying or removing from the low and moderate income housing market a dwelling unit which the Agency owns and which is an immediate danger to health and safety. The Agency shall, as soon as practicable, adopt by resolution a replacement housing plan with respect to such dwelling unit.

4. (Sec. 416) Assistance in Finding Other Locations

The Agency shall assist in the relocation of displaced persons and businesses (including families, businesses and others) as required by applicable law and the Agency's Relocation Guidelines. The Agency intends to accomplish redevelopment of the Project Area pursuant to this Plan with

as little displacement of persons from businesses or residences as is feasible. In order to carry out the Plan with a minimum of hardship to persons and families displaced from residences, the Agency shall assist such persons and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations, and otherwise suitable to their needs. The Agency may also provide housing outside the Project Area for displaced persons and families as is authorized by law.

5. (Sec. 417) Relocation Payments and Assistance

The Agency shall provide relocation payments and assistance to all displaced persons and businesses (including families, business concerns and others) as required by the California Relocation Assistance Act (Government Code Sections 7260, et seq.) and the regulations adopted pursuant thereto and the Relocation Guidelines adopted by the Agency. Such relocation payments and assistance shall be provided in the manner required by the Agency's Relocation Guidelines, as may be amended from time to time, and as required by law. When applicable, the Agency shall provide relocation payments and assistance as required by Federal statutes and regulations.

As permitted by applicable law, the Agency may provide additional assistance or payments as it may deem appropriate from available funds to implement the objectives of this Plan and to alleviate hardship. All relocation shall also be conducted in accordance with Article 9 of the Redevelopment Law.

H. (Sec. 418) Demolition, Clearance, Public Improvements and Building and Site Preparation

1. (Sec. 419) Demolition and Clearance

The Agency may clear or move buildings, structures, or other improvements, not of historical significance, from real property as necessary to carry out the purposes of this Plan.

2. (Sec. 420) Public Improvements

To the extent permitted and in the manner required by law, the Agency is authorized to install and construct or to cause to be installed and constructed public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements include, but are not limited to the following: parking lots or structures, over or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, flood control facilities, natural gas distribution systems, water distribution systems, landscaping, parks, plazas, playgrounds, community meeting facilities, libraries, police and fire facilities and any buildings, structures or improvements necessary and convenient to the full development of any of the above. A list of possible improvements, projects and programs of the Agency is set forth in the list of Proposed Improvements, Projects and Programs attached hereto as Exhibit D. This list identifies improvements, projects and programs that appear, at the time of adoption of this Plan, to have potential for achieving the

goals and objectives of this Plan, but does not represent or constitute commitments of the Agency. As redevelopment needs and opportunities evolve over the term of the Plan, the Agency may determine not to undertake certain improvements, projects or programs listed in Exhibit D and/or to undertake other improvements, projects or programs consistent with this Plan that are not listed in Exhibit D as permitted by law. The improvements, projects and programs in Exhibit D are listed as only possible improvements, projects and programs that may or may not ultimately be undertaken by the Agency pursuant to this Plan.

Public improvements may be constructed or installed, or caused to be constructed or installed, in whole or in part by the Agency with increment moneys to be set aside pursuant to Section 33334.2 of the Redevelopment Law provided that such public improvements, pursuant to said Section 33334.2 of the Redevelopment Law, will be for the purposes of, directly and specifically, increasing, preserving or improving the supply of low and moderate income housing available at affordable housing costs within the City to persons and families of low or moderate income and very low income households.

As provided for in Section 33445 of the Redevelopment Law, the Agency, with the prior consent of the City Council, may pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement in which is publicly owned either within or outside the Project Area upon a determination by resolution of the Agency Board and City Council:

1. that such buildings, facilities, structures or other improvements are of benefit to the Project Area or the immediate neighborhood in which the Project Area is located;
2. that no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the City; and
3. that the payment of funds for the acquisition of land or the cost of the buildings, facilities, structures or other improvements will assist in the elimination of one or more blighting conditions inside the Project Area or provide housing for low or moderate income persons, and is consistent with the implementation plan adopted pursuant to Section 33490 of the Redevelopment Law.

When the value of the land or the cost of the installation and construction of the building, facility, structure or other improvement, or both, has been, or will be, paid or provided for initially by the City or other public corporation, the Agency may enter into a contract with the City or other public corporation under which it agrees to reimburse the City or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure or other improvement, or both, by periodic payments over a period of years. Any obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purpose of carrying out this Plan, which indebtedness may be made payable out of taxes levied in the Project Area and allocated to the Agency under Section 33670 (b) of the Redevelopment Law, or out of any other available funds.

