

City of
COSTA MESA

REDEVELOPMENT PLAN



REDEVELOPMENT PLAN

FOR THE

COSTA MESA

DOWNTOWN REDEVELOPMENT

PROJECT

**COSTA MESA REDEVELOPMENT AGENCY
CITY OF COSTA MESA, CALIFORNIA**

ADOPTED DECEMBER 1973

**AMENDED JULY AND AUGUST, 1977,
NOVEMBER, 1980, DECEMBER, 1986, AND
OCTOBER, 1994**

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REDEVELOPMENT PLAN FOR THE COSTA MESA DOWNTOWN REDEVELOPMENT PROJECT

1.0 INTRODUCTION

The Redevelopment Plan for the Costa Mesa Downtown Redevelopment Project is based on the need to correct problems of circulation, land use incompatibility, and structural obsolescence within the Downtown Redevelopment Project Area.

Basic to Costa Mesa's redevelopment strategy is to make maximum use of private enterprise in eliminating the negative conditions now evident in the Project Area. This will be accomplished through provision of public improvements such as street modifications and open spaces to provide a sound and attractive environment for redevelopment. Land assembly will be done primarily by private enterprise with assistance from the Redevelopment Agency where it becomes essential for assembling suitable parcels.

The Redevelopment Plan for the Costa Mesa Downtown Redevelopment Project has been prepared by the Costa Mesa Redevelopment Agency pursuant to the Community Redevelopment Law of the State of California, the California Constitution and all applicable local laws and ordinances.

1.1 General Definitions

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

- A. "Agency" means the Costa Mesa Redevelopment Agency, City of Costa Mesa, California.
- B. "City" means the City of Costa Mesa, California.
- C. "City Council" means the City Council of the City of Costa Mesa.
- D. "County" means the County of Orange, California.
- E. "Map" means the Redevelopment Plan Map for Costa Mesa Downtown Redevelopment Project Area (Figure 2 herein).
- F. "Owner" means any individual, or entity owning "real property" as defined herein.
- G. "Person" means any individual, or any public or private entity.
- H. "Plan" means the Redevelopment Plan for the Costa Mesa Downtown Redevelopment Project Area.

- I. "Planning Commission" means the Planning Commission of the City of Costa Mesa, California.
- J. "Project" means any undertaking of the Agency pursuant to this Plan.
- K. "Project Area" means the area included within the boundaries of Costa Mesa Downtown Redevelopment Project and is used interchangeably with the term "Redevelopment Project" herein.
- L. "Project Area Committee" ("PAC") means the project area committee for the Costa Mesa Downtown Redevelopment Project.
- M. "Real Property" means land, including land; buildings, structures, fixtures, and improvements on the land; property appurtenant to, or used in, connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgement, mortgage, or otherwise and the indebtedness secured by such liens.
- N. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000, et. seq.).
- O. "State" means the State of California.

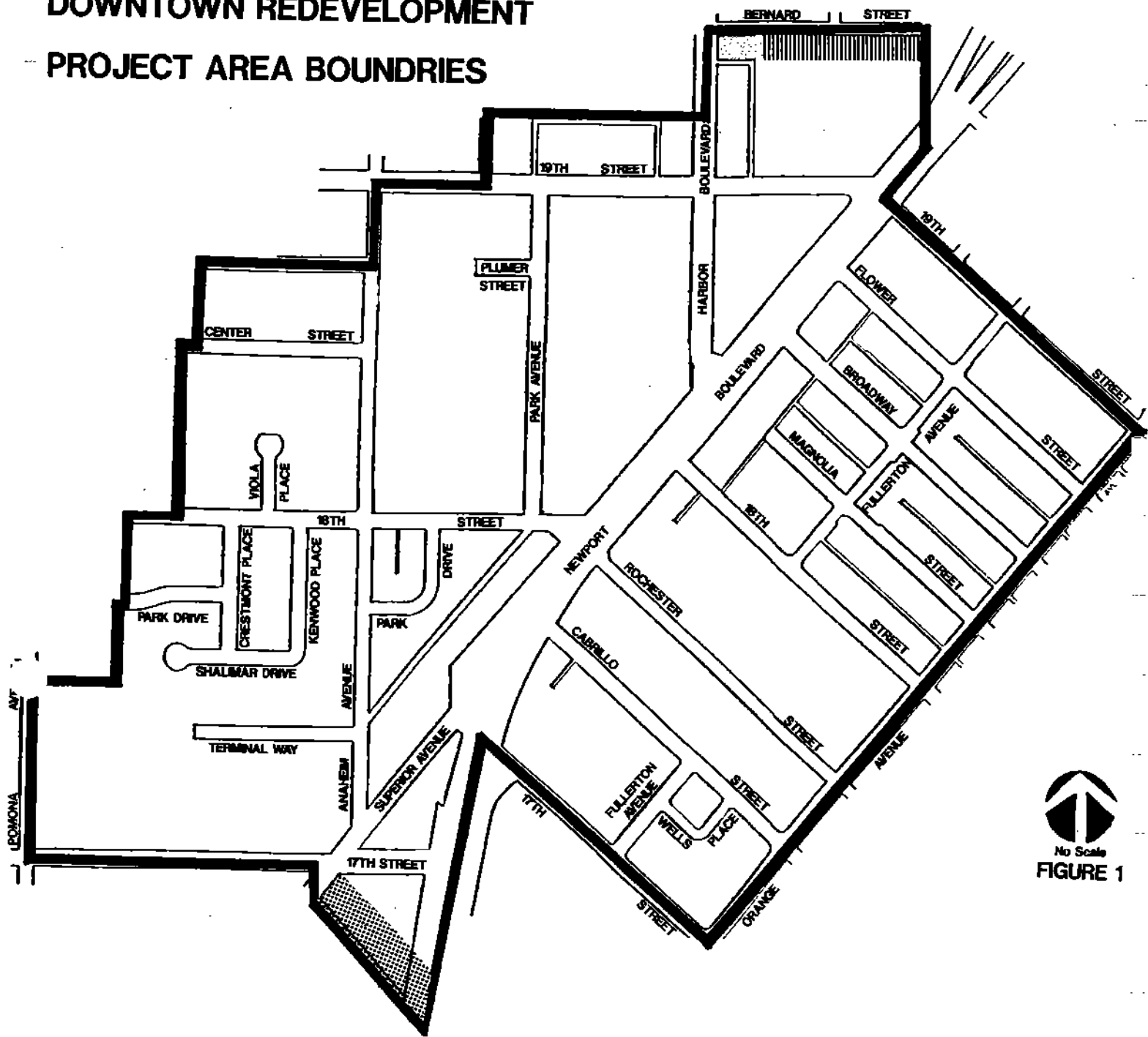
2.0 PROJECT AREA BOUNDARIES AND BOUNDARY DESCRIPTION




The boundaries of the Project Area are indicated in Figure 1, and the legal description of the Project Area is as follows:

All that certain real property situated in the City of Costa Mesa, County of Orange, State of California, and being more particularly described as that property within the following boundary.

