

# MOUNT HOPE REDEVELOPMENT PROJECT

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San Diego

**SEDC**

Southeast  
Economic  
Development  
Corporation

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Scripps Building  
Suite 200  
525 "C" Street  
San Diego, California 92101

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San Diego

**SEDC**

Southeast  
Economic  
Development  
Corporation

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MOUNT HOPE  
REDEVELOPMENT  
PLAN

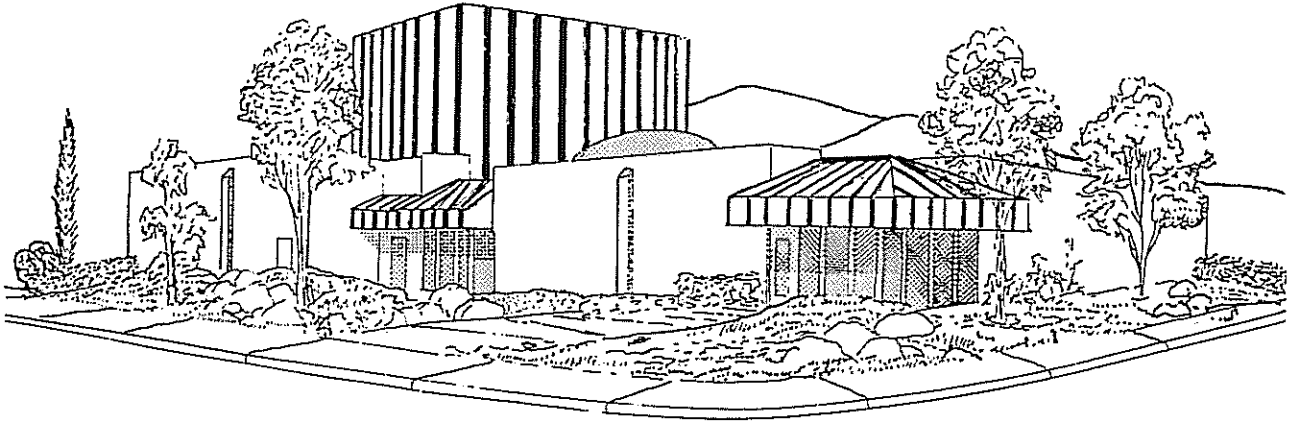
MOUNT HOPE REDEVELOPMENT PLAN  
TABLE OF CONTENTS  
FOR  
NOVEMBER 9, 1982

- A. Mount Hope Redevelopment Plan Executive Summary
- B. SEDC Memorandum -- Adoption of an Amendment to the 1969 Southeast Community Plan
- C. Council Resolution R-83-517
- D. The General Plan Amendment to the 1969 Southeast Community Plan
- E. SEDC Memorandum -- Transfer of CDBG Helix Heights Funds to Agency
- F. Council Resolution R-83-516
- G. SEDC Agency Memorandum -- Certification of Mount Hope Environmental Impact Report
- H. Agency Resolution 110/3-4
- I. SEDC Council Memorandum -- Certification of Mount Hope Environmental Impact Report
- J. Council Resolution R-83-525
- K. The Mount Hope Environmental Impact Report
- L. SEDC Agency Memorandum -- Adoption of the Mount Hope Redevelopment Plan and Related Documents
- M. Agency Resolution 110/3-5
- N. SEDC Council Memorandum -- Adoption of the Mount Hope Redevelopment Plan and Related Documents
- O. Council Ordinance O-83-80
- P. The Mount Hope Redevelopment Plan
- Q. The Report to Council
- R. SEDC Agency Memorandum - Adoption of the Mount Hope Redevelopment Project Development Guidelines
- S. Agency Resolution 110/3-2
- T. The Mount Hope Redevelopment Project Development Guidelines

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OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA



# MOUNT HOPE REDEVELOPMENT PROJECT

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San Diego

**SEDC**

Southeast  
Economic  
Development  
Corporation

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MOUNT HOPE  
REDEVELOPMENT PROJECT

ADOPTED NOVEMBER 9, 1982  
REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO

