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REDEVELOPMENT PLAN
FOR THE
MODESTO REDEVELOPMENT PROJECT

Prepared by the
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

1983

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REDEVELOPMENT PLAN
FOR THE
MODESTO REDEVELOPMENT PROJECT

I. [§100] INTRODUCTION

This is the Redevelopment Plan (the "Plan") for the Modesto Redevelopment Project (the "Project") in the City of Modesto (the "City"), County of Stanislaus, State of California, and consists of the Text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), the Redevelopment Plan Map (Attachment No. 3) and the Proposed Public Improvement Projects (Attachment No. 4). This Plan was prepared by the Redevelopment Agency of the City of Modesto (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.), the California Constitution and all applicable local laws and ordinances.

The proposed redevelopment of the Project Area as described in this Plan conforms to the General Plan for the City of Modesto adopted by the City Council as follows: Land Use and Circulation Element, adopted August 5, 1974, and as amended thereafter; Safety, Scenic Highways and Seismic Safety Elements, adopted May 5, 1975; Conservation Element, adopted August 14, 1978; Noise Element, adopted August 14, 1978; Housing Element, adopted January 27, 1981, and as amended thereafter; and Open Space and Recreation Element, adopted January 18, 1983.

^{originally} This Plan is based upon a Preliminary Plan formulated and adopted by the Planning Commission of the City of Modesto (the "Planning Commission") by Resolution No. 82-193, adopted ~~on~~ December 20, 1982, and then amended by the Planning Commission by Resolution 91-3, adopted January 7, 1991.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the area within the boundaries of the Project (the "Project Area"). This Plan does not present a specific plan or establish specific projects for the redevelopment, rehabilitation and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established and specific

Industrial and institutional

solutions will be proposed, and by which tools are provided to the Agency to fashion, develop and proceed with such specific plans, projects and solutions. The Agency and the City will be considering plans and proposals which will allow and encourage ~~the development of a community center project and the expansion of commercial activities.~~ The accomplishment of these project activities may depend upon and include the provision of proposed public improvements specified in this Plan. However, this Plan is not dependent or conditioned upon any specific project or activity; instead, it provides a means to implement specific project activities.

The purposes of the Community Redevelopment Law will be attained through, and the major goals of this plan are:

- A. The elimination of environmental deficiencies in the Project Area, including, among others, small and irregular lots, incompatible and uneconomic land uses, obsolete and aged building types, sub-standard alleys and inadequate or deteriorated public improvements and facilities.
- B. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation.
- C. The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.
- D. The strengthening of retail and other commercial functions in the Project Area.
- E. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.
- F. The provision of a community center.
- G. The provision of adequate land for parking and open spaces.
- H. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project.

- I. The expansion of the supply of housing for low- and moderate-income persons.

II. [§200] DESCRIPTION OF PROJECT AREA

The boundaries of the ^{amended} Project Area are described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment No. 1 and incorporated herein by reference, and are shown on the "Project Area Map," attached hereto as Attachment No. 2 and incorporated herein by reference.

III. [§300] PROPOSED REDEVELOPMENT ACTIONS

A. [§301] General

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

1. The acquisition of certain real property;
2. The demolition or removal of certain buildings and improvements;
3. Providing for participation by owners and tenants presently located in the Project Area and the extension of preferences to business occupants desiring to remain or relocate within the redeveloped Project Area;
4. The management of any property acquired by and under the ownership and control of the Agency;
5. Providing relocation assistance to displaced residential and nonresidential tenants;
6. The installation, construction or reconstruction of streets, utilities and other public improvements;
7. The disposition of property for uses in accordance with this Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
9. The rehabilitation of structures and improvements by present owners, their successors and the Agency; and

10. The assembly of adequate sites for the development and construction of residential, ~~and/or~~ commercial, ^{industrial and institutional} facilities.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

B. [§302] Participation Opportunities; Extension of Preferences for Reentry Within Redeveloped Project Area

1. [§303] Opportunities for Owners and Tenants

In accordance with this Plan and the rules for owner and tenant participation adopted by the Agency pursuant to this Plan and the Community Redevelopment Law, persons who are owners of real property in the Project Area shall be given a reasonable opportunity to participate in redevelopment by: (1) retaining all or a portion of their properties; (2) acquiring adjacent or other properties in the Project Area; (3) rehabilitation of existing buildings or improvements; (4) new development; or (5) selling their properties to the Agency and purchasing other properties in the Project Area.

