

**ADOPTED VERSION**

**REDEVELOPMENT PLAN FOR THE MENDOCINO COUNTY  
REDEVELOPMENT PROJECT AREA**

Prepared by the  
Redevelopment Agency of the County of Mendocino

Adopted on July 8, 2003, by Ordinance No. 4111

## TABLE OF CONTENTS

	<u>Page</u>
PART I. INTRODUCTION.....	1
PART II. GENERAL DEFINITIONS .....	1
PART III. PROJECT AREA BOUNDARIES .....	3
PART IV. REDEVELOPMENT GOALS AND OBJECTIVES.....	3
PART V. LAND USE REGULATIONS .....	4
A. OVERVIEW OF REGULATIONS .....	4
B. PERMITTED LAND USES .....	4
C. LAND USE MAP; PUBLIC RIGHTS OF WAY .....	5
D. GENERAL CONTROLS AND LIMITATIONS.....	5
E. ADOPTION OF ADDITIONAL STANDARDS FOR DEVELOPMENT .....	8
F. BUILDING PERMITS.....	8
G. DWELLING UNITS .....	8
H. AFFORDABLE HOUSING.....	9
I. MITIGATION MEASURES.....	9
PART VI. REDEVELOPMENT TECHNIQUES TO ACHIEVE PLAN OBJECTIVES .....	9
A. PUBLIC IMPROVEMENTS .....	10
B. PROPERTY ACQUISITION.....	10
C. PARTICIPATION BY OWNERS AND BUSINESS TENANTS .....	12
D. COOPERATION WITH PUBLIC BODIES .....	14
E. PROPERTY MANAGEMENT.....	14
F. RELOCATION OF DISPLACED PERSONS AND BUSINESSES .....	15
G. DEMOLITION, CLEARANCE, AND SITE PREPARATION .....	16
H. REHABILITATION AND MOVING OF STRUCTURES; ASSISTANCE FOR CERTAIN PRIVATE IMPROVEMENTS .....	16
I. REPLACEMENT DWELLING UNITS.....	17
J. PROPERTY DISPOSITION AND DEVELOPMENT .....	17
K. PREVENTION OF DISCRIMINATION .....	19
PART VII. METHODS FOR FINANCING THE PROJECT .....	20
A. GENERAL PROVISIONS.....	20
B. AFFORDABLE HOUSING FINANCING.....	21
C. TAX INCREMENTS .....	21
D. BONDS .....	22
E. OTHER LOANS, GRANTS AND ADVANCES.....	22
PART VIII. ACTIONS BY THE COUNTY .....	23

TABLE OF CONTENTS

	<u>Page</u>
PART IX. ENFORCEMENT .....	24
PART X. DURATION OF THIS PLAN AND RELATED TIME LIMITS .....	24
PART XI. SEVERABILITY .....	25
PART XII. PROCEDURE FOR AMENDMENT .....	25
PART XIII. AUTHORITY OF THE AGENCY .....	25
EXHIBIT A BOUNDARY MAPS	
EXHIBIT B LEGAL DESCRIPTION	
EXHIBIT C LAND USE MAP	
EXHIBIT D INITIALLY PROPOSED ACTIONS AND PROJECTS	

# **REDEVELOPMENT PLAN FOR THE MENDOCINO COUNTY REDEVELOPMENT PROJECT AREA**

## **PART I. INTRODUCTION**

This is the Redevelopment Plan for the Mendocino County Redevelopment Project Area (the "Plan"). This Plan consists of text (Part I through Part XIII), Boundary Maps (Exhibit A), a Legal Description (Exhibit B), a Land Use Map (Exhibit C), and a list of Initially Proposed Actions and Projects (Exhibit D).

This Plan has been prepared by the Redevelopment Agency of the County of Mendocino (the "Agency") pursuant to the Constitution of the State of California, the Community Redevelopment Law of the State of California (the "Redevelopment Law"), and all applicable laws and local ordinances.

The proposed redevelopment of the Mendocino County Redevelopment Project Area (the "Project Area") as described in this Plan conforms to the General Plan for the County of Mendocino, as applied in accordance with local codes and ordinances. This Plan is based upon the Preliminary Plan formulated and adopted by the Mendocino County Planning Commission on January 18, 2001.