Beginning at the intersection of the southeasterly line of Orange Avenue (60 feet wide) with the northeasterly line of 19th Street (60 feet wide) as said intersection is shown on that certain map entitled "Tract No. 594" filed in Book 19 of Maps at Pages 25 and 26, Orange County Records; thence from said Point of Beginning along said southeasterly line of Orange Avenue southwesterly to the intersection thereof with the southwesterly line of 17th Street (variable width); thence along said southwesterly line of 17th Street northwesterly to the intersection thereof with the southeasterly line of Newport Boulevard (variable width); thence along said southeasterly line of Newport Boulevard southerly to an intersection thereof with the southeasterly prolongation of the southwesterly line of

DOWNTOWN REDEVELOPMENT PROJECT AREA BOUNDRIES



-  ADDITION 1
-  ADDITION 2
-  ADDITION 3

Lot 71, said Lot being shown on the certain map entitled "Map of Newport Heights" filed in Book 4 of Maps at Page 83, Orange County Records; thence along said southeasterly prolongation and said southwesterly line of Lot 71 northwesterly to the southerly line of Superior Avenue (60 feet wide), formerly known as Newport Avenue; thence along said southeasterly line of Superior Avenue southwesterly to an intersection thereof with the easterly prolongation of the southerly line of that portion of 17th Street (60 feet wide); thence from said point of intersection along said prolongation of the southerly line of 17th Street westerly to the intersection thereof with the westerly line of Pomona Avenue as said intersection is shown on that certain map entitle "Map of Newport Mesa Tract" filed in Book 5 of Maps at Page 1, Orange County Records; thence along the westerly line of Pomona Avenue northerly to the intersection thereof with the westerly prolongation of the northerly line of Lot 507 as said Lot is shown on the above mentioned Map of Newport Mesa Tract; thence along said westerly prolongation and said northerly line of Lot 507 easterly to the easterly line of Lot 507 easterly to the easterly line of Orange County Assessor's Parcel No. 116-182-24; thence along last said easterly line and its northerly prolongation northerly to the northerly line of Lot 506 as said Lot is shown on the above mentioned Map of Newport Mesa Tract; thence along the northerly line of said Lot 506 easterly to the easterly Line of Orange County Assessor's Parcel No. 116-80-05; thence along the easterly line of said Assessor's Parcel No. 116-180-05 and its northerly prolongation northerly to the northerly line of 18th Street (60 feet wide), said street being also shown on the above mentioned Map of Newport Mesa Tract; thence along said northerly line of 18th Street easterly to the easterly line of Orange County Assessor's Parcel No. 116-091-12; thence northerly along last said easterly line to the northeast corner of said parcel, said northeast corner being on the northerly line of Lot 504, Newport Mesa Tract; thence along the northerly line of said Lot 504 to the southeast corner of Orange County Assessor's Parcel No. 116-091-27; thence along the easterly line of said Assessor's Parcel No. 116-091-27 and its northerly prolongation northerly to the northerly line of Center Street (60 feet wide), formerly known as Balboa, said Center Street being shown on that certain map entitled "Tract No. 3287", filed in Book 102 of Maps at Pages 38 and 39, Orange County Records; thence along said northerly line of Center Street easterly to the southeast corner of Lot 13 as said Lot is shown on the above mentioned Tract, being also the westerly line of a 20 foot alley; thence northerly along said westerly line of the 20 foot alley and its northerly prolongation to the northerly line of Plumer Street as said street is shown on the above mentioned Map of the Tract No. 3287; thence along the northerly line of said Plumer Street easterly to its intersection thereof with the westerly line of Anaheim Avenue (60 feet wide); thence along said westerly line of Anaheim Avenue and its northerly prolongation northerly to its intersection with the northerly line of 19th Street (80 feet wide); thence along the northerly line of 19th Street easterly to an intersection with the westerly line of Maple Avenue (60 feet wide); thence along said westerly line of Maple Avenue northerly to an intersection thereof with the westerly prolongation of the northerly line of that subdivision shown on that certain map entitled "Tract No. 325" (Spalding Place), filed in Book 14 of Maps at Page 42, Orange County Records; thence along said westerly prolongation and said northerly line easterly to the westerly line of Harbor Boulevard (variable width), formerly know as Fairview Avenue; thence along said westerly line of Harbor Boulevard northerly to an intersection with the westerly prolongation of the northerly line of Lot 15 as said Lot is shown on that certain map entitled "Fairview Farms", filed in Book 8 of Maps at Pages 71 and 72, Orange County Records; thence along said westerly prolongation and said northerly line easterly to the easterly line of said Lot 15; thence along said easterly line of Lot 15 southerly to the

northwesterly line of Newport Boulevard; thence along said northwesterly line of Newport Boulevard southwesterly to an intersection with the northwesterly prolongation of the northeasterly line of that portion of 19th Street (60 feet wide) which lies southeasterly of Newport Boulevard; thence along said northwesterly prolongation and said northeasterly line of 19th Street southeasterly to the Point of Beginning.