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to participate in the redevelopment of the Project Area, or to reenter into business within the redeveloped Project Area, if they otherwise meet the requirements prescribed in this Plan. The Agency shall also extend reasonable preferences to tenants other than business tenants in the Project Area to reenter within the redeveloped Project Area, if they otherwise meet the requirements prescribed by this Plan. Such business, residential, institutional and semi-public tenants shall be given a reasonable opportunity, if they so desire, to purchase and develop real property in the Project Area in accordance with this Plan.

2. [§304] Rules for Participation Opportunities, Priorities and Preferences

In order to provide opportunities to owners and tenants to participate in the redevelopment of the Project Area, the Agency shall promulgate rules for owner and tenant participation and the extension of preferences

for reentry within the redeveloped Project Area. 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. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area, accommodation of as many participants as possible, similarity of land use, the necessity to assemble sites for integrated, modern development and conformity of a participant's proposal with the intent and objectives of this Plan.

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

Participation opportunities shall necessarily be subject to and limited by such factors as: (1) the elimination and changing of some land uses; (2) the construction, widening or realignment of some streets; (3) the ability of participants to finance acquisition and development or rehabilitation in accordance with this Plan; (4) the reduction in the total number of individual parcels in the Project Area; and (5) the construction or expansion of public facilities.

3. [\$305] Participation Agreements

The Agency may require that, as a condition to participation in redevelopment, each participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop and use and maintain the property in conformance with this 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 may be necessary to make the provisions of this Plan applicable to their properties. 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 Area.

In the event an owner or tenant participant fails or refuses to rehabilitate, develop and use and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

4. [§306] Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to:

(a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area.

C. [§307] Cooperation with Public Bodies

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

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. 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 may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures or other improvements (within or without the Project Area) which land, buildings, facilities, structures or other improvements are or would be of benefit to the Project.

D. [§308] Property Acquisition

1. [§309] Real Property

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area which cannot be acquired by gift, devise, exchange, purchase or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the ordinance adopting this Plan becomes effective.

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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 authorized to acquire either the entire fee or 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: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of this Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this Plan.

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 transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

2. [\$310] Personal Property

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

E. [\$311] 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, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

F. [\$312] Payments to Taxing Agencies to Alleviate Financial Burden

In any year during which it owns property in the Project Area, the Agency is authorized, but not required, to pay directly to any city, county, city and county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.

A proportionate share of any amount of money paid by the Agency to any city and county pursuant to the preceding paragraph shall be disbursed by the city and county to any school district with territory located within the Project Area in the city and county. "Proportionate share," as used in this Section 312, means the ratio of the school district tax rate, which is included in the total tax rate of the city and county, to the total tax rate of the city and county.

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

G. [§313] Relocation of Persons (Including Individuals and Families), Business Concerns and Others Displaced by the Project

1. [§314] Assistance in Finding Other Locations

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 (including individuals and families), business concerns and others 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. The Agency may also provide housing inside or outside the Project Area for displaced persons.

2. [§315] Relocation Payments

The Agency shall make relocation payments to persons (including individuals and families), business concerns and others displaced by the Project for moving expenses and direct losses of personal property and additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Section 7260 et seq.) and Agency rules and regulations adopted pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

H. [§316] Demolition, Clearance, and Building and Site Preparation

1. [§317] Demolition and Clearance

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

2. [§318] Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection

therewith, the Agency may cause, provide for or undertake the installation or construction of streets, utilities, parks, playgrounds and other public improvements necessary to carry out this Plan. The Agency is also authorized to construct foundations, platforms and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, public and other uses provided in this Plan.

Prior consent of the City Council is required for the Agency to develop sites for commercial or industrial use by providing streets, sidewalks, utilities or other improvements which an owner or operator of the site would otherwise be obliged to provide.

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I. [\$319] Property Disposition and Development

1. [\$320] Real Property Disposition and Development

a. [\$321] General

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 lease, sale or transfer without public bidding. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

Real property acquired by the Agency may be conveyed by the Agency without charge to the City and, where beneficial to the Project Area, without charge to any public body. 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 this Plan.