This Plan provides the Agency with powers, duties and obligations to implement the program 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, projects, and solutions.

Many of the requirements contained in this Plan are necessitated by and in accordance with 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, 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).

## **PART II. GENERAL DEFINITIONS**

The definition of general terms contained in the Redevelopment Law shall govern the construction of this Plan, unless more specific terms and definitions therefore are otherwise provided in this Plan. In addition, the following specific definitions are used in this Plan:

- A. "Agency" means the Redevelopment Agency of the County of Mendocino, California.
- B. "Board of Supervisors" means the Mendocino County Board of Supervisors, California.
- C. "County" means the County of Mendocino, California, a political subdivision of the State of California.
- D. "General Plan" means the County of Mendocino General Plan, as it now exists or may hereafter be amended, and any specific plan applicable to all or portions of the Project Area that may hereafter be in effect from time to time.
- E. "Land Use Map" means the map setting forth the applicable land use designations (consisting of the General Plan land use designations), property devoted to public purposes, and major circulation routes in the Project Area. The Land Use Map is attached to this Plan as Exhibit C.
- F. "Owner" means any person owning fee title to, or a long-term leasehold interest in Real Property (as defined below) within the Project Area.
- G. "Owner Participation Rules" means the Rules for Business Tenant Preference and Owner Participation adopted by the Agency pursuant to the Redevelopment Law, as such Rules now exist or may hereafter be amended.
- H. "Person" means any individual, or any public or private entity.
- I. "Personal Property" means moveable property, chattels and any other property not part of real property.
- J. "Plan" or "Redevelopment Plan" means this Redevelopment Plan for the Mendocino County Redevelopment Project Area, as it now exists or may hereafter be amended.
- K. "Planning Commission" means the Planning Commission of the County of Mendocino, California.
- L. "Project" means the Project Area and the redevelopment activities undertaken pursuant to this Plan.
- M. "Project Area" means the area included within the boundaries of the Mendocino County Redevelopment Project Area, as shown on the Boundary Maps (Exhibit A) and described in the Legal Description (Exhibit B).
- N. "Real Property" means land, including land under water and waterfront property; buildings, structures, fixtures and improvements on the land; property appurtenant to or used in

connection with the land; and every estate, interest, privilege, easement, franchise and right in land, including but not limited to rights-of-way, terms of years and liens, charges or encumbrances by way of judgment, mortgages or otherwise and the indebtedness secured by such liens.

O. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code Section 33000 et seq.).

P. "State" means the State of California.

Q. "Zoning Ordinance" means the Zoning Ordinance of the County of Mendocino, California, as it now exists or may hereafter be amended.

### **PART III. PROJECT AREA BOUNDARIES**

The Project Area consists of all properties within the boundaries shown on the Boundary Maps (Exhibit A) and described in the Legal Description (Exhibit B).

### **PART IV. REDEVELOPMENT GOALS AND OBJECTIVES**

This Redevelopment Plan will be undertaken to achieve the following specific goals and objectives in furtherance of the purposes of the Redevelopment Law and the General Plan:

1. The elimination, over time, of conditions that blight much of the proposed Project Area.
2. The improvement of housing conditions in the proposed Project Area, including preserving, improving, and increasing the community supply of affordable housing.
3. The revitalization, strengthening, and expansion, as appropriate, of existing industries and business that benefit the proposed Project Area.
4. Economic development that leads to increased employment opportunities for local residents.
5. Improvement of streets and roads that serve the proposed Project Area to ensure safe vehicle, pedestrian, and bicycle movements.
6. Provision of storm and street drainage improvements to enhance public safety and minimize damage to public and private property.
7. Provision of other public improvements and facilities as may be appropriate.
8. Provision of recreation and park facilities for both local residents and visitors.

9. Elimination, over time, of adverse conditions that contribute to soils, groundwater and stream contamination, and air pollution.

## **PART V. LAND USE REGULATIONS**

### **A. OVERVIEW OF REGULATIONS**

The County has adopted a General Plan which is in full conformance with the State requirements for general plans.