3. (Sec. 421) Preparation of Building Sites

The Agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation or construction of parking facilities, streets, utilities, parks, playgrounds and other public improvements necessary for carrying out this Plan in the Project Area. The Agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial or other uses contemplated by this Plan.

I. (Sec. 422) Rehabilitation and Moving of Structures by the Agency

1. (Sec. 423) Rehabilitation

The Agency is authorized to advise, encourage, and with the consent of the owner, assist in the rehabilitation of property in the Project Area not owned by the Agency. The Agency is also authorized to rehabilitate, or to cause to be rehabilitated, buildings or structures in the Project Area owned by it or owned by other parties as permitted by law, with the consent of the owner of such property.

2. (Sec. 424) Moving of Structures

As necessary in carrying out this Plan and as authorized by law, the Agency is authorized to move or to cause to be moved any structure or building to a location within or outside the Project Area subject to all City ordinances, codes and standards. The Agency may clear or move buildings, structures, or other improvements from any real property acquired.

J. (Sec. 425) Hazardous Waste, Seismic Retrofits, Graffiti Removal, and Other Redevelopment Assistance

The Agency may take any actions which it determines are necessary and which are consistent with other State and Federal laws to remedy or remove hazardous waste on, under or from property in the Project Area in accordance with the requirements of the Polanco Redevelopment Act (Sections 33459, et seq., of the Redevelopment Law).

For any rehabilitation or alteration within the Project Area, the Agency may take any action it determines necessary and consistent with Local, State and Federal law to provide for seismic retrofits as provided in Section 33420.1 of the Redevelopment Law.

The Agency may take such actions as it determines are necessary to remove graffiti from public and private property in the Project Area pursuant to Section 33420.2 of the Redevelopment Law.

The Agency may establish a program under which it loans funds to owners or tenants for the purpose of rehabilitating commercial buildings or structures within the Project Area pursuant to Section 33444.5 of the Redevelopment Law.

The Agency may assist in financing of facilities or capital equipment, including, but not necessarily limited to pollution control devices, for properties being developed or rehabilitated for industrial or manufacturing uses within the Project Area pursuant to Section 33444.6 of the Redevelopment Law.

K. (Sec. 426) Property Disposition and Development

1. (Sec. 427) Real Property Disposition and Development

For the purpose of this Plan, the Agency is authorized to sell, lease for a period not to exceed 99 years, exchange, subdivide, assign, encumber or otherwise dispose of any interest in real property. Except as permitted by law, no real or personal property owned by the Agency, or any interest therein, shall be sold or leased to a private person for development for an amount less than its fair value for uses in accordance with the Plan and the covenants and controls recorded against the property by the Agency.

To the extent permitted by law, the Agency is authorized to dispose of real property by lease or sale without public bidding after a public hearing, notice of which must be given as set forth in Section 33431 of the Redevelopment Law.

Except as provided in Section 33433(c) of the Redevelopment Law, before any of the Agency's property that was acquired in whole or in part, directly or indirectly, with tax increment moneys is sold or leased for development pursuant to the Plan, the sale or lease shall first be approved by the City Council by resolution after a public hearing in conformance with Section 33433 of the Redevelopment Law.

All real property acquired by the Agency in the Project Area , except property conveyed by it to the City, shall be sold or leased. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with this Plan. Real property may be conveyed by the Agency to the City or any other public body without charge.

The Agency shall reserve such powers and controls in disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to insure that development is carried out pursuant to this Plan. The Agency may retain controls and establish restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the Agency deems necessary to carry out this Plan.

All purchasers or lessees of property shall be obligated to use the property for the purposes designated by this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan, and to comply with the covenants, conditions, or restrictions that the Agency deems necessary to prevent speculation or excess profittaking in undeveloped land, including the right of reverter to the Agency.

2. (Sec. 428) Development Controls

The Agency may provide in any contract that obligations of a purchaser are covenants or conditions running with the land, the breach of which shall cause the fee to revert to the Agency. The Agency shall retain controls and establish restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as provided in this Plan.

The Agency shall insure that all provisions of this Plan and other documents formulated pursuant to this Plan are being observed, and that development of property in the Project Area is proceeding in accordance with applicable development documents and time schedules.

All development in the Project Area must conform to this Plan and all applicable Federal, State, and Local laws, including without limitation, the City's development code, building, environmental and other land use development standards, and must receive the approval of all other appropriate public agencies.