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.

d. [§322] Disposition and Development Documents

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

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 ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements and declarations of restrictions of the Agency 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. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of the County.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, 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 expressly subject by appropriate documents to the restriction that all deeds, leases or contracts for the sale, lease, sublease or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

c. [§323] Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any publicly-owned building, facility, structure or other improvement, either within or without the Project Area, 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 Area. Specifically, the Agency may pay for, install or construct the facilities, buildings, structures and other improvements identified in Attachment No. 4, "Proposed Public Improvement Projects,"

attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefor.

In addition to the public improvements authorized under Section 318 and the specific publicly-owned improvements identified in Attachment No. 4 of this Plan, the Agency is authorized to install and construct, or to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity, for the benefit of the Project Area, public improvements and public utilities, including, but not limited to, the following: (1) over and underpasses; (2) sewers; (3) natural gas distribution systems; (4) water distribution systems; (5) parks, plazas and pedestrian paths; (6) playgrounds; (7) parking facilities; (8) landscaped areas; and (9) street improvements.

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The Agency may enter into contracts, leases and agreements with the City or other public body or entity pursuant to this Section 323, 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 Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan or out of any other available funds.

d. [\$324] Development Plans

All development plans (whether public or private) shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to City design review standards.

2. [\$325] Personal Property Disposition

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

J. [\$326] Rehabilitation, Conservation and Moving of Structures

1. [\$327] Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized and directed to

advise, encourage and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

2. [\$328] Moving of Structures

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 Area.

K. [\$329] Low- and Moderate-Income Housing

1. [\$330] Replacement Housing

In accordance with Section 33334.5 of the Community Redevelopment Law, whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of the Project, the Agency shall, within four (4) 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 rents within the Project Area or within the territorial jurisdiction of the Agency in accordance with all of the provisions of Sections 33413 and 33413.5 of said Community Redevelopment Law.

2. [\$331] Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan shall be used by the Agency for the purposes of increasing and improving the City's supply of housing for persons and families of very low, low or moderate income unless certain findings are made as required by that section to lessen or exempt such requirement. In carrying out this purpose, the Agency may exercise any or all of its powers, including the following:

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- a. Acquire land or building sites;
- b. Improve land or building sites with on-site or off-site improvements;

- c. Donate land to private or public persons or entities;
- d. Construct buildings or structures;
- e. Acquire buildings or structures;
- f. Rehabilitate buildings or structures;
- g. Provide subsidies to or for the benefit of persons or families of very low, low or moderate income; and
- h. Develop plans, pay principal and interest on bonds, loans, advances or other indebtedness or pay financing or carrying charges.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions in Section 330 above. These funds may be used inside or outside the Project Area; provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community Redevelopment Law.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used. Any interest earned by such Low and Moderate Income Housing Fund shall accrue to the Fund.

IV. [\$400] USES PERMITTED IN THE PROJECT AREA

A. [\$401] Redevelopment Plan Map

The "Redevelopment Plan Map," attached hereto as Attachment No. 3 and incorporated herein by reference, illustrates the location of the Project Area boundaries, major streets within the Project Area and the proposed land uses to be permitted in the Project for all land--public, semi-public and private.

B. [\$402] Designated Land Uses

1. ~~[\$403] Commercial Uses~~

~~The areas shown on the Redevelopment Plan Map (Attachment No. 3) for commercial uses shall be used for the general commercial uses set forth and described in the City's General Plan.~~

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2. [\$404] Residential Uses

The areas shown on the Redevelopment Plan Map (Attachment No. 3) for residential uses shall be used for the residential uses set forth and described in the City's General Plan.

3. [\$405] Public Uses

The areas shown on the Redevelopment Plan Map (Attachment No. 3) for public uses shall be used for the specific public improvements, buildings, facilities or structures permitted under Section 323 of this Plan.

C. [\$406] Other Land Uses

1. [\$407] Public Rights-of-Way

As illustrated on the Redevelopment Plan Map (Attachment No. 3), the major public streets within the Project Area include 8th Street, 9th Street, 10th Street, 11th Street, 17th Street, 19th Street, Burney Street, H Street, I Street, K Street, L Street, Downey Avenue and La Loma Avenue. *use list from Preliminary plan*

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

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

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

- b. The requirements imposed by such factors as topography, traffic safety and aesthetics; and
- c. A consideration of the need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way.

2. [§408] Other Public, Semi-Public, Institutional and Nonprofit Uses

In any area shown on the Redevelopment Plan Map (Attachment No. 3), the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

3. [§409] Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan.