The permitted land uses, land use standards, development goals, objectives and policies, and other evaluation guidelines of this Redevelopment Plan shall be those set forth in the General Plan, together with the specific redevelopment goals and objectives outlined in Part IV above (which are consistent with and serve to implement the more general goals and objectives of the General Plan). It is further intended that all provisions of the Zoning Ordinance, as it now exists or hereafter be amended, shall be applicable to developments in the Project Area, and that all development in the Project Area shall comply with all applicable state and local laws, codes and ordinances in effect from time to time in the County, in addition to any requirements of the Agency imposed pursuant to this Plan.

Finally, the applicable County zoning and planning processes (including any moratoria or temporary development restrictions imposed by the County) shall continue to have full effect and shall continue to serve as the primary determinant for land use decisions in the Project Area. Without limiting the generality of the foregoing, and subject to the following paragraph, the Planning Commission, the Board of Supervisors, County departments, and other County boards and agency shall perform the same functions for consideration and approval or disapproval of development applications, permits and other entitlements for properties within the Project Area that are subject to this Redevelopment Plan, as for properties outside the Project Area that are not subject to this Redevelopment Plan.

The Board of Supervisors may, in its discretion through appropriate future legislation, amend applicable County planning or building codes and standards to provide for modified or streamlined processing of development applications within redevelopment project areas or other special zones. Any such amendment of County planning and building codes and standards shall thereafter apply to the processing of development applications in the Project Area in accordance with the terms of such amendment.

### **B. PERMITTED LAND USES**

As noted in the overview to this Part, this Redevelopment Plan adopts the land uses set forth in the General Plan as the permitted uses within the Project Area. It is intended that the land uses set forth in the General Plan now, or as they may hereafter be amended, shall be the land uses governing this Plan.

## C. LAND USE MAP; PUBLIC RIGHTS OF WAY

### 1. Land Use Map

The Land Use Map (Exhibit C) shows the applicable land use designations, street layout, open space areas and public use areas within the Project Area. The specific types of uses and activities (including size, height, and number of buildings and dwelling units) permitted or conditionally permitted in each land use category mapped on the Land Use Map are those types of uses and activities (including size, height and number of buildings and dwelling units) described in the Zoning Ordinance consistent with the relevant land use category. The land uses shown on the Land Use Map are drawn from the Land Use Element of the General Plan in effect as of the adoption of this Redevelopment Plan, and shall be deemed to be automatically modified as the Land Use Element of the General Plan may be revised from time to time in order to maintain conformance of this Redevelopment Plan with the General Plan, as provided in Sections A and B of this Part.

### 2. Public Streets and Rights-of Way

All streets within the Project Area may be widened, altered, or vacated for purposes of development of the Project. New streets may be created as appropriate. The anticipated configuration of streets and public rights-of-way within the Project Area (including existing streets to be retained and their relationship to major public facilities) is shown on the Land Use Map (Exhibit C). These 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.

Additional public streets, alleys and easements may be created in the Project Area as appropriate for proper development of circulation patterns for traffic and pedestrians. Existing streets, alleys and easements may be abandoned, closed or modified as necessary for proper development of the Project.

Any changes in the existing interior or exterior street layout shall be in accordance with the General Plan, the objectives of this Plan, and the County's design standards, and shall be effectuated in the manner prescribed by state and local law.

## D. GENERAL CONTROLS AND LIMITATIONS

All real property in the Project Area is hereby subject to the goals, objectives, policies, controls and requirements of this Plan (which expressly incorporates the goals, objectives, policies, controls and requirements of the General Plan and the Zoning Ordinance). No real property shall be developed, rehabilitated, or otherwise changed after the date of adoption of the Plan except in conformance with the provisions of this Plan, the General Plan, the Zoning Ordinance, and all other applicable State and local laws and standards in effect from time to time.



1. New Construction

All new construction shall comply with all applicable State and local laws and standards in effect from time to time. Parking facilities shall be provided in accordance with the criteria set forth in the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, and any additional standards adopted by the Agency pursuant to Section E below.

2. Non-Conforming Uses

The existence, continuation, renovation, repair, expansion, and replacement of nonconforming uses in the Project Area shall be governed by the applicable County land use regulations in effect from time to time.