REDEVELOPMENT PLAN

REDEVELOPMENT AGENCY  
CITY OF SAN DIEGO

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JOHN THELAN, Sec./Treasurer

HAL BROWN, Director

JEWELL HOOPER, Director

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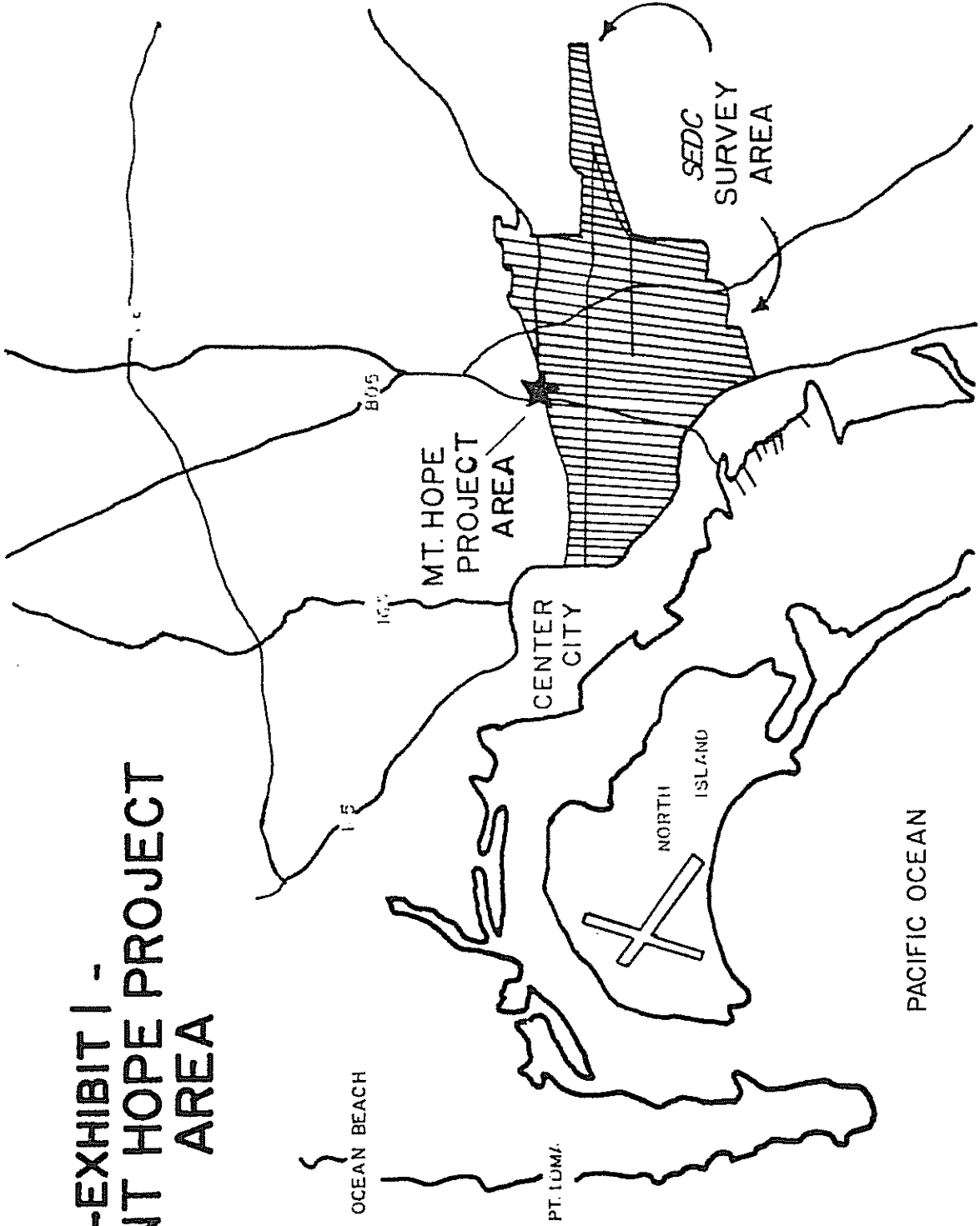
REESE A. JARRETT  
Executive Vice President

MOUNT HOPE REDEVELOPMENT PLAN  
T A B L E O F C O N T E N T S

		Page
EXHIBIT I	PROJECT LOCATION MAP	i
EXHIBIT II	LAND USE MAP	ii
Article I	INTRODUCTION	1
Section 100	Legal Foundation	1
Section 110	Project Objectives	1
Article II	GENERAL DEFINITIONS	
Section 200	Definitions	3
Article III	PROJECT AREA BOUNDARIES	
Section 300	Boundaries	5
Article IV	PROPOSED REDEVELOPMENT ACTIVITIES	
Section 400	General Redevelopment Actions	7
Section 410	Acquisition of Property	7
Section 420	Rehabilitation and Moving of Structures	9
Section 430	Participation of Owners and Tenants	9
Section 440	Demolition, Clearance, Public Improvements Building and Site Preparation	12
Section 450	Relocation Assistance to Displaced Residential and Non-Residential Occupants	13
Section 455	Provision for Low- and Moderate- Income Housing	14
Section 460	Disposition and Redevelopment of Property for Uses in Accordance with This Plan	16
Section 470	Development of Transportation Concepts	20
Section 480	Other Actions as Appropriate	21

	Page
Article V	USES PERMITTED AND PLANNING CONSIDERATIONS
Sec. 500	Land Use and Plan Development Considerations 23
Sec. 510	General Controls and Limitations 25
Sec. 520	Design for Development 28
Sec. 530	Submission of Schematic Plans 29
Sec. 540	Building Permits 30
Article VI	METHODS FOR FINANCING THE PROJECT
Sec. 600	General Description of the Proposed Financing Methods 32
Sec. 610	Tax Increment 33
Sec. 620	Bonds, Advances and Indebtedness 36
Article VII	ACTIONS BY THE CITY
Sec. 700	Actions by the City 38
Article VIII	ADMINISTRATION AND ENFORCEMENT OF THE PLAN
Sec. 800	Administration and Enforcement of the Plan 40
Article IX	DURATION OF THIS PLAN
Sec. 900	Duration of this Plan 41
Article X	PROCEDURES FOR AMENDMENT
Sec. 1000	Procedure for Amendment 42