The Agency may require that development plans and specifications for property in the Project Area be submitted to it for review and approval. The Agency shall have the right to refuse to approve any plans or specifications when in the opinion of the Agency such plans or specifications do not conform with the standards and objectives of this Plan or the design standards established by the City or the Agency.

3. (Sec. 429) Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, will be subject to the provisions of this Plan.

Leases, deeds, contracts, agreements and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents shall be recorded in the Office of the Recorder of the County.

4. (Sec. 430) Nondiscrimination and Nonsegregation

All projects under this Plan by lessees, purchasers, and owners are hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, religion, sex, marital status, national origin, or ancestry. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, use, occupancy, or transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by law, including Sections 33435 and 33436 of the Redevelopment Law.

The Agency shall obligate lessees and purchasers of real property acquired in the Project Area and owners of property improved as a part of a project under this Plan to refrain from restricting the rental, sale, or lease of the property on the basis of race, color, religion, sex, marital status, ancestry, or national origin of any person. All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in the Project Area shall contain or be subject to the nondiscrimination or nonsegregation clauses of Section 33436 of the Redevelopment Law.

Express provisions shall be included in all deeds, leases and contracts which the Agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of any land in the Project Area in substantially the form set forth in subdivisions (a), (b) and (c) of Section 33436 of the Redevelopment Law.

5. (Sec. 431) Development of Publicly Owned Improvements

To the greatest extent permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or entity.

To the greatest extent permitted by law, the Agency is authorized to financially, and otherwise, assist any public entity in the cost of acquiring public land, or constructing buildings, facilities, structures or other improvements within or outside the Project Area.

6. (Sec. 432) Personal Property Disposition

For the purpose of this Plan, the Agency is authorized to sell, lease for a period not to exceed 99 years, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property or any interest therein. Any such lease or sale may be made without public bidding after a public hearing, notice of which must be given in accordance with Section 33431 of the Redevelopment Law.

L. (Sec. 433) Provision for Low and Moderate Income Housing

1. (Sec. 434) Authority Generally

The Agency may, inside or outside the Project Area as authorized by law, acquire land or buildings, donate land, improve sites, or construct or rehabilitate structures in order to provide low and moderate income housing available at affordable housing cost as defined in Section 50052.5 of the Health and Safety Code to persons and families of low or moderate income and very low income households. The Agency may also provide subsidies to, or for the benefit of, very low income households, lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market. In carrying out the purposes of increasing, improving and preserving the City's supply of low and moderate income housing available at affordable housing cost to persons and families of low or moderate income and very low income households, the Agency may exercise

any or all of its powers, including but not limited to those listed in Section 33334.2(e) of the Redevelopment Law.

2. (Sec. 435) Replacement Housing

To the extent required by and in accordance with Section 33413 of the Redevelopment Law, whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of a project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of the destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing cost within the City. Seventy-five percent (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing cost in the same income level of very low income households, lower income households and persons and families of low and moderate income as the persons displaced from those destroyed or removed units.

3. (Sec. 436) New or Rehabilitated Dwelling Units Developed Within the Project Area

To the extent required by Section 33413 of the Redevelopment Law, at least thirty percent (30%) of all new or rehabilitated dwelling units developed by the Agency shall be available at affordable housing cost to persons and families of low or moderate income; and of such thirty percent (30%), not less than fifty (50%) thereof shall be available at affordable housing cost to very low income households. At least fifteen percent (15%) of all new or rehabilitated dwelling units developed within the Project Area by public or private entities or persons other than the Agency shall be available at affordable housing cost to persons and families of low or moderate income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be available at affordable housing cost to very low income households. The percentage requirements set forth above shall apply independently of the requirements of subdivision (a) of Section 33413 of the Redevelopment Law and in the aggregate to housing made available pursuant to paragraphs (1) and (2) of subdivision (b) of Section 33413 of the Redevelopment Law, respectively, and not to each individual case of rehabilitation, development or construction of dwelling units.

Whenever all or a portion of a project is developed with low or moderate income housing units, the Agency shall require by contract or other appropriate means that such housing be made available for rent or purchase to the persons and families of low or moderate income displaced and such persons and families shall be given priority in renting or buying such housing; provided, however, that failure to give such priority shall not affect the validity of title to real property.

4. (Sec. 437) Duration of Dwelling Unit Availability

The Agency shall require that the aggregate number of replacement dwelling units and other dwelling units rehabilitated, developed or constructed pursuant to Sections 33413(a) or (b) of the Redevelopment Law remain available at affordable housing costs to persons and families of low income, moderate income, and very low income households, respectively, for the longest feasible time, as determined by the Agency, but for not less than the period of the land use controls established in this Plan, except to the extent a longer period of time may be required by law. These requirements shall be made enforceable in the same manner as provided in Section 33334.3(f) of the Redevelopment Law.