2.1 Boundary Amendments - July and August 1977

Two parcels were added to the existing boundaries of Redevelopment Project Area No. 1, in order to provide for uniform development of the parcels. The locations of both additions are shown on Figure 1, and the legal description is as follows:

Addition No. 1:

Beginning at a point on the existing boundary of the Costa Mesa Downtown Redevelopment Project Area No. 1, as described in a document recorded December 27, 1973 in Book 11041, Page 982 of Official Records of Orange County, California, said point being the northeasterly corner of Lot 15 of Fairview Farms per map thereof recorded in Book 8, Page 71 of Miscellaneous Maps, records of said Orange County; thence departing from the existing boundary of said Costa Mesa Downtown Redevelopment Project Area No. 1, north 0°32'00" west along the northerly prolongation of the easterly line of said Lot 15 a distance of 99.20 feet to a point on the south line of Bernard Street (50.00 feet wide) as shown on a map of Tract 1002, recorded in Book 33, Page 11 of Miscellaneous Maps, records of said Orange County; thence south 89°28'00" west along said south line of Bernard Street a distance of 676.80 feet to the point of intersection with the northerly prolongation of the easterly line of that certain 20.00 foot wide alley as shown on map of Tract No. 809, recorded in Book 24, Page 25 of Miscellaneous Maps, records of said Orange County; thence south 0°32'00" east along said line a distance of 99.20 feet to the point of intersection with the northerly line of said Lot 15 of Fairview Farms, said point being on the existing boundary of said Costa Mesa Downtown Redevelopment Project Area No. 1; thence north 89°28'00" east along said line a distance of 676.80 feet to the Point of Beginning.

Addition No. 2:

Beginning at an angle point on the existing boundary of the Costa Mesa Downtown Redevelopment Project Area No. 1, as described in a document recorded December 27, 1973 in Book 11041, Page 982 of Official Records of Orange County, California, said point being the northerly corner of Lot 61 of Newport Heights as shown on a map recorded in Book 4, Page 83 of Miscellaneous Maps of said Orange County; thence south 49°59'43" east along the existing boundary of said Costa Mesa Downtown Redevelopment Project Area No. 1, said boundary also being the northeasterly line of said Lot 61 a distance of 322.25 feet to the easterly line of Parcel 2 as shown on a Parcel Map recorded in Book 78, Page 47 of Parcel Maps of said Orange County; thence departing from the existing boundary of said Costa Mesa Downtown Redevelopment Project Area No. 1, south 8°58'14" west along the easterly line of said Parcel 2 a distance of 315.28 feet to the most southerly corner of said Parcel 2; thence north 49°59'43" west along the southwesterly line of said Parcel 2; thence north 49°59'43" west along the southwesterly line of said Parcel 2 a distance of 484.77 feet to the most westerly corner of said Parcel 2, said corner also being on the southwesterly line of

Superior Avenue (60 feet in width); thence north 40°00'00" east along the southeasterly line of Superior Avenue a distance of 270.15 feet to the Point of Beginning.

2.2 Boundary Amendment - November 1980

One parcel was added to the existing boundaries of Redevelopment Project Area No. 1, in order to add less than one (1) acre near Harbor Boulevard and Bernard Street, and directly adjacent to Addition No. 1 described above in Section 2.1. The location of Addition No. 3 is shown on Figure 1, and the legal description of Addition No. 3 is as follows:

Addition No. 3

Beginning at a point on the Westerly line of Harbor Boulevard Northerly to an intersection with the Westerly prolongation of the Northerly line of Lot 15 as said Lot is shown on that certain map entitled "Fairview Farms," filed in Book 8 of Maps at Pages 71 and 72, Orange County Records, said point being the Point of Beginning and is also described in the existing boundary of the Costa Mesa Downtown Redevelopment Area No. 1, as described in a document recorded December 27, 1973, in Book 11041, Page 982 of Official Records of Orange County California; thence departing from the existing boundary of said Costa Mesa Downtown Redevelopment Project Area No. 1; North 0°32'00" West, along the Westerly line of Harbor Boulevard a distance of 99.20 feet to an angle point; thence north 89°28'00" east along a line a distance of 250.00 feet to an angle point, said line being part of the South line of Bernard Street, 50.00 feet wide, as shown on a map of Tract 1002, recorded in Book 33, page 11 of Miscellaneous Maps, records of said Orange County, thence South 0°32'00" East along a line a distance of 99.20 feet to a point of intersection with the Northerly line of said Lot 15 of Fairview Farms, said point being on the existing boundary of said Costa Mesa Downtown Redevelopment Project Area No. 1, thence South 89°28'00" West along a line being part of the Northerly alley line as shown on a map of Tract No. 809, recorded in Book 24, Page 25 of Miscellaneous Maps, records of said Orange County, a distance of 250.00 to the Point of Beginning.

3.0 PROJECT AREA SELECTION/NEIGHBORHOOD IMPACT

In the selection of the Project Area, the following criteria were utilized as a base:

1. The existence of physical, environmental, economic, and social factors indicating the obsolescence of the existing development pattern in the Project Area.
2. The existence of potential development opportunities that may form an anchor for redevelopment and are essential to correcting blighting conditions in the Project Area.

It should be noted that not all improvements and land within the Project Area are detrimental and injurious to the Project Area. The Plan includes lands that are not injurious to the Downtown Redevelopment Project Area, but whose inclusion is necessary for the effective implementation of the Project.

3.1 The Reasons for Selecting the Project Area

1. Portions of the Project Area are characterized by a mixed and shifting land use pattern including a mixture of residential, commercial, auto repair and industrial properties. This use pattern has resulted in many incompatibilities and, in some instances, results in stagnant and unproductive conditions of land potentially useful and valuable.
2. Residential and commercial structures in the area are now obsolete and deteriorating due to defective design and the character of the initial construction.
3. Portions of the Project Area are characterized by underutilization and improper utilization of land due to a parcelization pattern that will require replanning and land assembly to ameliorate.
4. The circulation and traffic movement systems in the Project Area are highly defective and create conditions that now hinder proper development. The existing circulation network in the Project Area is characterized by irregular intersections that create severe traffic hazards and constrict the flow of traffic on major arterial highways. These conditions are most severe at the intersection of Harbor Boulevard, Newport Boulevard, and Center Street, and have been generated by substandard design and intersection spacing. Additionally, the irregular street network has resulted in parcel shapes, depths, and widths that are not conducive to proper usefulness and development.
5. Redevelopment of the Project Area is intended to eliminate the present blighting conditions, and, at the same time, provide modifications to parcel patterns, the street network and public facilities needed to insure development that is compatible with, and will result in the implementation of the Costa Mesa General Plan.

3.2 Neighborhood Impact/Neighborhood Element

In 1973 there were approximately 620 dwelling units in the Project Area. Of these units, approximately 278 were single family dwellings, 316 were multiple units and 28 were mobile homes. The 1976 Costa Mesa Special Census revealed that there were 941 dwelling units in the Project Area. The unit mix in 1976 was 303 single family units, 610 multiple family units and 28 mobile homes. There were 293 multiple family units added to the Project Area housing inventory, a 92% increase. This growth reflected the trend toward multiple family projects which were previously encouraged by greater permissible densities within the Project Area than elsewhere in the City.