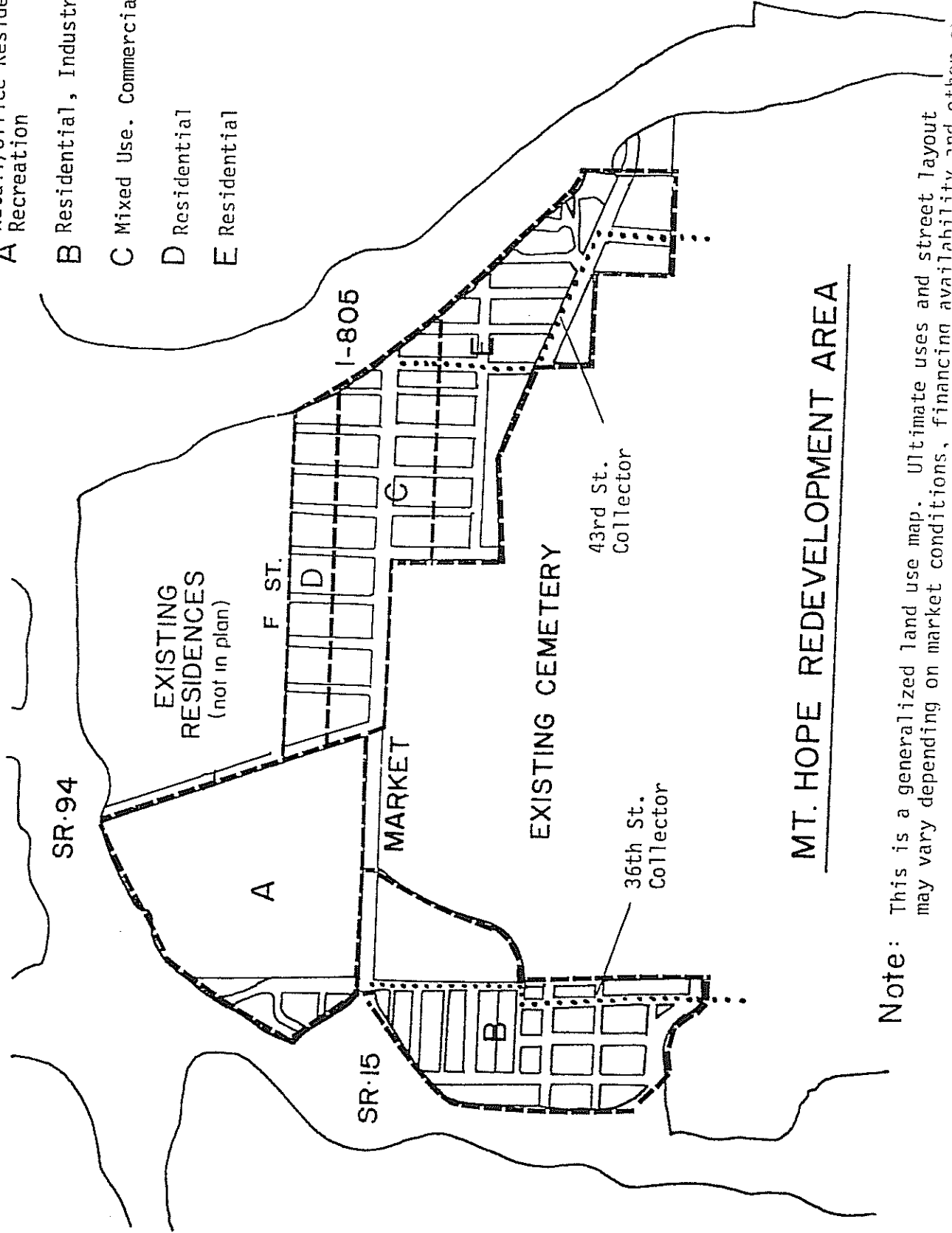
**-EXHIBIT I -  
MOUNT HOPE PROJECT  
AREA**



**LOCATION MAP**

# EXHIBIT II

- Industrial/Institutional Use  
Retail/Office Residential/  
Recreation
- A
- B Residential, Industrial
- C Mixed Use. Commercial/Residential
- D Residential
- E Residential



## MT. HOPE REDEVELOPMENT AREA

Note: This is a generalized land use map. Ultimate uses and street layout may vary depending on market conditions, financing availability and other factors.

REDEVELOPMENT PLAN  
FOR THE  
MOUNT HOPE REDEVELOPMENT PROJECT

ARTICLE I  
INTRODUCTION

SEC. 100 Legal Foundation

100.1 This Redevelopment Plan for the Mount Hope Redevelopment Project has been prepared by the Southeast Economic Development Corporation for the Redevelopment Agency of the City of San Diego, California, pursuant to the Community Redevelopment Law of the State of California, the California Constitution, and all applicable local laws and ordinances.

100.2 The proposed redevelopment conforms to the Progress Guide and General Plan for the City of San Diego revised and adopted by the City Council on February 26, 1979 and the Southeast Community Plan adopted on July 17, 1969 and revised on November 9, 1982.

100.3 This Redevelopment Plan is based on a Preliminary Redevelopment Plan approved by the Planning Commission on February 11, 1982 and accepted and approved by the Redevelopment Agency on March 9, 1982.