All new or substantially rehabilitated housing units developed or otherwise assisted with moneys from the Agency's Low and Moderate Income Housing Fund, pursuant to an agreement approved by the Agency, shall, except to the extent a longer period of time may be required by law, remain available at affordable housing cost to persons and families of low or moderate income and very low income households for the longest feasible time, but for not less than the following periods of time, except as provided in Section 33334.13 of the Redevelopment Law:

1. Fifteen years for rental units. However, the Agency may replace rental units with equally affordable and comparable rental units in another location within the City if the replacement units are available for occupancy prior to the displacement of any persons and families of low or moderate income residing in the units to be replaced and the comparable replacement units are not developed with moneys from the Low and Moderate Income Housing Fund.
2. Ten years for owner-occupied units. However, the Agency may permit sales of owner-occupied units prior to the expiration of the ten year period for a price in excess of that otherwise permitted under this Section pursuant to an adopted program which protects the Agency's investment of moneys from the Low and Moderate Income Housing Fund, including, but not limited to, an equity sharing program which establishes a schedule of equity sharing that permits retention by the seller of a portion of those excess proceeds based on the length of occupancy. The remainder of the excess proceeds of the sale shall be allocated to the Agency and deposited in the Low and Moderate Income Housing Fund.

The Agency shall require the recording in the Office of the County Recorder of covenants or restrictions implementing this Section for each parcel or unit of real property subject to the above requirements. Notwithstanding any other provision of law, the covenants or restrictions shall run with the land and shall be enforceable against the original owner and successors in interest by the Agency or the City.

5. (Sec. 438) Tax Increment Funds

To the extent required by, and except as otherwise provided in or permitted by Section 33334.2 of the Redevelopment Law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Section 33670 of the Redevelopment Law, shall be used by the Agency for the purposes of increasing, improving and preserving the City's supply of low and

moderate income housing available at affordable housing cost to persons and families of low or moderate income and very low income households. The funds shall be held in a separate Low and Moderate Income Housing Fund until used, in accordance with Section 33334.3 of the Redevelopment Law. Any interest earned by the Low and Moderate Income Housing Fund and any repayments or other income to the Agency for loans, advances, or grants of any kind from the Low and Moderate Income Housing Fund shall accrue to and be deposited in the Fund and may only be used in the manner prescribed for the Fund.

V. (Sec. 500) USES PERMITTED IN THE PROJECT AREA

A. (Sec. 501) Project Area Map

Exhibit B, the Project Area Map, illustrates the Project Area boundaries including the Original Project Area and the Added Project Area. Exhibit C, the General Plan Land Use Map, shows the current existing permitted land uses in the Project Area and illustrates the proposed land uses and street layouts to be permitted in the Project Area as are currently identified in the General Plan. The City will from time to time update and revise its General Plan.

Such proposed land uses and the location of such streets and easements and rights of way shall automatically be modified from time to time to be consistent with the General Plan of the City, as such General Plan is amended from time to time, and as such General Plan is implemented and applied by ordinances, resolutions and other laws.

This Plan conforms to the General Plan of the City. All land uses within the Project Area shall be in conformity with the General Plan and all applicable State and Local building and development codes and regulations as they now exist or may hereafter be amended and will be subject to all review and procedural requirements in effect as development takes place within the Project Area. The applicable City zoning and planning processes shall continue to have full effect. This Plan incorporates the land use standards of the City's General Plan, as it now exists or may hereafter be amended.

Exhibit C, the General Plan Land Use Map, shows the current permitted land uses, major circulation routes and street layout, the location of open space areas and the property to be devoted to public purposes within the Project Area. The specific types of uses and activities (including size, height and number of buildings and dwelling units) permitted in each land use category shown on the General Plan Land Use Map are those types of uses and activities described in the General Plan and implemented by codes and regulations for the relevant land use category. The land uses shown on the General Plan Land Use Map are drawn from the General Plan as it now exists and shall be deemed to be automatically modified as the General Plan may be revised from time to time.

B. (Sec. 502) Public Uses

1. (Sec. 503) Public Rights-of-Way

The public street system in the Project Area shall be developed in accordance with the General Plan, as amended from time to time, and street design standards as adopted by the City Council or other authorized body.

Streets and alleys may be widened, altered, abandoned, repaired, or closed as necessary for proper development of the Project Area. New streets may be created as necessary.