3. Rehabilitation

Any structure within the Project Area which will be retained as part of the Plan shall not be altered, constructed, or rehabilitated unless it is done so in conformance with the General Plan, the Zoning Ordinance, all applicable codes, and any guidelines which may be adopted by the Agency to assist in the implementation of the Plan. This conformity shall extend to the architectural character, the public spaces and other elements as required by the County and/or Agency.

4. Open Spaces and Landscaping

Standards for open space to be provided within the Project Area shall be consistent with the General Plan and the Zoning Ordinance, as they now exist and may hereafter be amended. The precise amount of open space to be provided in the Project Area will depend on the particular plans for development submitted by developers of private property in the Project Area and approved by the County. Landscaping plans for development projects shall be submitted to the County for review and approval in accordance with applicable County regulations.

5. Height and Bulk

The height and bulk of structures shall be regulated as provided in the General Plan and the Zoning Ordinance, as they now exist or as they may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section E below.

6. Density

The maximum permitted density of development on any building site shall be regulated as provided in the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section E below.

7. Signs

Exterior signs necessary for the identification of buildings and premises shall be as permitted by the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, provided that they comply with any design criteria established for the Project Area. The Agency may require that the complete sign program for a development and such additional standards as may be adopted by the Agency pursuant to Section E below be reviewed by the Agency staff, prior to the erection or installation of signs in any part of the Project Area.

8. Nondiscrimination and Nonsegregation

As more fully set forth in Part VI below, there shall be no discrimination or segregation based on race, color, creed, religion, sex, sexual orientation, marital status, national origin, mental or physical disability, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

9. Resubdivision of Parcels

After rehabilitation and development pursuant to this Plan, no parcel in the Project Area, including any parcel retained by a conforming owner or participant shall be subdivided without the approval of the County.

10. Variances

In the event the County grants a variance from applicable County zoning regulations for development of a parcel within the Project Area, such grant of variance shall be deemed to constitute a comparable variance from the standards of this Plan without additional action by the Agency.

In addition, the Agency is authorized to permit variances from any development standards adopted by the Agency pursuant to Section E below or any affordable housing regulations or policy guidelines adopted by the Agency pursuant to Section H below. In order to permit such a variance the Agency must determine that all of the following circumstances exist:

a. The application of one or more of the provisions of such Agency development standards, regulations or policy guidelines would result in unnecessary hardship to the property owner;

b. 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;

c. Permitting a variance from the limits, restrictions, or controls of such Agency development standards, regulations or policy guidelines will not be materially detrimental to the public welfare or injurious to property or improvements in the area;

d. Permitting a variance from the limits, restrictions or controls of such Agency development standards, regulations or policy guidelines will not be contrary to the objectives of this Plan; and

e. The grant of variance by the Agency will not result in development that conflicts with applicable County land use standards.

No such variance shall be granted which changes a basic land use pursuant to this Plan or which permits other than a minor departure from the provisions of this Plan. In permitting any variance, the Agency shall impose such conditions as are necessary to protect the public health, safety, and welfare and to assure compliance with the objectives of the Plan.

E. ADOPTION OF ADDITIONAL STANDARDS FOR DEVELOPMENT

Within the limits, restrictions and controls established in the General Plan, the Zoning Ordinance, and this Plan, the Agency is authorized to establish and adopt, by appropriate resolution, specific guidelines and/or standards for building heights, building coverage, design criteria, architectural character, landscaping character, sign character, traffic circulation ingress and egress, parking, and any other development and design control necessary to implement the Plan. Such guidelines and/or standards may relate to both private and public areas within the Project Area. No new development shall be constructed and no existing improvements shall be substantially modified, altered, repaired, or rehabilitated except in accordance with such adopted guidelines and/or standards for development. The Agency shall not approve plans which do not comply with any adopted guidelines and/or standards for development.

F. BUILDING PERMITS

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been made and processed in a manner consistent with all County requirements.

The Agency is authorized to establish permit procedures and approvals in addition to those set forth above where required for the purposes of this Plan. Where such additional procedures and approvals are established, a building permit shall be issued only after the applicant for same has been granted all approvals required by the County and the Agency at the time of application.