SEC. 110 Project Objectives

110.1 The objectives of this Redevelopment Project are as follows:

- A. Provide for the development of retail and industrial uses to create or improve employment opportunities;
- B. Strengthen as feasible existing business enterprises and assist them whenever possible in participation in the redevelopment process.
- C. Conserve and, where appropriate, facilitate rehabilitation or redevelopment of existing residential areas.
- D. Encourage the development of additional housing in currently underutilized areas to increase choice in housing types.
- F. Assemble land in parcels of sufficient size to attract major investors and developers.
- G. Eliminate blighting influences, including incompatible and obnoxious land uses, obsolete and deficient structures and inadequate or excessive streets and rights of way.
- H. Encourage, as appropriate, the development of a complementary mixture of land uses to provide a vital and interesting urban environment.
- I. Provide for the orderly development of the Southeast Community in accordance with the Progress Guide and General Plan for the City of San Diego and the Southeast Community Plan.

ARTICLE II  
GENERAL DEFINITIONS

SEC. 200 Definitions

200.1 The following definitions are used in this Plan unless otherwise indicated by the text:

- A. "Agency" means the Redevelopment Agency of the City of San Diego, California.
  
- B. "City" means the City of San Diego, California.
- C. "City Council" means the City Council of the City of San Diego.
- D. "Planning Commission" means the Planning Commission of the City of San Diego, California.
- E. "Southeast Economic Development Corporation (SEDC)" means the public non-profit corporation established by the City Council for the purpose of assisting the City in the economic revitalization of portions of Southeast San Diego.
- F. "Southeast Community" means that area of the City designated by the City Council as the Southeast San Diego Community Planning Area.
- G. "Southeast Survey Area" means that section of the Southeast community established by the City Council as the area of influence of the Southeast Economic Development Corporation.
- H. "'Plan" means the Redevelopment Plan for the Mount Hope Redevelopment Project.

I. "Project Area" means the area included within the boundaries of the Mount Hope Redevelopment Project.

J. "Project." means the Mount Hope Redevelopment Project.

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

L. "State" means the State of California.

ARTICLE III  
PROJECT AREA BOUNDARIES

SEC. 300 Boundaries

Specifically the Project Area boundaries are defined as follows:  
Beginning at the intersection of the southerly right-of-way line of State Route 94 and the northern extension of the centerline of Boundary Street (a distance of 82.30 feet northwesterly of the end of Boundary Street at a bearing of N16° 12W); thence southerly along the centerline of Boundary Street to the intersection with the centerline of F Street; thence easterly along the centerline of F Street to the intersection with the westerly right-of-way line of Interstate Freeway 805; thence southeasterly along the westerly right-of-way line of Interstate Freeway 805 to the intersection with the City of San Diego boundary; thence generally westerly, along the City of San Diego boundary following the boundary line on its various courses to its point of intersection with the northerly right-of-way line of the Arizona and Eastern Railroad at 43rd Street; thence westerly along the northerly right-of-way line of said Railroad to the intersection with the easterly right-of-way line of 41st Street; thence northerly along the easterly right-of-way line of 41st Street to the northerly right-of-way line of Market Street; thence westerly along the northerly right-of-way line of Market Street to a point 2,400 feet westerly of said Market Street and 41st Street intersection; thence southwesterly from this point across Mt. Hope

cemetery boundary to the intersection with the northerly right-of-way line of Imperial Avenue; thence northerly and westerly along the northern right-of-way of Imperial Avenue to the intersection with the easterly right-of-way of State Route 15; thence northerly along the easterly right-of-way line of State Route 15 to the intersection with the southerly right-of-way of State Route 94; thence easterly along the southerly right-of-way line of State Route 94 to the point of the beginning.

ARTICLE IV  
PROPOSED REDEVELOPMENT ACTIVITIES

SEC. 400 General Redevelopment Actions

400.1 To obtain the objectives of the Plan as set forth in Sec. 110, the Agency proposes the following implementing actions:

- A. Acquisition of property;
- B. Rehabilitation and moving of certain structures;
- C. Participation by owners and tenants;
- D. Demolition, clearance, site preparation and construction of buildings, and public improvements.
- E. Relocation assistance to displaced residential and non-residential occupants;
- F. Disposition of property for uses in accordance with this Plan;
- G. Development of transportation concepts and related facilities;
- H. Other actions as appropriate.

SEC. 410 Acquisition of Property

410.1 Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, all real property located in the Project, by gift, devise, exchange, purchase, eminent domain, or any other legal means.

410.2 It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute

the Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area. However, the Agency shall not exercise the power of eminent domain to acquire any parcel of real property for which proceedings in eminent domain have not commenced within twelve (12) years after the effective date of the ordinance approving and adopting this Plan.

410.3 The Agency shall not acquire interests in oil, gas or other mineral substances within the Project, except to preclude drilling within the Project within 500 feet of the surface.

410.4 The Agency is not authorized by law to acquire real property owned by public bodies which do not consent to such acquisition.

410.5 The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement.

410.6 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.

410.7 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 without the consent of the owner, unless (1) such building requires structural alteration, improvement, modernization, or

rehabilitation, or (2) the site or lot on which the building is situated requires modification in size, shape, or use, or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

410.8 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 by any lawful means except eminent domain.