It is contemplated that the Agency will construct, or aid in the construction of, certain streets which are not now constructed or which may require further widening or improvement. The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained or created.

2. (Sec. 504) Other Public Uses

Parking, open space, public and semipublic uses may be permitted with other uses in any area.

C. (Sec. 505) Other Public, Semi-Public, Institutional and Nonprofit Uses

The Project Area may include public, semipublic, institutional or nonprofit uses, including park and recreational facilities, parking facilities, libraries, educational, fraternal, employee, philanthropic, and charitable institutions, utilities, multi-mode transit facilities, and facilities of other similar purposes, associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable restrictions as are necessary to protect the development and uses in the Project Area.

D. (Sec. 506) Controls and Limitations

1. (Sec. 507) General

All real property in the Project Area is hereby made subject to the controls and limitations of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformity with the provisions of this Plan. The Agency reserves the right to condition any development which requires a building permit with such conditions as to make the proposed development consistent with the overall purposes of this Plan and to carry out the Plan's goals. The type, size, height, number, and use of buildings within the Project Area shall be controlled by applicable City planning and development codes and be consistent with the General Plan, as amended from time to time.

2. (Sec. 508) New Construction

Except as otherwise permitted or required by the Agency, all new construction shall comply with all applicable State and Local laws, guidelines and regulations pertaining thereto as amended

from time to time, including without limitation the codes of the City pertaining to building, electrical, energy, heating and ventilating, housing and plumbing, as amended from time to time. Off-street parking spaces and loading facilities shall be designated to comply with the General Plan and City codes or other applicable City regulations, as amended from time to time.

The number of off-street parking spaces required shall be regulated by the City's codes or other applicable City regulations, as amended from time to time. All off-street parking spaces and loading areas shall be paved, lighted and landscaped in accordance with the City's codes or other applicable City regulation, as amended from time to time.

3. (Sec. 509) Existing Nonconforming Uses

The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area, and abatement of such uses is not required by applicable City codes. The owner of such a property may be required to enter into a participation agreement, to record a covenant of restrictions against the property, and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and uses of the Project Area.

The Agency may authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding uses and development and are permitted under applicable City codes.

4. (Sec. 510) Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve or cause to be rehabilitated and conserved, buildings and structures in the Project Area. Any existing structure within the Project Area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will meet the following requirements: (i) be safe and sound in all physical respects, and (ii) be attractive in appearance and not detrimental to the surrounding areas. The preservation and rehabilitation of structures of historical significance will also be considered a priority by the Agency. Standards for the rehabilitation of existing buildings and site improvements may be established by the Agency.

Property acquired by the Agency for rehabilitation and resale shall be offered for resale within one year after completion of rehabilitation, or an annual report shall be published by the Agency in a newspaper of general circulation published in the City listing any rehabilitated property held by the Agency in excess of such one year period, stating the reasons such property remains unsold and indicating plans for its disposition.

5. (Sec. 511) Limitations on the Size, Height, and Number of Buildings

Except as set forth in other Sections of this Plan, the type, size, height, and number of buildings in the Project Area may be regulated by the Agency, and shall not exceed the limitations set forth in the City's General Plan and the City's code or other regulations or applicable Federal, State and Local statutes, ordinances and regulations, as amended from time to time.

6. (Sec. 512) Number of Dwelling Units

The number of dwelling units in the Project Area shall not exceed the maximum number allowed under the densities permitted under the General Plan and City codes and other regulations, as amended from time to time.

7. (Sec. 513) Open Space

The approximate amount of open space to be provided in the Project Area will be the total of all areas that will be in the public rights-of-way, the public grounds, the space around buildings, and all other outdoor areas not permitted by this Plan to be covered by buildings. The standards for open space to be provided within the Project Area are as set forth in the General Plan and applicable City codes, regulations and guidelines as they now exist or are hereafter amended.

8. (Sec. 514) Land Coverage

Land covered by structures in the Project Area shall not exceed the land coverage permitted by the General Plan and City codes and other regulations, as amended from time to time.

9. (Sec. 515) Light, Air and Privacy

In all areas sufficient space shall be maintained between buildings to provide adequate light, air and privacy.

10. (Sec. 516) Signs

All signs shall be subject to the provisions of the City's codes and other regulations, as amended from time to time.

11. (Sec. 517) Utilities

The Agency shall require that all utilities be placed underground when physically, legally and economically feasible.

12. (Sec. 518) Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

13. (Sec. 519) Minor Variations

In the event the City grants a variance from applicable City land use regulations for development of property in the Project Area, such grant of variance shall be deemed to constitute a comparable variance from the land use standards of this Plan without additional action by the Agency.