The City of Costa Mesa 1990 General Plan lowered residential densities in the Medium and High Density Residential land use designations to a maximum of 12 and 20 units per acre, respectively. In addition, the 1990 General Plan identified areas within the Project Area that are to be retained for single family housing (i.e., Park Drive, Kenwood Place and Crestmont Place).

The following table indicates the most recent housing composition of the Project Area as of the 1994 Amendment. Included within the 1992 statistics are two affordable housing projects that were developed with federal and/or redevelopment funds: the 75 unit senior citizen project (Casa Bella) located on Park Avenue and the 160 multi-family unit project (Park Center Place) located on 19th Street and Park Avenue. Federal, local and/or redevelopment monies have also been used to fund other affordable housing projects in the City of Costa Mesa which are located both inside and outside of the Project Area.

DWELLING UNIT COMPARISON BY YEAR				
DWELLING TYPE	1973	1976	1992	% CHANGE (1976-1992)
SINGLE FAMILY	278	303	136	-55%
MULTIPLE FAMILY	316	610	869	+42%
MOBILE HOME	28	28	28	0%
TOTAL	622	941	1033	+10%

The effects of the Project on residents of the Project Area and the surrounding area are described as follows:

A. Residential Displacement and Relocation

With the exception of older, scattered residential units that are interspersed with commercial and industrial development, the impact on residential areas will not involve substantial disruption. Relocation of residents may be required in order to assemble parcels of land for commercial and industrial use. Such relocation should have a favorable effect on such residents as the Agency will provide for suitable replacement housing for persons so relocated in neighborhoods of less mixed land usage. Acquisition of such residential properties by the Agency may in fact be the only economical means for persons wishing to relocate to better neighborhoods with no intermixture of residential and commercial and/or industrial uses.

B. Circulation and Traffic

While traffic circulation in residential areas in and adjacent to the Project Area is adequate, the initial design of the street system in the non-residential portions of the Project Area is a major problem. The defective and substandard design of the circulation system has resulted in the following:

1. Constricted east/west traffic movement;
2. Constricted north/south traffic movement;
3. Hazardous and irregular intersections.

Improvements proposed in the Plan will correct many of these problem factors as funds become available to finance the proposed improvements.

Should development of the proposed Costa Mesa Freeway occur as planned, existing residential areas adjacent to the proposed Freeway right-of-way will be subject to increased noise, and the desirability for continued residential use may decline. Acquisition, reparcelization and replanning by the Agency may represent the only means to create a desirable land use and development pattern in this portion of the Project Area.

C. Environmental Quality

The short run impact of the Project may be negative in portions of the Project Area where redevelopment is taking place due to the traffic, noise, and debris associated with rehabilitation and construction. However, after the development is completed, the improvements throughout the Project which may include extensive landscaping and design features to enhance the visual impact of commercial development, industrial uses and residential development, will significantly improve the environmental quality; in addition, modified street patterns may be effectuated to minimize through-traffic in residential areas adjacent to commercial and industrial development.

An Environmental Impact Report ("EIR") has been prepared for the Downtown Redevelopment Project. The EIR, approved by the City Council by Resolution No. 73-131 on December 17, 1973, a program EIR, provided a generalized analysis, or overview, of potential environmental impacts resulting from the adoption and implementation of the Redevelopment Plan. As such, it was not intended to be used as a substitute for a more thorough examination of individual activities or projects in the area. Consequently, more detailed, site-specific environmental preliminary review or initial study will be required for each project. By initiating such review procedures, the precise level of environmental impacts, if any, of these activities can be evaluated and appropriate mitigation measures identified, thereby insuring that the goals of the Redevelopment Project are achieved. An example of this process is the Super Block EIR prepared for the expansion of Lions Park.

D. Availability of Community Facilities and Services

Improved traffic circulation will permit greater access to the municipal services within and without the Project Area. The development of new commercial uses will create convenient and additional shopping and services to both the Project Area and the City of Costa Mesa.

The development of pedestrian pathways and mall/plaza areas integrated with proposed commercial and residential uses will tend to enhance the accessibility of Lions Park to all Project Area residents. The park is now physically separated from residents on the east side of the Project Area by major arterial highways.

Center Street has been abandoned between Park Avenue and Anaheim Avenue to allow the expansion of Lions Park into the block south of Plumer Street. In addition to landscaping and recreation areas, the block contains an expanded public library and other community facilities. The obsolete Fire Station on Rochester Street has been replaced by a new and larger facility at the southwest corner of Park Avenue and Plumer Street.

E. Effect on School Population and Quality of Education

Assuming development of the residential areas to full capacity, the Project Area will include approximately 1,445 dwelling units. Utilizing an enrollment generation of 0.32 students per unit for all dwelling types, the total student population will be approximately 465 students at full development of the Project Area. This enrollment compares with a 1992 enrollment of approximately 330 students. The estimated student enrollment in 1977 was 190 students. Thus, the development of the Project Area to full residential capacity will result in a total enrollment increase of approximately 135 students over the estimated 1992 enrollment.

F. Property Assessments and Taxes

Improvements to real property within the Project Area will probably result in higher assessed values. The increase will probably be greater for commercial properties and presently undeveloped property than for properties with existing residential uses.

G. Other Matter Affecting the Physical and Social Quality of the Neighborhood

To the extent that portions of the Project Area are underdeveloped and improvement projects are currently committed, change and development are going to come in the Project Area notwithstanding the adoption of a redevelopment plan of the area. However, development that may take place within the Project Area will tend to intensify existing problems within the Project Area and add to the incremental and haphazard growth pattern that has created the need for the Redevelopment Project. The adoption of a redevelopment plan and its implementation by the Agency, in cooperation with other entities including the Project Area Committee, are means of assuring community control of the manner in which the inevitable changes will affect the physical and social quality of the neighborhood.