SEC. 420 Rehabilitation and Moving of Structures

420.1 The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation of property in the Project not owned or acquired by the Agency.

420.2 As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building, or any structure or building which can be rehabilitated, to a location within or outside the Project.

SEC. 430 Participation by Owners and Tenants

430.1 The Agency shall extend preferences to persons who are engaged in business in the Project to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the Plan.

430.2 Persons who are owners of residential, business and other types of real property in the Project shall be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements, or by new development by retaining all or a portion of their properties, by acquiring and developing adjacent or other properties in the Project, or by selling their properties to the Agency and purchasing and developing other properties in the Project.

430.3 In the event an owner-participant fails or refuses to maintain, or rehabilitate or newly develop his real property pursuant to this Plan and a Participation Agreement (as defined in Section 430.8), the real property or any interest therein may be acquired by the Agency.

430.4 If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants.

430.5 In addition to opportunities for participation by individual persons and firms, participation to the extent it is feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations, or other joint entities.

430.6 The Agency shall promulgate and, as appropriate, amend rules for owner and tenant participation.

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

- A. The elimination and/or modification of some land uses.
- B. The construction, realignment, widening or abandonment of some streets and public rights-of-way.
- C. The ability of participants to finance proposed improvements.
- D. The reduction of the total number of individual parcels in the Project.
- E. The construction or expansion of public facilities.
- F. Change in orientation and character of portions of the Project.
- G. The preservation and/or rehabilitation of existing buildings which have been historical and/or architectural qualities that will enhance the Project.

430.8 Each participant who has submitted an acceptable proposal to the Agency shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, or use and maintain the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, 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 applicable to their properties.

430.9 Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project.

SEC. 440 Demolition, Clearance, Public Improvements, Building and Site Preparation

440.1 The Agency is authorized to demolish and clear buildings, structures and other improvements from any real property in the Project as necessary to carry out the objectives of this Plan.

440.2 To the extent and in the manner permitted by law, the Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Project) necessary to carry out the Plan. Such public improvements include, but are not limited to, over- or under-passes, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, street furnishings and transportation facilities.

440.3 To the extent and in the manner permitted by law, the Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project owned by the Agency. The Agency is also authorized (to such extent and in such manner permitted by law) to construct foundations, platforms, and other structural forms buildings to be used for residential, commercial, public, and other uses provided in this Plan.

SEC. 450 Relocation Assistance to Displaced Residential and  
Non-Residential Occupants

450.1 The Agency shall assist all persons (including individuals and families), business concerns, and others displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons (including individuals and families), business concerns, and others, if any, displaced from their respective places of residence or business by the Project, the Agency shall assist such persons and business concerns in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, and otherwise suitable to their respective needs.

450.2 The Agency shall make relocation payments to persons (including individuals and families), business concerns, and other displaced by the Project, for moving expenses and direct losses of personal property, for which reimbursement or compensation is not otherwise made, and shall make such additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the Agency rules and regulations, the California Relocation Assistance Law (Government Code, Sections 7260 et seq.) and the guidelines of the California Department of Housing and Community Development adopted and promulgated pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

450.3 The Agency will assure that sufficient land be made available for suitable housing for rental or purchase by persons and families of low and moderate income (as defined in Section 50093 of the California Health & Safety Code), and very low income households (as defined in Section 50105 of the California Health & Safety Code) displaced by the Project.

450.4 Whenever all or any portion of the Project is developed with low- or moderate-income dwelling units, the Agency shall require by contract, or other appropriate means, that such dwelling units shall be made available for rent or purchase to the persons and families of low or moderate income displaced by the Project. Such persons and families shall be given priority in renting or purchasing such dwelling units; provided, however, failure to give such priority shall not affect the validity of title to the real property upon which such dwelling units have been developed.

SEC. 455 Provision for Low- and Moderate-Income Housing

455.1 At least thirty percent (30%) of all new or rehabilitated dwelling units developed within the Project by the Agency shall be for persons and families of low or moderate income; and of such thirty percent (30%), not less than fifty percent (50%) thereof shall be for very low income households. At least fifteen percent (15%) of all such new or rehabilitated dwelling units developed within the Project by public or private entities or persons other than the Agency shall be for persons and families of low or moderate income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be for

very low income households. The percentage requirements set forth in this paragraph shall apply in the aggregate to housing in the Project and not to each individual case of rehabilitation, development, or construction of dwelling units.

455.2 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 a part of the redevelopment of the Project, the Agency shall, within four years of such 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 at affordable housing cost within the Project and/or the City.

455.3 The Agency shall require that the aggregate number of dwelling units rehabilitated, developed or constructed, or caused to be rehabilitated, developed, or constructed, pursuant to Sections 455.1 and 455.2, shall remain for persons and families of low or moderate income for not less than the period set forth in Section 900 for the duration of this Plan.

455.4 Not less than 20% of all taxes which are allocated to the Agency pursuant to Sec. 610 of this Plan shall be used by the Agency for the purposes of increasing and improving the City's supply of low and moderate income housing available at affordable housing cost, unless one of the following findings is made:

- A. That no need exists in the City, the provision of which would benefit the Project Area to improve or increase the supply of low and moderate income housing ; or
- B. That some stated percentage less than twenty percent (20%) of the taxes which are allocated to the Agency pursuant to Section 610 is sufficient to meet such housing need; or
- C. That a substantial effort to meet low and moderate income housing needs in the City is being made and that this effort, including the obligation of funds currently available for the benefit of the City from State, local and Federal sources for low and moderate income housing alone or in combination with the taxes allocated under this Section, is equivalent in impact to the funds otherwise required to be set aside pursuant to this Section.