4. [§410] Nonconforming Uses

The Agency may permit an existing use to remain in an existing building in good condition which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. 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 may be necessary to protect the development and use of the Project Area.

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

D. [§411] General Controls and Limitations

All real property in the Project Area is 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 this Plan, except in conformance with the provisions of this Plan.

1. [§412] Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area.

2. [§413] Rehabilitation and Retention of Properties

Any existing structure within the Project Area approved by the Agency for retention and rehabilitation shall be repaired, altered, reconstructed or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

3. [§414] Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed the number of buildings permitted under the Zoning Ordinance of the City of Modesto.

4. [§415] Number of Dwelling Units

The number of dwelling units in the Project Area shall not exceed the number of dwelling units permitted under the Zoning Ordinance of the City of Modesto.

5. [§416] Limitation on Type, Size and Height of Buildings

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

6. [§417] Open Spaces, Landscaping, Light, Air and Privacy

The approximate amount of open space to be provided in the Project Area is the total of all areas which will be in the public rights-of-way, the public ground, the space around buildings and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

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

7. [§418] Signs

All signs shall conform to City sign ordinances as they now exist or are hereafter amended. Design of all proposed new signs shall be submitted to the Agency and/or City prior to installation for review and approval pursuant to the procedures of this Plan.

8. [§419] Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

9. [§420] Incompatible Uses

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

10. [§421] Nondiscrimination and Nonsegregation

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

11. [§422] Subdivision of Parcels

No parcel in the Project Area, including any parcel retained by a participant, shall be subdivided without the approval of the Agency.

12. [§423] Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions and controls established by this Plan. In order to permit such variation, the Agency must determine that:

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

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 peace, health, safety or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

E. [§424] Design for Development

Within the limits, restrictions and controls established in this 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.

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.

F. [\$425] Building Permits

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

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

V. [\$500] METHODS OF FINANCING THE PROJECT

A. [\$501] General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, State of California, federal government, tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property or any other available source, public or private.

The Agency is also 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. Advances and loans for survey and planning and for the operating capital for nominal administration of this Project may be provided by the City until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances and loans and to permit borrowing adequate working capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project. As available, gas tax funds from the state and county may be used for street improvements and public transit facilities.

B. [§502] Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Stanislaus, the City of Modesto, any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this 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 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 Stanislaus 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).

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 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 valuation 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 subdivision 1 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 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 in subdivision 2 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. The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

The portion of taxes divided and allocated to the Agency pursuant to subdivision 2 of this Section 502 shall not exceed a cumulative total of \$20,000,000 or, if bonds are issued or reimbursement agreements are entered into with other public agencies, a cumulative total of \$45,000,000.

*
see
letter

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions 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.

The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in subdivision 2 above which can be outstanding at any one time shall not exceed \$8,500,000.

*
see letter

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project beyond thirty (30) years from the date of adoption of this Plan. Loans, advances or indebtedness may be repaid over a period of time beyond said time limit.

C. [\$503] Other Loans and Grants

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

VI. [\$600] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions 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 Area. Such action by the City shall include the requirement of abandonment, removal and relocation by the public utility companies of their operations of public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such

abandonment, removal and relocation to be borne by others than those legally required to bear such cost.

- B. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned public utilities within or affecting the Project Area.
- C. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- D. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- E. 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 Area throughout the duration of this Plan.
- F. Performance of the above actions and of all other functions and services relating to public peace, 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.
- G. The undertaking and completing of any other proceedings necessary to carry out the Project.

The foregoing actions to be taken by the City do not involve or constitute any commitment for financial outlays by the City.

VII. [§700] ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

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

VIII. [§800] DURATION OF THIS PLAN

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.

IX. [§900] PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Community Redevelopment Law or by any other procedure hereafter established by law.

Attachment No. 1
Legal Description of the Project Area Boundaries

Area A

Beginning at the southern corner of Block 87, as shown on map of "Town of Modesto" filed in the office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps at Page 82, said point being the intersection of the northeastern line of 11th Street with the northwestern line of "L" Street as shown on said map; thence from said intersection, along the northwestern line of said "L" Street.