4.0 DEVELOPMENT GUIDELINES

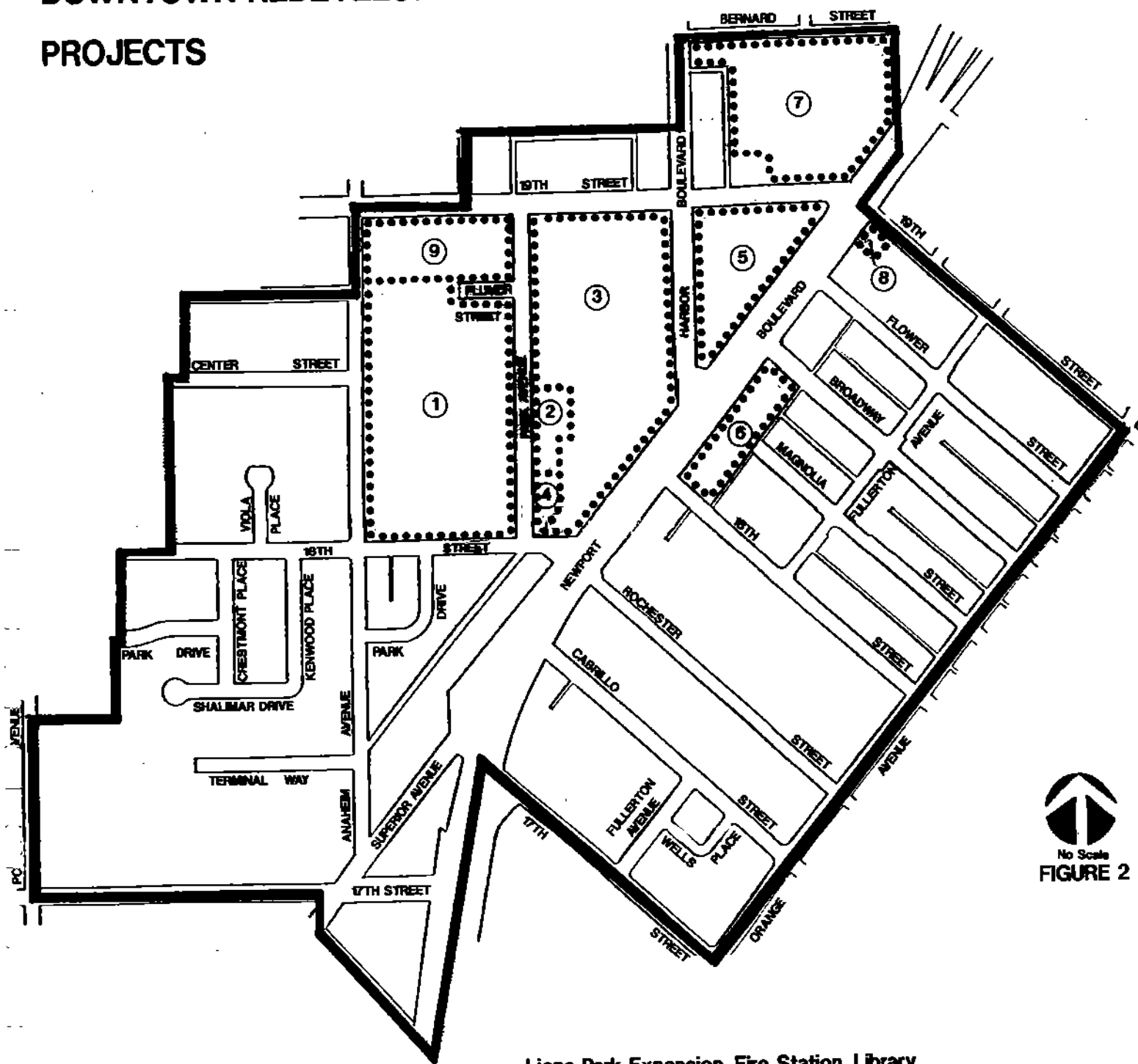
Development is proposed in a phased program which will allow the Agency:

1. To proceed with a first phase program involving improvements to the circulation system within the Project Area, parking development and commercial redevelopment prior to Costa Mesa Freeway completion; and
2. To test the acceptance of auto parking malls and pedestrian malls in relation to market response and shopper utilization.

The City of Costa Mesa General Plan Land Use Map depicts the location of residential, commercial, industrial and public land uses in the Project Area. Figure 2 indicates the location of various development projects that have been undertaken since adoption of this Plan in 1973 including several redevelopment assisted projects. Future project sites are also indicated.

The general objectives of the Costa Mesa Downtown Redevelopment Project are to eliminate and arrest the further establishment of blighting conditions in the Project Area. This is to be accomplished primarily by the elimination of mixed and incompatible land uses, the strengthening of some existing land uses and the development of underutilized land.

DOWNTOWN REDEVELOPMENT PROJECTS



- ① Lions Park Expansion, Fire Station, Library, and Neighborhood Community Center
- ② Casa Bella Apts. for Senior Citizens - 75 units
- ③ Costa Mesa Courtyards 176,000 s.f. of retail and office
- ④ Parcel A - future development site
- ⑤ Triangle Square - 185,000 s.f. of retail
- ⑥ Demonstration Block - facade remodel
- ⑦ Pacific Savings Plaza - 125,000 s.f. of office
- ⑧ Future development site
- ⑨ Park Center Place - 160 apts.

4.1 Land Use

As of the 1994 Amendment to this Plan, the City of Costa Mesa 1990 General Plan and its Land Use Map designate the land uses authorized within the Project Area and identify the major streets within the Project Area. The City Council of the City will from time to time update, amend or revise the General Plan. It is the intention of this Redevelopment Plan that the land uses permitted within the Project Area shall be and are as provided in the City's General Plan, as it currently exists and/or as it may from time to time be amended, and as implemented and applied by City ordinances, resolutions, policies, and other laws. Uses other than those designated in the General Plan and its Land Use Map, may be authorized from time to time by General Plan Amendments as authorized by law.

Therefore, the land use designations on the City of Costa Mesa General Plan Land Use Map shall permit the development set forth herein subject to the development standards of this Plan and any development standards and/or design guidelines adopted pursuant to this Plan.

A. Commercial Uses

Commercial development is the objective for 19th Street, Harbor Boulevard, Newport Boulevard and 17th Street frontages. Uses allowed in these areas shall be those uses listed as permitted or conditionally permitted in the corresponding zoning district of the Costa Mesa Municipal Code. Heavy commercial uses, such as automotive repair and service uses should not be encouraged in the Project Area, unless the use and site design are of a scale and intensity that is compatible with the surrounding properties.