SEC. 460 Disposition and Redevelopment of Property for Uses in Accordance with This Plan

460.1 For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. Neither all nor any portion of any property shall be resold by the Agency to the person from whom such property was obtained at a price lower than that for which it was purchased by the Agency.

460.2 To the extent and in the manner permitted by law, the Agency is authorized to dispose of real property by negotiated lease or sale or transfer without public bidding.

460.3 All real property acquired by the Agency in the Project shall be sold or leased for development for prices which shall not be less than fair value for the uses in accordance with this Plan. Real property acquired by the Agency may be conveyed by the Agency without charge to the City and where beneficial to the Project, without charge to any other public body. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

460.4 Pursuant to the provisions of this Plan and the rules adopted by the Agency, the Agency shall give reasonable preference for real property acquired by the Agency in the Project for purchase and development by owner and tenant participants on a preference basis over persons who are not owners or tenants in the Project.

460.5 The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention or use of property for speculative purposes and to insure that developments are carried out pursuant to this Plan.

460.6 All purchasers or lessees of property acquired from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

460.7 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, shall be made subject to the provisions of this Plan by appropriate documentation. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

460.8 The 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.

460.9 All property in the Project is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, sex, marital status, color, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project. 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 sale, lease, sublease, or other transfer of land in the Project shall contain such non-discrimination and nonsegregation clauses as are required by law.

460.10 To the extent and in the manner now or hereafter 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, for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project. The Agency may enter into contracts, leases, and agreements with the City or other public body or entity pursuant to this Section 460.10 and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project and allocated to the Agency under subdivision (b) of Section 33670 of the California Community Redevelopment Law and under Section 610 of this Plan, or out of any other available funds.

Without limiting the generality of the foregoing, the Agency may pay for install or construct the following facilities, and may acquire or pay for land required there for:

- A. Roads and right of way areas
- B. Parks
- C. Landscaping and lighting
- D. Sewers, drainage, water utilities
- E. Parking facilities

460.11 All development plans, (whether public or private) shall be submitted to the Agency for approval and architectural review. All development in the Project must conform to this Plan and all applicable Federal, State, and local laws, and must receive the approval of the appropriate public agencies.

460.12 During the period of development in the Project, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project is proceeding in accordance with disposition and development documents and time schedules.

460.13 For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

SEC. 470 Development of Transportation Concepts and Facilities

470.1 Since transportation is essential to the Project as well as to the entire City, the Agency, in cooperation with the City, the Metropolitan Transit Development Board, and (as appropriate) with other entities, may explore concepts and develop facilities to increase transportation efficiency. Possible concepts are: creation of new streets, bridging, decking or depression of streets; realignment of streets; introduction of light rail transit through the Project Area.

470.2 Parking sites may be established on property in the Project Area to replace on-street parking as appropriate.

470.3 The Agency shall review all design plans in order to determine that easements, right-of-way, station locations and development linkages can be effectuated both internally and externally of the Project in to assure continuous and utmost efficiency in development.

SEC. 480 Other Actions As Appropriate

480.1 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.

480.2 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 impose on all public bodies the planning and design controls contained in the Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. 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. All plans for development of property in the Project Area by a public body shall be subject to Agency approval. The Agency is authorized (to the extent and in the manner permitted by law) to financially (and otherwise) assist any public body in the cost of public land, buildings, facilities, structures, or other improvements (within or outside of the Project Area).

## ARTICLE V

### USES PERMITTED AND PLANNING CONSIDERATIONS

#### SEC 500 Land Use and Plan Development Considerations

500.1 The Land Use Map, (Exhibit II, Areas A, B, C, D, E ) sets forth the proposed public rights-of-way and land uses to be permitted in the Project. Except as inconsistent with the Plan, all development shall conform to the requirements of applicable State statutes and local codes as they now exist or are hereafter amended.

500.2 Residential use is encouraged in the Project as an element of mixed use redevelopment, and as replacement housing for deteriorated structures. (Areas A,B,C) Rehabilitation is encouraged to preserve existing housing stock as appropriate. (Areas D and E.)

500.3 Commercial use (retail and office) is planned for (Area A). This development may include residential uses.

500.4 Mixed commercial/residential use is also planned for Area C. Residential development is permitted at a density of up to 29 units per acre. Residential development is permitted along the frontage of Market Street only on parcels with a depth exceeding 150 feet, or on parcels zoned exclusively for residential use, at densities permitted in the zone.

480.3 The Agency may pay to any taxing agency (other than the City) located within the Project Area any amounts of money which, in the Agency's determination, are appropriate to alleviate any financial burden or detriment caused to any such taxing agency by the Project.

480.4 During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management, maintenance, and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

480.5 The Agency is authorized, but not required, in any year during which it owns property in the Project, to make payments (in lieu of property taxes) to taxing agencies for whose benefit a tax would have been levied upon such property had it not been exempt by reason of the Agency's ownership.