G. DWELLING UNITS

In compliance with the Health and Safety Code Section 33333(c), and as provided in Sections B, C.1 and D.6 of this Part V, the maximum number of dwelling units in the Project Area shall be regulated as provided in the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended.

## H. AFFORDABLE HOUSING

By regulations, financial assistance programs, and/or policy guidelines adopted by resolution of the Agency from time to time, the Agency shall ensure compliance with the provisions of Health and Safety Code Section 33413(b) requiring that specified percentages of all new or rehabilitated dwelling units developed in the Project Area be available at affordable housing cost to households in specified income categories. Any such adopted Agency regulations and/or policy guidelines shall be applicable and enforceable by the County and the Agency under this Plan with respect to parcels developed with new or rehabilitated residential structures in the Project Area regardless of whether such parcels are developed with Agency assistance or participation.

## I. MITIGATION MEASURES

By concurrent resolution (Resolution No. 03-166; the "EIR Resolution") adopted in connection with certification of the Environmental Impact Report for this Plan (the "EIR"), the Board of Supervisors and the Agency adopted specified environmental mitigation measures (the "Mitigation Measures") to be implemented as part of this Plan to minimize potential adverse environmental impacts of the Plan. The Mitigation Measures are based, in substantial part, on the mitigation measures identified in the EIR.

The Mitigation Measures are hereby incorporated in this Plan by this reference and shall be implemented by the Agency, the County, or individual property owners/developers, as appropriate, in connection with public and private actions undertaken pursuant to this Plan (including in connection with County land use approvals for developments in the Project Area during the effectiveness of this Plan).

## **PART VI. REDEVELOPMENT TECHNIQUES TO ACHIEVE PLAN OBJECTIVES**

The development of the Project will be undertaken in accordance with the provisions of the Redevelopment Law. The Agency proposes to use the redevelopment techniques set forth in this Part VI and/or the Redevelopment Law to achieve the goals and objectives of the Plan set forth in Part IV above.

Among the programs and projects that may be implemented by the Agency using the techniques set forth in this Part VI and/or the Redevelopment Law are those described in Exhibit D, the Initially Proposed Actions and Projects. Exhibit D lists redevelopment programs and projects that appear, at the time of Plan adoption, to have significant potential for achieving the goals and objectives of the Plan. As redevelopment needs and opportunities evolve over the life of the Plan, the Agency may determine not to undertake certain programs or projects listed in Exhibit D, and/or to undertake other programs and projects consistent with this Plan and the Redevelopment Law that are not listed in Exhibit D.

A. PUBLIC IMPROVEMENTS

As more fully set forth in Health and Safety Code Sections 33445 and 33679, the Agency is authorized to acquire, install and construct or cause to be acquired, installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements and public utilities include, but are not limited to, the construction, expansion, rehabilitation or modernization of over-or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, public transportation facilities and services (including rail and bus facilities and services), sewers, sewage treatment facilities, waste water disposal areas, storm drains, flood control facilities, traffic signals and other traffic control devices, electrical distribution systems, communication systems, fire fighting facilities, police and criminal justice facilities, educational facilities, community and civic centers, natural gas distribution systems, water treatment and distribution systems (including upgrading of water mains laterals and fire hydrants), other public buildings, parks and open space areas, off-street parking, plazas, landscaped areas, and undergrounding of existing utilities. Anticipated public improvements, facilities and utilities that may be acquired, installed or constructed, or caused to be acquired, installed or constructed, by the Agency include, but are not limited to, those public improvements, facilities and utilities set forth in the attached Exhibit D, the Initially Proposed Actions and Projects.

Without limiting the generality of the financing techniques available to the Agency under this Plan as set forth in Part VII, Section A below, among the techniques the Agency may employ to cause the financing and construction, expansion, rehabilitation, or modernization of the above-referenced public improvements and public facilities is participation in payments to assessment districts, Mello-Roos community facility districts, or other similar districts established pursuant to applicable law to finance construction, expansion, rehabilitation, or modernization of such public improvements and public facilities.

Notwithstanding any other provision of this Plan, the Agency is prohibited from financially assisting or otherwise participating in the construction, development or provision of any public project that would displace a substantial number of low-income persons or moderate-income persons, or both.