- (1) South $46^{\circ}30'30''$ West, 1210.00 feet to the eastern corner of Block 39 as shown on said map of "Town of Modesto" and also being the intersection point of the northwestern line of 80-foot wide "L" Street with the southwestern line of 72-foot wide 8th Street; thence along said southwestern line of 8th Street.
- (2) South $43^{\circ}29'30''$ East, 560.00 feet to the northern corner of Block 41, as shown on said map of "Town of Modesto" and also being the intersection point of the southwestern line of 72-foot wide 8th Street with the southeastern line of 80-foot wide "K" Street; thence along the southeastern line of "K" Street.
- (3) North $46^{\circ}30'30''$ East, 1210.00 feet to the western corner of Block 85 as shown on said map of "Town of Modesto" and also being the intersection point of the northeastern line of 80-foot wide 11th Street with the southeastern line of 80-foot wide "K" Street; thence along said northeastern line of 11th Street.
- (4) North $43^{\circ}29'30''$ West, 560.00 feet to the point of beginning of this description.

Area B

Beginning at the eastern corner of Block 125, as shown on map of "Town of Modesto" filed in the office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps at Page 82, said point being the intersection of the northwestern line of 100-foot wide "I" Street with the southwestern line of 80-foot wide 17th Street as shown on said map; thence from said intersection, along the northwestern line of said "I" Street and its northeasterly prolongation.

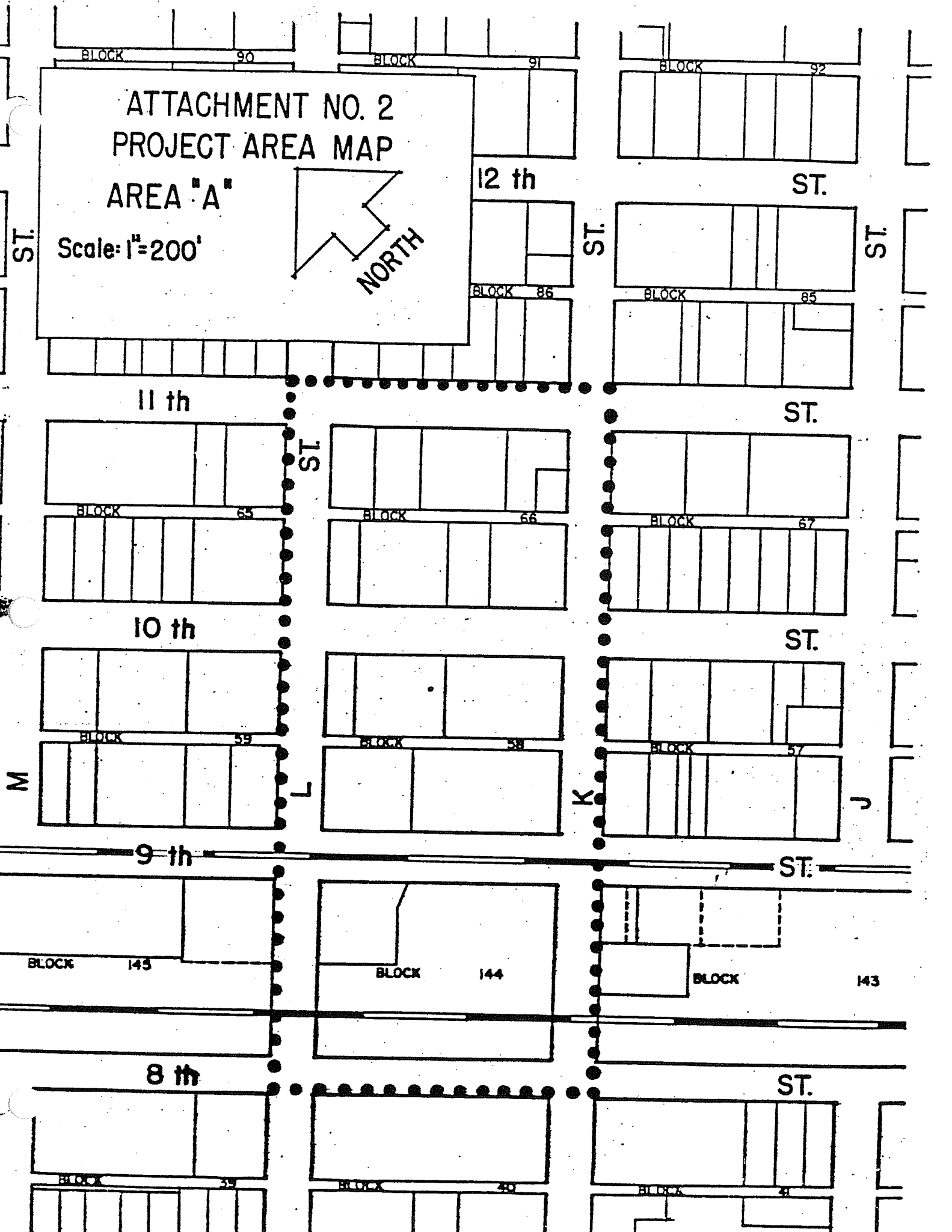
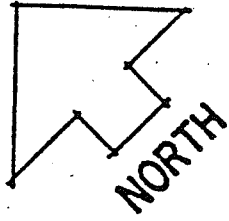
- (1) North $46^{\circ}30'30''$ East, 539 feet more or less to its intersection with the north line of 80-foot wide Downey Avenue; thence along the north line of Downey Avenue.
- (2) South $89^{\circ}51'$ East, 681 feet more or less to the east line of 60-foot wide Kimble Street and a point of jog in the north line of Downey Avenue; thence along the east line of Kimble Street and said jog.