Development in areas designated for commercial use shall be developed according to the following standards:

1. Commercial parcels shall be no less than 12,000 square feet. This shall apply only to the creation of new parcels in the Project Area. Any legal parcel on record in the office of the County Recorder of Orange County on the effective date of the 1977 amendment of this section may be used as a building site in compliance with this Plan and in compliance with local development standards.
2. Commercial building heights shall be limited to a maximum of four stories pursuant to the General Plan.

B. Residential Uses

Areas for residential development generally include portions of the Project Area east of Newport Boulevard commercial areas and the areas adjacent to Lions Park west of the Newport and Harbor Boulevard commercial areas. It is anticipated that residential development will include a variety of housing types and densities, including single family homes.

Areas designated for residential use shall be developed according to the following standards:

1. The maximum allowable densities for residential parcels shall be governed by the General Plan designation, the Costa Mesa Municipal Code and any development standards and/or guidelines that the Agency may adopt governing residential development in the Project Area.

Higher densities may be granted to encourage the provision of specialized housing reserved exclusively for senior citizens. Such developments shall require review by and approval of the Agency.

2. Multiple family residentially zoned parcels shall be no less than 18,000 square feet. This shall only apply to the creation of new parcels in the Project Area. Any legal parcel on record in the office of the County Recorder of Orange County on the effective date of the 1977 amendment of this section may be used as a building site in compliance with this Plan and in compliance with local development standards.
3. There shall be a height limitation of four stories on residential building heights within the Project Area with the following exceptions:
 - A. The maximum height shall be three stories within 660 feet of the centerline of Orange Avenue, between 17th Street and 19th Street.
 - B. Special purpose housing such as elderly, affordable, or student housing, not proposed in the area described in Subsection #3A above, shall be subject to individual project review by the Agency in establishing appropriate building heights. Such building heights may exceed four stories.
4. All new residential development shall conform to the requirements of the General Plan, this Plan, applicable state statutes and local codes.

C. Industrial Use

Areas for industrial development generally include the southern portions of the Project Area adjacent to 17th Street. Uses permitted in these areas shall be those uses listed as designated and permitted or conditionally permitted in the corresponding zoning district of the Costa Mesa Municipal Code.

D. Public and Semi-Public Uses

Public and semi-public uses will include parking, open space, libraries, schools, recreational facilities and similar land uses. Public open space and parking uses may be interspersed with commercial uses, developed within the residential areas and adjacent to Lions Park.

4.2 Rights of Way

As indicated in Figure 1, the public streets within the Project Area will include a system of east-west and north-south arterials. Major elements in this system are:

- | | |
|----------------|--------------------------------|
| 1. 17th Street | 4. Harbor Boulevard |
| 2. 18th Street | 5. Newport Boulevard |
| 3. 19th Street | 6. Proposed Costa Mesa Freeway |

Within the Project Area, selected streets and alleys will be widened, altered, abandoned, realigned, or closed for proper development of the Project Area. Additional rights-of-way for public streets may be created in the Project Area as needed for proper development.

The proposed development will require alterations to 19th Street, 17th Street, 18th Street, Newport Boulevard and Harbor Boulevard to complete the major street system proposed by the Plan.

4.3 Standards for Development

In addition to the standards set forth in this Plan, developers or owners of property must meet the provisions of the Costa Mesa General Plan, zoning ordinances, the Costa Mesa Building Code, the Health and Safety Code of the State of California, and any development and/or design guidelines including streetscape and urban design, adopted by the Agency for the Project Area. Zoning recommended for the Project Area is as follows: PDC, P, CL, C1, and C2 for commercial; MG and PDI for industrial areas; R1, R2-MD, R2-HD, R3, and PDR for residential areas; and I&R and I&R-S for public facilities.

A. New Construction

All new construction shall comply with all applicable state and local laws in effect from time to time including, without limitations, the Uniform Building, Electrical, Heating, and Ventilating, Housing, Plumbing, and Mechanical, Abatement of Dangerous Buildings Codes of the City of Costa Mesa.

B. Existing Uses

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

C. General Development Standards

Within the limits, restrictions, and controls established in the General Plan and in the Redevelopment Plan, the Agency is authorized to establish heights of buildings, land coverage, 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. This may include the adoption of development standards, and/or design guidelines to be used in conjunction with this Plan in the review of proposed projects.

1. The Agency may establish setback requirements for new developments within the Project Area which may exceed the requirements of the City's zoning ordinance.

Setback areas shall be used for landscaping, access drives, walkways, plazas, and pedestrian amenities.

2. The Agency shall require that, as feasible, adequate landscaping and screening be provided for each use to create buffers between those areas designated for different uses. No outdoor storage of materials or equipment shall be permitted and all uses shall be conducted underroof unless approved by the Agency with adequate screening. All service areas, refuse collection areas, and trash bins shall be completely screened.

Screening shall consist of a solid wall or fence, vine covered fence, or compact evergreen hedge of a height necessary to screen the use from view of adjoining streets and properties.

3. In all areas sufficient space shall be maintained between buildings to provide adequate light, air, and privacy.
4. Design of all signs shall conform to the City of Costa Mesa Sign Ordinance, and all applicable design guidelines. Billboards and other off-site advertising devices, however, shall not be permitted in the Project Area.
5. For all new construction, all on-site utilities shall be installed underground unless determined by the Planning Commission to be not practically feasible provided that, in any case, facilities shall be installed to allow future connection to an underground system. All above ground utilities shall be placed at the rear of the site.
6. Adequate parking shall be provided to accommodate all parking needs for each parcel in accordance with the provisions of the City's zoning ordinance.

Parking facilities for the joint use of two or more parcels of a size sufficient to meet the combined requirements of such parcels may be constructed with approval of the Agency. No parking space shall be located in a required setback abutting a public right-of-way except with approval of the Agency.

Parking spaces shall be paved and drained so that storm and surface waters draining from parcels will not cross public sidewalks. Parking spaces visible from streets shall be screened as necessary to prevent unsightly or barren appearance. Lighting for parking spaces shall be shielded from residential buildings and adjoining streets.

D. Variations

Subject to compliance with the General Plan and local development standards and requirements, under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by the Plan. In order to permit such variation, the Agency must determine that:

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

No variation shall be granted which changes a basic land use or which permits other than 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.

5.0 RELOCATION

In implementing the Redevelopment Plan, the Agency will attempt to minimize relocation needs. However, when the relocation of a business concern, family or other person or concern is necessary, the Agency shall:

- ▶ Assist in finding other suitable locations; and
- ▶ Make relocation payments.