B. PROPERTY ACQUISITION

1. Acquisition of Real Property

Except as specifically limited herein (see paragraphs a., b., c., and d. below regarding limitations on the Agency's eminent domain power), the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to

acquire real property in the Project Area. The power of eminent domain shall not be exercised, however, when the conditions described in either subdivision a. or b. or c. or d. below exist:

a. The property in question contains a structure or structures occupied at the time of proposed acquisition as the residential dwelling unit of one or more persons; or

b. The property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency; or

c. The property in question is improved with a structure and, although not conforming to the Plan, the Agency has determined that the property and the structure can so conform pursuant to an owner participation agreement and that the owner is faithfully performing under the terms of the owner participation agreement; or

d. The property in question is improved with a structure and, in the sole determination of the Agency, all of the following are true:

(1) The property is not needed for those specific activities outlined in the Plan, including for development by a master developer pursuant to Section C.2 below; and

(2) The property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and

(3) The property is not needed for any other public improvement or facility; and

(4) The property is not needed to promote historical or architectural preservation; and

(5) The property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of this Plan; and

(6) The property is not needed for the elimination of environmental deficiencies including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; and

(7) The property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire within twelve (12) years of the date of adoption of the ordinance including such property in the Project Area. This time limit for commencement of eminent domain proceedings may be extended only by amendment of the Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Plan.

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

2. Acquisition of Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means.

C. PARTICIPATION BY OWNERS AND BUSINESS TENANTS

1. Opportunities for Owners and Business Tenants

The Agency shall extend reasonable preferences to persons who own property or are engaged in business in the Project Area, to continue or re-enter in business within the Project Area if they meet the requirements prescribed in this Plan and the Owner Participation Rules which have been adopted by the Agency and are available for public inspection.

It is the intention of the Agency that owners of fee title to, or a long term leasehold interest in, parcels of real property within the Project Area, where consistent with this Plan and the Owner Participation Rules, be allowed to participate in this redevelopment by: retaining all or a portion of their properties; acquiring adjacent or other properties in the Project Area; selling their properties to the Agency and purchasing other properties in the Project Area; and upgrading and developing their properties in conformance with this Plan and Owner Participation Rules.

The Agency may determine either on its own direction or pursuant to a request of a property owner that certain property within the Project Area does not conform to this Plan, and the owner of such property shall be required to enter into an owner participation agreement with the Agency as more fully described in Section C.3 below. Bases for an Agency determination of property non-conformance with this Plan may include, without limitation, persistent vacancy or lack of use of the property for uses authorized under this Plan, uses on the property that are inconsistent with the goals and objectives of this Plan or with the permitted land uses under this Plan, or existence of improvements or conditions on the property that do not meet the general controls and limitations set forth in Part V of this Plan and/or the standards of any local, state or federal code or regulation (including, without limitation, the building code(s) of the County). Each property in the Project Area shall be considered to conform to this Plan, until and unless the Agency has determined by resolution that such property does not conform to this Plan.

The Agency may determine, either on its own direction or pursuant to a request of a property owner, that certain real property within the Project Area conforms or substantially conforms to the requirements of this Plan and that the owner of such property will, thereafter, be permitted to remain a conforming owner without a participation agreement with the Agency, provided, such owner continues to operate and use the real property within the requirements of this Plan.

In the event a conforming owner desires to (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming, or (b) acquire additional real property within the Project Area, then the Agency may require such conforming owner to enter into a participation agreement with the Agency in the same manner as required for owners of non-conforming properties.

Any real property owned by a conforming owner outside of the designated conforming parcels and within the Project Area shall be considered and treated in the same manner as real property owned by other owners, i.e., may be subject to a participation agreement with the Agency.

All of the provisions of this Section C.1 are subject to the provisions of Section C.2 below for the selection of a master developer or developers to develop parcels within the Project Area.