500.5 Industrial use is planned for Area A. This use may be realized as an institutional development or an industrial business park. Light industrial uses will also be developed in Area B, south of Tompkins Street.

500.6 Public and private open space is permitted within any portions of the Project. The existing designated park will be retained within the Project, reconfigured and improved.

500.7 Public rights-of-way, especially Market Street and any new roads will be landscaped to improve the visual quality of the Project.

500.8 All development occurring in the Project Area will provide adequate off street parking in accordance with local codes and zoning regulations.

500.9 As indicated on the Land Use Map, Exhibit II, the major public streets in the Project Area are Market Street, the 36th Street collector and the 43rd Street collector. Streets and alleys may be widened, altered, realigned, abandoned, depressed, decked or closed as necessary for proper development of the Project Area. Additional public streets, rights-of-way and easements may be created as considered appropriate for development.

500.10 The air rights over public rights of way may be used for private uses, buildings, platform decks subject to Agency approval. The public rights-of-way may further be used for transportation systems, vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

500.11 In any area of the Project, the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or non-profit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal, employee, philanthropic and charitable institutions, and facilities of other similar associations or organizations.

SEC. 510 General Controls and Limitations

510.1 All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of the Plan, except in conformance with the provisions of this Plan.

510.2 All new construction and/or rehabilitation of existing structures within the Project shall comply with all applicable State and

local laws in effect from time to time including, without limitation, the Building, Electrical, Heating and Ventilating, Housing and Plumbing Codes of the City and the City Zoning Ordinance.

510.3 The approximate amount of landscaped open space to be provided, exclusive of public rights-of-way, will not be less than 5.6 acres. The amount of open space in specific developments will be determined by the requirements of planned development permits.

510.4 The approximate number of dwelling units permitted in the Project Area by this Plan is 2000.

510.5 Except as set forth in other sections of this Plan, the height, type and size of buildings shall be limited by applicable state statutes, and local codes and ordinances.

510.6 The number of buildings in the Project Area shall not exceed 1500.

510.7 All signs shall conform to City ordinances as they now exist or are hereafter amended. Signing in Area A will be subject to special design requirements. Design of all signing is subject to Agency approval prior to installation.

510.8 The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to this Plan, provided that such use is generally compatible with the developments and uses in the Project. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project.

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

510.10 The Agency shall require that all utilities be placed underground when physically and economically feasible, as determined by the Agency.

510.11 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. Within the Project, except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration for any purpose connected therewith within 500 feet of the surface.

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

510.13 The Executive Director of the Agency or his designee is authorized to permit a variation from the limits, restrictions and controls established by the Plan. In order to permit such variation, the Executive Director or his designee must determine that:

- A. The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships which would make development inconsistent with the general purposes and intent of the Plan, or

- 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, or
- C. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the Area and contrary to the objectives of the Plan.
- D. When such a variation is authorized, the Executive Director shall make an informational report to the Redevelopment Agency and Planning Commission.

510.14 No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

510.15 There shall be no discrimination or segregation based upon race, sex, marital status, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use occupancy tenure, or enjoyment of property in the Project.

SEC. 520 Design for Development

Within the limits, restrictions, and controls established in the Plan, the Agency is authorized to establish heights of buildings, land

coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project area.

Without limiting the foregoing, all such development in the Project Area shall conform with controls set forth in the document entitled Development Guidelines Mount Hope Redevelopment Project as adopted by resolution by the Agency, as such guidelines may be periodically revised by resolution.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this Plan and any such controls, and in the case of property which is the subject of a disposition and development or participation agreement with the Agency and any other property in the discretion of the Agency, in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project area. The Agency shall not approve any plans that do not comply with this Plan.

#### SEC. 530 Submission of Schematic Plans

530.1 Every public and private developer of land within the Project shall submit to the Agency complete schematic plans showing the proposed development and all important aspects relating to the Project and any significant considerations involving the surrounding area, especially vistas and sun, light and wind factors.

530.2 The Planning Commission shall review the schematic plans and make a recommendation to the Redevelopment Agency within thirty (30) days from receipt of said plans. The Redevelopment Agency will make a final decision of either approval, conditional approval, or denial.

SEC. 540 Building Permits

540.1 No permits shall be issued for the construction of any new building or any addition to an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been processed in the manner provided. Any permit that is issued hereunder must be in conformance with the provisions and intent of this Plan.

540.2 Upon receipt of such an application, the City shall request the Agency to review the application to determine what effect, if any, the issuance thereof would have upon the Plan for said Project. Within 45 days thereafter, the Agency shall file with the City a written report setting forth its findings of fact, including but not limited to, the following:

- A. Whether the applicant has entered into an agreement with the Agency for the development of said improvements and has previously submitted architectural, landscape and site plans to the Agency; and
- B. Whether the proposed improvements would be compatible with the standards and other requirements set forth in the Plan; and
- C. Whether the modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of the Plan.

540.3 After receipt of said report or after said 45-day period, whichever occurs first, the City may allow the issuance of the permit with conditions, or shall withhold the issuance of the permit if it finds that the proposed improvements do not meet the requirements of the Plan. Within 5 days after allowing or withholding issuance of the permit, the City shall notify by certified mail the applicant and the Agency of its decision.