- (3) South $1^{\circ}31'30''$ East, 9 feet more or less to the north line of Downey Avenue; thence continuing along the north line of Downey Avenue.
- (4) South $89^{\circ}39'30''$ East, 42 feet more or less to the intersection of the northerly prolongation of the eastern line of 33-foot wide Burney Street; thence along said prolongation and eastern line.
- (5) South $0^{\circ}20'30''$ West, 333 feet more or less to the northeastern corner of said Burney Street and 60-foot wide LaLoma Avenue; thence on a diagonal line through the intersection of above mentioned two streets.
- (6) South $25^{\circ}46'05''$ West, 77.08 feet to the northeastern corner of Block 133 as shown on said map of "Town of Modesto", said point being the intersection of the western line of said Burney Street and the southern line of LaLoma Avenue, said point also being the beginning of a curve whose radius line bears South $27^{\circ}01'30''$ West; thence along the south line of said LaLoma Avenue.
- (7) On a curve concave to the south and having a central angle of $70^{\circ}31'$ a radius of 290 feet, and a length of 356.92 feet to a point of tangency with the southeastern line of 80-foot wide "H" Street, thence along the southeastern line of said "H" Street.
- (8) South $46^{\circ}30'30''$ West, 480 feet to the northern corner of Block 127 as shown on said map of "Town of Modesto", said point being the intersection of the southeast line of said "H" Street, and the southwest line of previously mentioned 17th Street; thence along the southwestern line of 17th Street.
- (9) North $43^{\circ}29'30''$ West, 580 feet to the point of beginning of this description.