In addition, the Agency Board is authorized to permit minor variations from the limits, restrictions and controls otherwise established by this Plan. In order to permit such variation, the Agency must determine that:

1. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan.
2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions and controls.
3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.
4. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan or applicable City land use or other standards.

In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, and welfare, and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and other regulations.

14. (Sec. 520) Consistency with General Plan and Codes and Regulations

All development within the Project Area shall be consistent with the City's General Plan, the City's codes and other regulations, and all applicable Federal, State and Local laws, as amended from time to time.

E. (Sec. 521) Design for Development

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish traffic circulation, traffic access, and other development standards and controls necessary for proper development of both private and public areas within the Project Area; and

the Agency is authorized to establish specific standards for building heights, building coverage, design criteria, architectural character, landscaping character, sign character, traffic circulation, parking, and any other development and design controls necessary to implement this Plan. No new development shall be constructed and no existing improvements shall be substantially modified, altered, repaired or rehabilitated in the Project Area except in accordance with the standards for development adopted by the Agency. All development in the Project Area must conform to City and Agency design review procedures and standards.

New improvements in the Project Area shall be reviewed in accordance with all of the City's building, development, planning and environmental ordinances, rules, regulations and other requirements. The Agency's review and approval of development within the Project Area shall be undertaken in accordance with guidelines and procedures adopted from time to time by the Agency.

F. (Sec. 522) Building Permits

No permit shall be issued for the construction of any new building or improvement or for any construction on an existing building or improvement in the Project Area from the date of adoption of this Plan until the application for such permit has been processed in a manner consistent with City requirements and until the application for such permit has been approved by the Agency's Executive Director. Any such permit that is issued must be in conformance with the provisions of this Plan and any applicable disposition and development or participation agreement or other agreement of the Agency.

VI. (Sec. 600) METHODS FOR FINANCING THE PROJECT

A. (Sec. 601) General Description of the Proposed Financing Methods

The Agency is authorized to finance this Plan and activities in the Project Area with tax increment, interest income, Agency bonds, donations, loans from private institutions or others authorized by law, proceeds from the sale or lease of property, financial assistance from the City, County, State, Federal Government, or any other public agency, or any other legally available source public or private.

The City may, in accordance with the Redevelopment Law, make advances and expend money as necessary to assist the Agency in carrying out this Plan. Such assistance shall be on terms established by any agreement between the City and the Agency.

As available, gas tax funds from the State and the County may be used for the street system. As available, Federal or State loans and grants will be used to finance portions of the costs of implementing this Plan.

The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of this Plan.

The Agency is authorized to obtain advances, borrow funds and create indebtedness and other obligations in carrying out this Plan. The principal and interest on such advances, borrowed funds, and indebtedness and other obligations may be paid from tax increment or any other funds available to the Agency.

The Agency may borrow money or accept financial or other assistance from the State or Federal Government or any other public agency and may comply with any conditions of such loan or grant.

The Agency may borrow money (by the issuance of bonds or otherwise) or accept financial or other assistance from any private lending institution for redevelopment purposes and may execute trust deeds or mortgages on any real or personal property owned or acquired.

B. (Sec. 602) Tax Increment Financing

1. (Sec. 603) Original Project Area.

This Section 603 shall apply to the Original Project Area.

All taxes levied upon taxable property in the Original Project Area each year by or for the benefit of the State, the City, the County, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of Ordinance No. 89-89 of the Board of Supervisors of Contra Costa County approving the original Redevelopment Plan for the Oakley Redevelopment Project Area establishing the Original Project Area shall be divided as follows:

- (a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Original Project Area as shown upon the assessment roll used in connection with the taxation of that property by the taxing agency, last equalized prior to the effective date of the Ordinance, shall be allocated to and when collected shall be paid to the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in the Original Project Area on the effective date of the Ordinance but to which that territory has been annexed or otherwise included after that effective date, the assessment roll of the County last equalized on the effective date of the Ordinance shall be used in determining the assessed valuation of the taxable property in the Original Project Area on the effective date).
- (b) Except as provided in subdivision (e) of Section 33670 of the Redevelopment Law, as may be applicable, that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special

fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Plan. Unless and until the total assessed value of the taxable property in the Original Project Area exceeds the total assessed value of the taxable property in the Original Project Area as shown by the last equalized assessment roll referred to in

subdivision (a) above, all of the taxes levied and collected upon the taxable property in the Original Project Area shall be paid to the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Original Project Area shall be paid to the respective taxing agencies as taxes on all other property are paid.