5.1 Relocation Advisory Assistance

Relocation advisory assistance will be furnished by the City of Costa Mesa to any persons (either owners or renters) whose property is acquired by the Agency in connection with the implementation of the Redevelopment Plan. No person will be required to move from his

dwelling unit because of activities of the Redevelopment Agency in implementing the Redevelopment Plan unless replacement housing is available in areas not generally less desirable in regard to public utilities and public and commercial facilities are available for such persons, at rents or prices within the financial means of such person, and the replacement dwelling unit is decent, safe, sanitary, and located so that it is reasonably accessible to the place of employment of the person to be relocated. If such replacement housing is not available and the Agency determines that such housing cannot be made otherwise available, the Agency shall provide such housing.

5.2 Relocation Payments

The Agency is authorized to pay the actual and reasonable moving expenses of any person whose dwelling unit or the land on which such dwelling unit is located is acquired by the Agency. As an alternative to receiving such payments, any person who is displaced from a dwelling unit may receive a moving expense allowance, and an additional dislocation payment as provided in Section 7262 of the Government Code. The Agency is further authorized to financially assist a displaced dwelling owner or renter meeting the qualifications contained in Sections 7263 and 7264 of the Government Code in order to provide suitable housing for any person displaced from his residence as a result of the Redevelopment Agency's implementation of the Redevelopment Plan.

5.3 Commercial and Industrial Relocation

Existing businesses and industry within the Project Area will be given first priority to acquire parcels made available for business and industrial development through the redevelopment process. Relocation advisory assistance for any business or industry will be made available through the City of Costa Mesa. In the event that it becomes necessary to relocate a business, and the business cannot be relocated without a substantial loss of patronage, and the business is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business, the Agency is authorized to pay to such a business, a relocation payment as provided in Section 7262 of the Government Code. The Agency is also authorized to pay any and all actual and reasonable moving expenses of a business if the business is required to relocate as a result of the implementation of the Redevelopment Plan.

6.0 METHODS FOR FINANCING THE PROJECT

6.1 General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Agency is authorized to finance this Project with financial assistance from the City, State of California, property tax increment, interest income, Agency bonds, or any other available source.

Advances and loans for survey and planning and operating capital and for normal administration of this Project have been, and are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and to permit borrowing adequate working capital from sources other than the City. The City as

it is able will also supply additional assistance through City loans and grants for various public facilities.

As available, gas tax funds from the State of California and the County of Orange will be used for the street system. Some revenue may accrue to the Project from interest earned on investments of Agency funds.

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

6.2 Agency Bonds

The Agency is authorized to issue bonds if needed and feasible in an amount sufficient to finance the Project. The principal and interest may be payable:

1. Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the State or Federal government in aid of the projects.
2. Exclusively from the income and revenues of certain designated redevelopment projects, whether or not they were financed in whole or in part, with the proceeds of the bonds.
3. In whole or in part from taxes allocated to, and paid into a special fund of the Agency.
4. From its revenues generally.
5. From any contributions or other financial assistance from the State or Federal government.
6. By any combination of these methods.

6.3 Tax Increment

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Orange, City of Costa Mesa, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Redevelopment Plan, shall be divided as follows:

1. 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 Redevelopment 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 as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory 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 of the County of Orange 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); and

2. 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 Redevelopment Project. Unless, and until, the total assessed value of the taxable property in the Project exceeds that total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph (1) hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into funds of the respective taxing agencies. When said bonds, loans, advances, and indebtedness, if any, 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.

The portion of taxes mentioned above in Paragraph 2 may be irrevocably pledged for the payment of the principal 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 Redevelopment Agency to finance or refinance, in whole or in part, the Project.

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

6.4 Bonding Feasibility

Agency bonds shall be issued only when the Agency has determined that the Agency will have funds available to apply the interest and principal on any such bonds when they become due and payable. In any case, where the determination of the availability of funds for the payment of principal and interest on any such bonds cannot be ascertained to the reasonable satisfaction of the Agency from information available through its staff or that of the City, the Agency shall engage financial counsel to advise it whether funds will be available for the repayment of principal and interest on any such bonds.

7.0 IMPLEMENTATION PROVISIONS

7.1 Proposed Redevelopment Activities

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

1. Acquisition of certain real property;

2. Relocation assistance to displaced non-residential and residential occupants;
3. Demolition or removal of certain buildings and improvements;
4. Installation, construction or reconstruction of streets, utilities, and other public improvements;
5. Disposition of property acquired for uses in accordance with this Plan; and
6. Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan.

7.2 Acquisition of Real Property

Except as specifically exempted herein, the Agency may acquire, but is not require to acquire, all real property located in the Project Area, by gift, devise, exchange, purchase, eminent domain, or any other lawful method. 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 property in the Project Area.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property if it is transferred to private ownership before the Agency completes land disposition within the entire Project Area, unless the Agency and the private owner enter into a participation agreement.

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. 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.

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;
2. The site or lot on which the building is situated requires modification in size, shape, or use;
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 an agreement.

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.

7.3 Participation in Redevelopment by Owners and Tenants

Owners of property and business tenants may participate in the redevelopment of property in the Project Area in accordance with the Preference Rules and Participation Rules adopted by the Agency. In general, these rules provide that existing business owners and business tenants within the Project Area be given preference for re-entry into business within the Redeveloped Project Area. Owners will be required to submit proof to the Agency of their qualifications and financial ability to carry out their agreement with the Agency.

Each participant who is not a conforming owner shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, or use 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.

In the event an owner or business tenant is unable, or refuses, to execute a participation agreement acceptable to the Agency to accomplish the purposes of this Plan, the provisions of this Plan shall govern the development, redevelopment, and future use of the property involved, as an alternative to development of the property by the owner or business tenant, and the Agency may acquire any property involved, and sell, lease, or otherwise provide for the development such property in accordance with this Plan.

Owners of real property within the Project Area which is subject to acquisition by the Agency through use of its power of eminent domain may offer such property for sale to the Agency and/or seek exemption from acquisition as provided in Health and Safety Code Section 33399.

7.4 Property Disposition

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.

To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated leases or sales without public bidding.

All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge. 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.

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 development is carried out pursuant to this Plan.

All purchasers or lessees of property shall be 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.