2. Rules for Participation Opportunities, Priorities and Preferences; Selection of Master Developers

As more fully set forth in the Agency's adopted Owner Participation Rules (as such rules may be amended from time to time), in the event the Agency determines either on its own direction or pursuant to a request of a property owner that it is in the best interest of the Project that two or more parcels within the Project Area be assembled and developed by a single property owner or other entity under a master developer plan, the Agency may select and designate a master developer for the parcels based on the proposed master developer's financial and technical ability to successfully undertake and complete the development program.

Any individual or other entity may apply to be selected as a master developer of two or more parcels in the Project Area. Upon such application, the Agency shall determine whether it is desirable to designate a master developer for such parcels and whether the applicant or another individual or entity meets the qualification to serve as the master developer.

The rights of particular property owners and business tenants to participate in the redevelopment of their respective properties shall be subject to or limited by or eliminated by the inclusion of their property within a master development plan to be developed by another entity.

If the Agency determines that a particular parcel in the Project Area shall not be included in a master development plan, then the owner of the parcel and business tenants may participate in the redevelopment of property in accordance with the Owner Participation Rules adopted by the Agency. In general, the Owner Participation Rules provide that existing owners and business tenants within the Project Area be given non-financial preference, as more fully described in the Owner Participation Rules, for re-entry into business within the redeveloped Project Area. Owners will be required to submit proof to the Agency of their technical qualifications and financial ability to carry out their agreement with the Agency.



### 3. Participation Agreements

In the event the property owner is otherwise eligible pursuant to Section C.2 above to participate in the redevelopment of the property, a property owner whose property is determined by the Agency to be a non-conforming property pursuant to Section C.1 above shall enter into a binding agreement with the Agency under which the property owner shall agree to rehabilitate, develop, or use the property in conformance with the Plan and to be subject to the provisions hereof. Such agreement shall be prepared by the Agency after consultation with the property owner. Agreements will contain a list of minimum improvements to be made for the specific property to which it applies.

In such agreements, participating property owners who retain real property shall be required to join in the recordation of such documents as are necessary in the determination of the Agency to make the provisions of this Plan applicable to their properties.

If an owner who is required to enter into an owner participation agreement fails or refuses to enter into such agreement, or if such owner fails to perform any of the owner's obligations under an owner participation agreement, the Agency is authorized, subject to the limitations on the exercise of the power of eminent domain set forth in Section B.1 above, to acquire the real property or any interest therein which, if acquired, may be sold or leased for rehabilitation or development in accordance with this Plan.

#### D. 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 Project. 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, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall have the right to impose on all public bodies the planning and design controls contained in the Plan to ensure that present uses and any future development by public bodies conform to the requirements of this Plan.

#### E. PROPERTY MANAGEMENT

During such time as property in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition.

The Agency shall comply with, and is authorized to exercise the rights and duties contained in, Health and Safety Code Section 33401, which states:

*"The agency may, in any year during which it owns property in a redevelopment project that is tax exempt, pay directly to any city, county, city and county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon the property had it not been exempt, an amount of money in lieu of taxes that may not exceed the amount of money the public entity would have received if the property had not been tax exempt."*

## F. RELOCATION OF DISPLACED PERSONS AND BUSINESSES

As required by the California Relocation Assistance Act (Government Code Section 7260 et seq.), any relocation of persons and businesses as part of the Project will be subject to the following standards:

### 1. Assistance in Finding Other Locations

The Agency shall assist persons (including households, business entities and others) displaced by the Agency pursuant to this Plan in finding other locations and facilities that exist 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 the families and persons displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of families and persons that may potentially be displaced and available to such displaced families and persons and reasonably accessible to their places of employment.

In order to carry out the Project with a minimum of hardship on persons displaced from their homes by Agency actions pursuant to this Plan, the Agency shall assist such individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonable and convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing outside the Project Area for displaced persons.

### 2. Relocation Payments

The Agency may pay reasonable moving expenses to persons (including families, business concerns and others) displaced by Agency actions pursuant to this Plan. This provision is not intended to provide incentives for commercial and industrial businesses to move out of the Project Area. The Agency may make such relocation payments for moving expenses where the Agency determines it is in the best interest of the Project and not to do so would create a hardship on the persons involved. The Agency may make such other payments as may be in the best interest of the Project and for which funds are available. The Agency shall make all relocation payments required by applicable law.