540.4 No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency.

ARTICLE VI  
METHODS FOR FINANCING THE PROJECT

SEC. 600            General Description of the Proposed Financing Methods

Sec. 600.1        The Agency is authorized to finance this Project with financial assistance from the City, State, Federal Government of the United States of America, property tax increments, special assessment districts, donations, interest income, Agency bonds, loans from private financial institutions, the lease of Agency-owned property, sale of Agency-owned property, and/or any other available source.

600.2            Advances and loans for planning and for administration of this Project may be provided by the City. Additional funds may be obtained from any of the sources identified above until adequate tax increments or other funds are available or sufficiently assured to permit borrowing adequate working capital from sources other than the City and to repay the loans. The City may supply additional assistance by obtaining loans and grants for various public facilities.

600.3            As available, gas tax funds from the State and County may be used for street improvements and public transit facilities. A portion of the parking may be installed through a parking authority or other public or private entities.

600.4 It is estimated that the total Agency project cost will not exceed revenues derived from the Project. Revenues will be received from the sale of land. The remaining balance will come from the following: tax increments, revenue from the lease of Agency-owned lands and buildings; lease-back arrangements; gas tax and other special uses taxes and other sources which are now or may become available to the Agency. Should the land be leased rather than sold to a developer, sufficient revenue will be derived through revenue bonds or other means to recover the estimated sales income mentioned above.

600.5 Any other loans, grants, or financial assistance from the United States, or any other public or private source, will be utilized if available.

#### SEC. 610 Tax Increment

610.1 The Project assessed valuation base will be established in accordance with State law as described herein. Any tax increments will be used to defray project expenses to the extent allowable from the increment itself or from the sale of tax allocation bonds.

610.2 All taxes levied upon taxable property within the Project each year by or for the benefit of the State, County, City, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan 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 said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies. Such payment shall occur as taxes by or for said taxing agencies on all other property are paid. For the purpose of allocated taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on said effective date.

B. That portion of said levied taxes each year in excess of such 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 bonds, loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed value of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph A hereof, all of the taxes levied and collected upon the taxable property in the

Project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

That portion of tax revenues allocated to the Agency pursuant to this paragraph which is attributable to increases in the rate of tax imposed for the benefit of any taxing agency which levy occurs after the tax year in which the ordinance adopting the Plan becomes effective, shall be allocated to such affected taxing agency to the extent required by law.

610.3 The portion of taxes mentioned in paragraph (B) above are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

610.4 The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

610.5 The total number of dollars of taxes which may be divided and allocated to the Agency for the Project pursuant to Section 610.2 shall not exceed \$47 million.

SEC. 620. Bonds, Advances and Indebtedness

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

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

620.3 Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

620.4 The bonds and other obligations of the Agency are not a debt of the City, the State, nor shall any of its political sub-divisions be liable for them, nor in any event 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.

620.5 No loan, advances or other indebtedness to finance the Project and to be repaid from the division and allocation of taxes to the Agency pursuant to Sec. 610.2 shall be established or incurred by the Agency after 35 years from the date of adoption of this Plan by the City Council. However, such loans, advances or other indebtedness may be repaid over a period of time which extends beyond such date.

620.6 The amount of bonded indebtedness to be repaid in whole or in part from taxes allocated to the Agency pursuant to Section 610.2, which can be outstanding at one time shall not exceed \$14.2 million.

ARTICLE VII  
ACTIONS BY THE CITY

SEC. 700 Actions by the City

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

A. 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. Such action by the City shall include causing the abandonment and relocation by public utility companies of their operations in the public rights-of-way as appropriate to carry out this Plan and as required by law.

B. Institution and completion of proceedings necessary for changes and improvements in private and public-owned public utilities within or affecting the Project.

C. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels utilized for residential uses in the Project to ensure their proper development and use.

D. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project throughout the duration of this Plan.

E. Encourage the provision of a variety of housing types, both in terms of income and construction, using Federal and State assistance as appropriate.

F. Performance of the above, and of all other functions and services relating to public health, safety, and physical development which will permit the redevelopment of the Project to be commenced and carried to completion without unnecessary delays.

G. The undertaking and completing of any other proceedings necessary to carry out the Project.

ARTICLE VIII  
ADMINISTRATION AND ENFORCEMENT OF THE PLAN

SEC. 800 Administration and Enforcement of the Plan

800.1 The administration and enforcement of this Plan, or other documents formulated pursuant to this Plan shall be performed by the Agency and/or the City.

800.2 The provisions of this Plan or other documents formulated pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, 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 may be enforced by such owners.

ARTICLE IX  
DURATION OF THIS PLAN

SEC. 900 Duration of This Plan

900.1 Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for thirty-five (35) years from the date of adoption of this Plan by the City Council.

900.2 The Redevelopment Agency shall, in accordance with the Community Redevelopment Law, conduct a biennial public hearing to evaluate the progress of the Redevelopment Plan for the Project and hear the testimony of all interested parties.

ARTICLE X  
PROCEDURE FOR AMENDMENT

SEC. 1000      Procedure for Amendment

1000.1      This Plan may be amended by means of the procedure established in the California Community Redevelopment Law or by any other procedure hereinafter established by Law.