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

7.5 Purchase and Development Documents: Controls and Covenants to Insure Compliance with the Redevelopment Plan

To provide adequate safeguards to insure that the provision of this Plan will be carried out 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 leases, deeds, contracts, agreements, declarations of restrictions, provisions of the General Plan, Zoning Ordinance, Conditional Use Permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the office of the Recorder of the County.

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 provisions necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, sex, color, creed, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer or use, occupancy, tenure or enjoyment of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by law.

To the extent now or hereafter permitted by law, the Agency is authorized to pay for all or part of the value of the land for and the cost of installation and construction of any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or entity.

During the period of development in the Project Area, 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 Area is proceeding in accordance with development documents and time schedules.

The Agency shall require that development plans be submitted to it for approval and review. All development must conform to this Plan and all applicable Federal, State, and local laws,

except as such, may be modified by requirements of this Redevelopment Plan or Agency agreements entered in to carry out the purposes of this Plan.

7.6 Developments Requiring Redevelopment Agency Approval

No Building Permits shall be issued for any discretionary development or building activity, and/or any change of use, and/or change of land use in the Project Area until any and all necessary and required discretionary approvals have been obtained by the applicant from the Redevelopment Agency. The Agency has and retains full authority and final discretionary approval over any and all such discretionary development or building activity, and/or change of use, and/or change of land use in the Project Area, with the exceptions of General Plan Amendments, Rezones, Specific Plans, and Development Agreements. However, the Agency authorizes the delegation of all or any part of this discretionary authority and action to the City Council, the Planning Commission, the Agency Executive Director, the City Manager of the City, or the Development Services Director (as "designee") pursuant to a written policy of the Agency adopted by separate action and resolution of the Agency under and pursuant to this Plan. Such a policy delegating discretion of authority and action to a designee, if adopted, may be later amended, modified, or rescinded by resolution of the Agency.

One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, all plans shall give consideration to good design, open space and other amenities to enhance the aesthetic quality of the Project Area and any or all design guidelines that have been adopted by the Agency. All new uses approved in the Project Area shall be consistent with the General Plan and this Plan and compatible with existing and permitted uses in the area. So long as the Plan conforms to the General Plan, the Agency or its designee(s) may not approve any plans that do not comply with the General Plan and this Plan unless a variation is considered and approved pursuant to Section 4.3.D. herein.

7.7 Appeal

The applicant or any interested party may appeal a decision according to provisions of Section 2-300 et seq. of the Costa Mesa Municipal Code, with the exception that a decision of a designee may be appealed to the Redevelopment Agency and a decision of the Redevelopment Agency may be appealed to the City Council. Fees for appeals may be established by resolution of the Agency.

7.8 Action by the City and Community Cooperation

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 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:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications in the Project Area. Such action by the City shall include

proceedings for the abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.

2. Institution and completion of proceedings necessary for changes and improvements in the publicly-owned public utilities within or affecting the Project Area.
3. Revision of zoning within the Project Area where necessary to permit the land uses and development authorized by this Plan.
4. Provisions 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 Area throughout the duration of this Plan.
5. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
6. The undertaking and completion of any other proceedings necessary to carry out the Project.
7. The City of Costa Mesa may finance activities of the Agency either through loans or grants. All monies expended by the City on behalf of the Agency shall, unless otherwise established at the time the expenditure is made, be treated as loans to the Agency which shall be repaid to the City. Such loans shall be on terms established by the City and Agency. The obligation of the Agency to repay any such loan or interest thereon shall be subordinate to any other financial obligations of the Agency.

7.9 Property Management

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

The Agency is authorized, but not required, to make payments to taxing agencies in lieu of property taxes to make up tax loss occurring after the date of adoption of the Plan by the City Council.

8.0 ENFORCEMENT

After development, the administrative enforcement of this Plan or other documents implementing this Plan shall be performed by the City or the Agency.

The provisions of this Plan or other documents entered into 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 provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners or by the Agency or the City on their behalf.

9.0 DURATION OF THE REDEVELOPMENT PLAN

9.1 Effective Date of the Redevelopment Plan

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, and except as provided in Sections 9.2 and 9.3, below, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for 40 years from the date of adoption of this Plan by the City Council. After such 40-year time limit on the effectiveness of the Plan, the Agency shall still have the authority to pay previously incurred indebtedness and to enforce existing covenants, contracts, or other obligations.

9.2 Limitation on Incursion of Indebtedness

The number of dollars of taxes which may be divided and allocated to the Agency pursuant to the Redevelopment Plan shall not exceed: (1) for fiscal years 1985-86 and before the amounts actually so divided and allocated to the Agency; and (2) for fiscal years 1986-87 and thereafter, the amount of one hundred thirty-six million eighty-eight thousand one hundred two dollars and no cents (\$136,088,102.00), except by amendment of the Redevelopment Plan in the manner required by law.

No loan, advance, or indebtedness to be repaid from the allocation of taxes referred to in the preceding paragraph shall be established or incurred by the Agency to finance in whole or in part of the Redevelopment Project after January 1, 2004. Such loan, advance or indebtedness may be repaid over a period of time longer than such time limit, except that the Agency shall not pay indebtedness or receive the property tax increment described in Section 6 and in the above paragraph of this Section 9.2 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan pursuant to Section 9.1 above, provided however, nothing in the foregoing limitation shall be construed to or shall affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to Section 33401 of the Community Redevelopment Law, authorized by the legislative body, or the Agency prior to January 1, 1994, nor shall the foregoing limitation be construed to affect the right of the Agency to receive the property tax increment described in Section 6 and the above paragraph of this Section 9.2, to pay the indebtedness or other obligation. Such time limit may be extended only by amendment of the Redevelopment Plan in the manner required by law. Further, this limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Health and Safety Code Section 33413 of the Community Redevelopment Law. This limit shall not prevent agencies from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid does not exceed the date on which the indebtedness would have been paid.

9.3 Time Limit on Acquisition of Property by Eminent Domain

No eminent domain proceeding to acquire property within the Redevelopment Project Area shall be commenced after twelve (12) years following the effective date of Ordinance No. 86-24, which was adopted on December 15, 1986. Such time limitation may be extended only by amendment of the Redevelopment Plan in the manner required by law.

10.0 PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Redevelopment Law as the same now exists or as hereafter amended, or by any other applicable laws, or by any other procedure hereafter established by law.