2. (Sec. 604) Added Project Area

This Section 604 shall apply to the Added Project Area.

All taxes levied upon taxable property in the Added Project Area each year by or for the benefit of the State, the City, the County, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of Ordinance No. __ of the City Council of the City of Oakley approving this Plan restating and amending the original Redevelopment Plan for the Oakley Redevelopment Project Area and adding the Added Project Area to the Project Area shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Added Project Area as shown upon the assessment roll used in connection with the taxation of that property by the taxing agency, last equalized prior to the effective date of the Ordinance, shall be allocated to and when collected shall be paid to the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in the Added Project Area on the effective date of the Ordinance but to which that territory has been annexed or otherwise included after that effective date, the assessment roll of the County last equalized on the effective date of the Ordinance shall be used in determining the assessed valuation of the taxable property in the Added Project Area on the effective date).

(b) Except as provided in subdivision (e) of Section 33670 of the Redevelopment Law, as may be applicable, that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the

Agency to finance or refinance, in whole or in part, this Plan. Unless and until the total assessed value of the taxable property in the Added Project Area exceeds the total assessed value of the taxable property in the Added Project Area as shown by the last equalized assessment roll referred to in subdivision (a) above, all of the taxes levied and collected upon the taxable property in the Added Project Area shall be paid to the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Added Project Area shall be paid to the respective taxing agencies as taxes on all other property are paid.

C. (Sec. 605) Pledges of Tax Increment

The Agency is authorized to make irrevocable pledges of tax increment as to specific advances, loans and indebtedness (whether funded, refunded, assumed or otherwise) for the payment of the principal and interest on such advances, loans and indebtedness as appropriate in carrying out the Plan. Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan to pay the principal of and interest on loans, advances, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Plan.

D. (Sec. 606) Bonds

The Agency is authorized to issue bonds and expend the proceeds from their sale in carrying out this Plan. The Agency shall use funds allocated to it to pay the principal and interest on such bonds as it becomes due and payable.

The Agency may, subject to the approval of the City Council, issue bonds for any of its corporate purposes. The Agency may also, subject to the approval of the City Council, issue refunding bonds for the purposes of paying or retiring bonds previously issued by it.

The bonds and other obligations of the Agency are not a debt of the City, the State, or any of its political subdivisions and neither the City, the State, nor any of its political subdivisions is liable on them, nor shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

E. (Sec. 607) Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from any public or private source may be utilized by the Agency as appropriate in carrying out the Plan.

VII. (Sec. 700) ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the Project Area of conditions causing blight. Action by the City may include, but shall not be limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City may include the requirements of abandonment and relocation by public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.
2. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area or construction of any public improvements.
3. Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan or necessary to carry out this Plan.
4. Performance of all other functions and services relating to public health, safety, and welfare and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
5. Acquisition of any property inside or outside of the Project Area, demolition and removal of structures on such acquired property, and preparation of such property for construction.
6. Imposition wherever necessary (by subdivision approval, conditional use permits, or other means) of appropriate controls, within the applicable City codes and limits of this Plan, upon property in the Project Area to ensure its proper development and use.
7. The expenditure of monies as appropriate and authorized to carry out this Plan.

VIII. (Sec. 800) ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF THE PLAN

The administration and enforcement of this Plan or other documents implementing this Plan shall be performed by the Agency or the City, as appropriate.

The provisions of this Plan or other documents entered into pursuant to this Plan may be enforced by court litigation instituted by either the Agency or the City, as appropriate. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any

recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

The provisions of this Plan do not in any way limit or restrict the City's authority to enforce any land use regulations or any provisions of the City's code or other regulations.

This Plan may be amended by means of the procedure established in the Redevelopment Law or by any other procedure hereinafter established by law. Any amendment to the City's General Plan affecting any portion of this Plan text and/or exhibits (including maps) shall automatically amend this Plan accordingly to conform thereto.

To the extent legally permissible, the Agency is hereby authorized to undertake any redevelopment activity or exercise any power not already included herein, provided such action is not inconsistent with, or expressly limited by, this Plan.

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Plan is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of this Plan. In the event that any portion of the Project Area shall be determined to have been invalidly or incorrectly included in the Project Area that is the subject of this Plan, such portion of the Project Area shall be deemed severable from the remainder of the Project Area and the remainder of the Project Area shall remain fully subject to the provisions of this Plan.