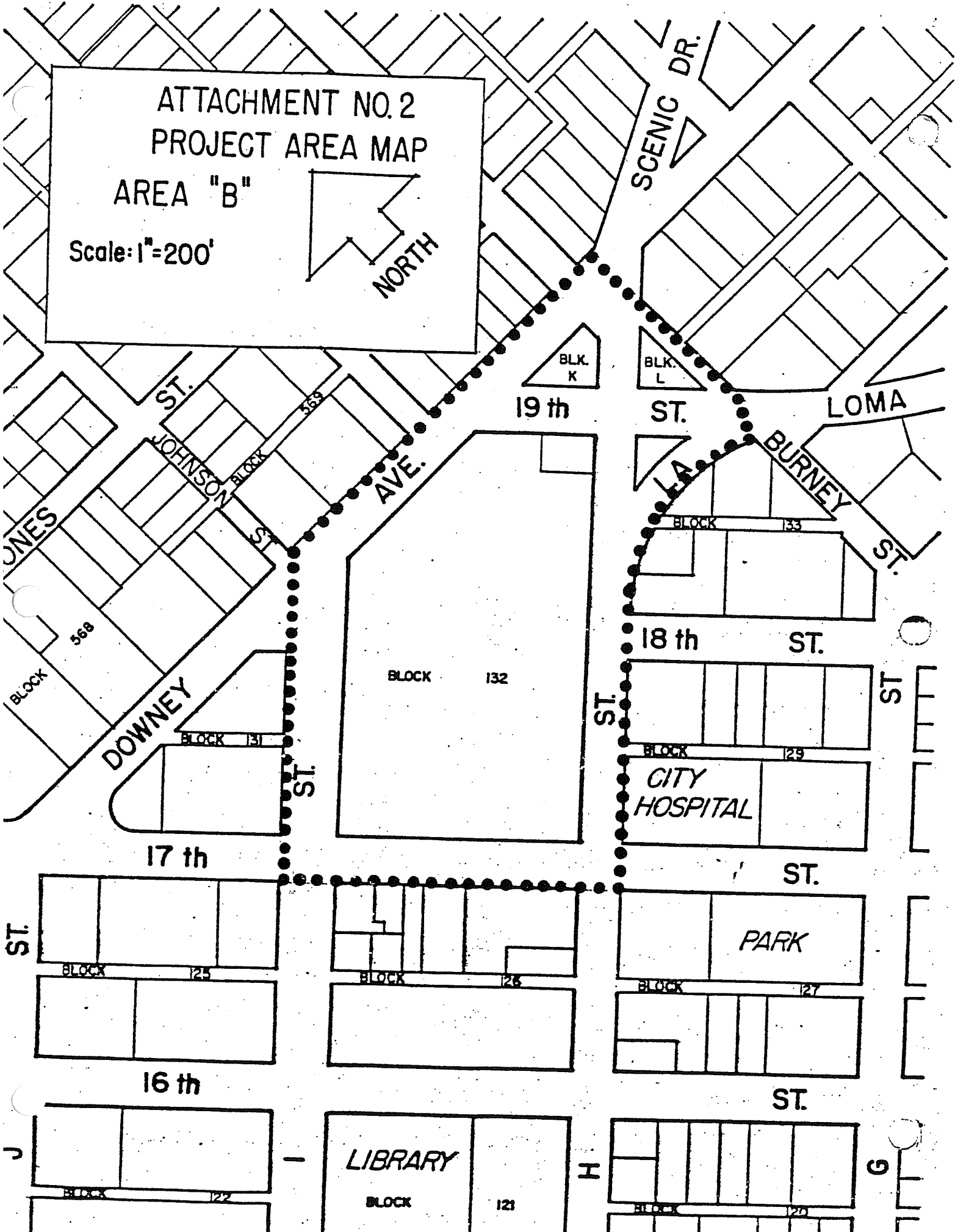
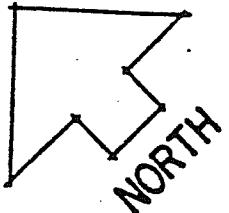
ATTACHMENT NO. 2
PROJECT AREA MAP

AREA "A"

Scale: 1"=200'



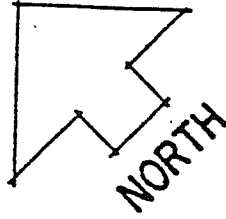
ATTACHMENT NO. 2
PROJECT AREA MAP
AREA "B"
Scale: 1"=200'



ATTACHMENT NO. 3
REDEVELOPMENT PLAN MAP

AREA "A"

Scale: 1"=200'



ST.

12 th

ST.

ST.

ST.

BLOCK 85

BLOCK 85

11 th

ST.

ST.

BLOCK 65

BLOCK 66

BLOCK 67

10 th

COMMERCIAL
AND
PUBLIC
USES

ST.

BLOCK 59

BLOCK 58

BLOCK 57

M

L

K

J

9 th

ST.

BLOCK 145

BLOCK 144

BLOCK 143

8 th

ST.