IX. (Sec. 900) DURATION OF THIS PLAN AND TIME AND FINANCIAL LIMITATIONS

A. (Sec. 901) Project Area as a Whole

This Section 901 shall apply to the Project Area as a whole (the Original Project Area and the Added Project Area collectively).

- (a) The limit on the number of dollars of taxes that may be divided and allocated to the Agency from the Project Area pursuant to this Plan shall be Five Hundred Fifty Million Dollars (\$550,000,000), except pursuant to amendment of this Plan.
- (b) The limit on the amount of bonded indebtedness to be repaid in whole or in part from tax increment allocated to the Agency from the Project Area which may be outstanding at any one time shall be Four Hundred Fifty Million Dollars (\$450,000,000), except pursuant to amendment of this Plan.
- (c) The above limits in this Section apply with respect to the Project Area except for any other authority in excess of the above limits that may from time to time be granted by statute (which authority shall be deemed

to be incorporated into the provisions of this Plan by this reference and shall supersede the above limits).

B. (Sec. 902) Original Project Area

This Section 902 shall apply to the Original Project Area.

- (a) The time limit with respect to the Original Project Area on the establishing of loans, advances, and indebtedness to be paid with property taxes received pursuant to Section 33670 of the Redevelopment Law shall be December 21, 2009, unless this Plan is further amended as permitted by law. This limit, however, shall not prevent the Agency from incurring debt to be paid from its Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law. This limit also shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid does not exceed the date on which the indebtedness would have been paid.
- (b) The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 of the Redevelopment Law with respect to the Original Project Area, after December 21, 2039.
- (c) The effectiveness of this Plan with respect to the Original Project Area (including without limitation the effectiveness of the Agency's land use controls under this Plan) shall terminate on December 21, 2029. After this time limit on the effectiveness of this Plan, the Agency shall have no authority to act pursuant to this Plan with respect to the Original Project Area except to pay previously incurred indebtedness and to enforce existing covenants, contracts, or other obligations.
- (d) The above limits in this Section shall apply with respect to the Original Project Area except as otherwise provided or authorized in Sections 33333.6(g) and (h) of the Redevelopment Law, and except for any other authority in excess of the above limits that may from time to time be granted by statute (which authority shall be deemed to be incorporated into the provisions of this Plan by this reference and shall supersede the above limits).

C. (Sec. 903) Added Project Area

This Section 903 shall apply to the Added Project Area.

- (a) The time limit with respect to the Added Project Area on the establishing of loans, advances, and indebtedness to be paid with property taxes received pursuant to Section 33670 of the Redevelopment Law shall be twenty (20) years from the date of adoption of Ordinance No. ____ adopting this Plan (restating and amending the original Redevelopment Plan for the Oakley Redevelopment Project Area), unless this Plan is further amended as permitted by law. This limit, however, shall not prevent the Agency from incurring debt to be paid from its Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law. This limit also shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit to repay indebtedness.
- (b) The Agency shall not pay indebtedness with the proceeds of property taxes received pursuant to Section 33670 of the Redevelopment Law or receive property taxes pursuant to Section 33670 of the Redevelopment Law with respect to the Added Project Area after the date which is forty-five (45) years from the adoption of Ordinance No. ____ adopting this Plan (restating and amending the original Redevelopment Plan for the Oakley Redevelopment Project Area).
- (c) The effectiveness of this Plan with respect to the Added Project Area (including without limitation the effectiveness of the Agency's land use controls under this Plan) shall terminate on the date which is thirty (30) years from the adoption of Ordinance No. ____ adopting this plan (restating and amending the original Redevelopment Plan for the Oakley Redevelopment Project Area). After this time limit on the effectiveness of the Plan, the Agency shall have no authority to act pursuant to this Plan with respect to the Added Project Area except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as is reasonably possible.
- (d) The above limits in this Section apply with respect to the Added Project Area except for any other authority in excess of the above limits that may from time to time be granted by statute (which authority shall be

deemed to be incorporated into the provisions of this Plan by this reference and shall supersede the above limits).

D. (Sec. 904) Nondiscrimination and Affordable Housing Provisions

Notwithstanding any other time limitations set forth in this Plan, the nondiscrimination and nonsegregation provisions of this Plan shall run in perpetuity and the affordable housing covenants imposed by the Agency shall remain in effect for such periods as are determined and specified by the Agency.

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PROJECT AREA LEGAL DESCRIPTION (EXHIBIT A)

PROJECT AREA MAP (EXHIBIT B)

GENERAL PLAN LAND USE MAP (EXHIBIT C)

PROPOSED IMPROVEMENTS, PROJECTS AND PROGRAMS (EXHIBIT D)