BLOCK 39

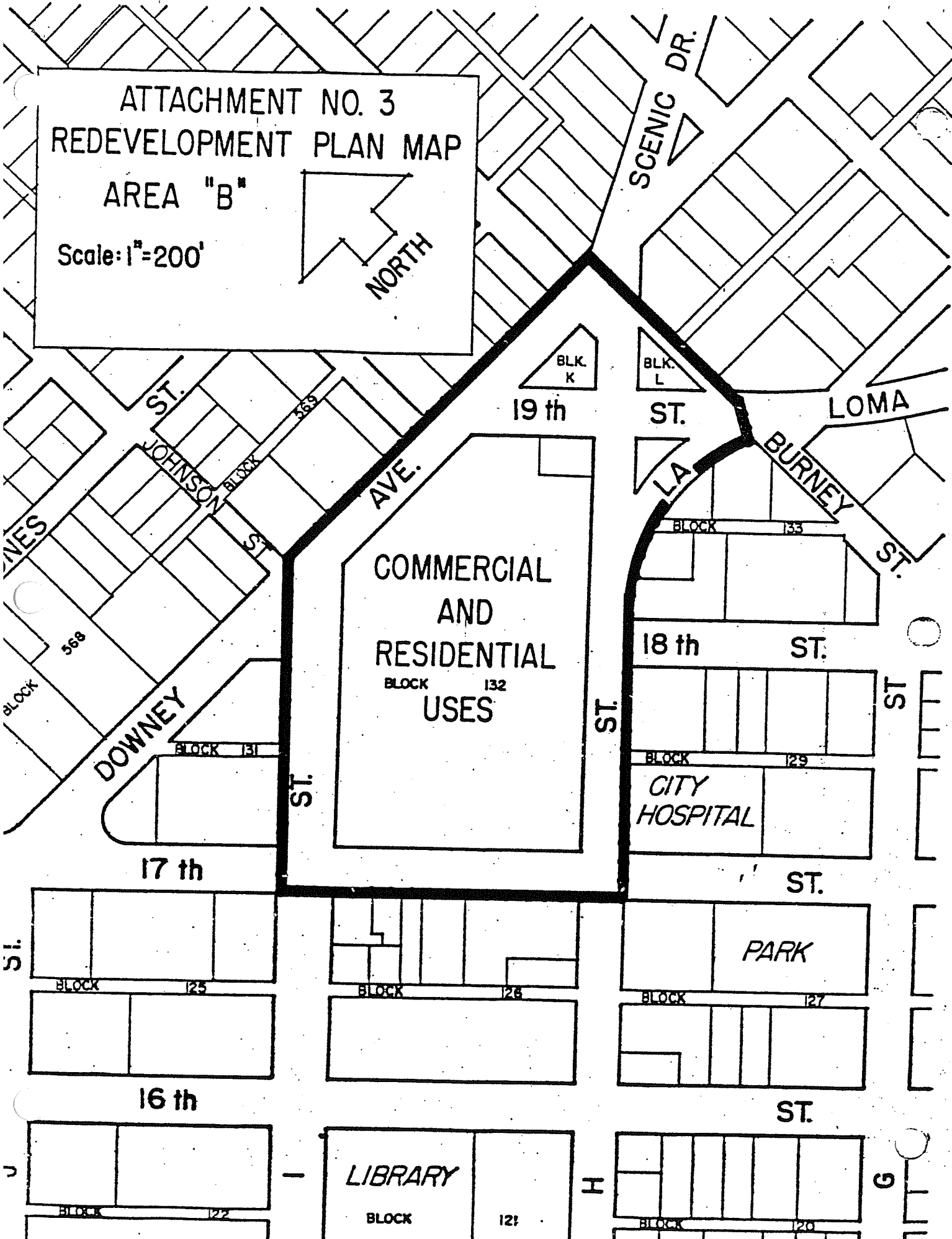
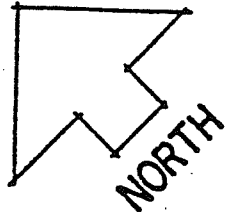
BLOCK 40

BLOCK 41

ATTACHMENT NO. 3
REDEVELOPMENT PLAN MAP

AREA "B"

Scale: 1"=200'



COMMERCIAL
AND
RESIDENTIAL
USES

BLOCK 132

CITY
HOSPITAL

LIBRARY

PARK

BLK. L

BLK. K

ST.

ST.

ST.

ST.

ST.

ST.

ST.

JOHNSON

17 th

16 th

19 th

ST.

18 th

ST.

ST.

ST.

SCENIC DR.

LOMA

BURNEY

DOWNEY

AVE.

LA

ST.

BLOCK

135

BLOCK

129

BLOCK

568

BLOCK

131

BLOCK

126

BLOCK

127

BLOCK

122

BLOCK

121

BLOCK

120

ATTACHMENT NO. 4

PROPOSED PUBLIC IMPROVEMENT PROJECTS

1. Public right-of-way (street) improvements along 8th Street, 9th Street, 10th Street, 11th Street, K Street, L Street, 17th Street, 19th Street, Burney Street, H Street, I Street, Downey Avenue and La Loma Avenue, and, if necessary, on adjacent streets both within and outside the Project Area.
2. Parking Facilities (both at grade and in structures).
3. Overhead Pedestrian Bridge across 9th Street.
4. Public Plaza.
5. Conference Center.
6. Large Theatre.
7. Small Theatre.
8. Multi-Form Room.