

## I. INTRODUCTION

The Third Amended and Restated Redevelopment Plan for the Central San Rafael Project Area (the "Amended Plan") consists of twenty-nine (29) pages of text and four (4) exhibits. This Amended Plan has been prepared by the San Rafael Redevelopment Agency, City of San Rafael, California, pursuant to the Community Redevelopment Law of the State of California, the California Constitution and all applicable laws and local ordinances.

The Redevelopment Plan was originally adopted by the City Council of the City of San Rafael on November 20, 1972, by Ordinance No. 1079, as amended by City Council Ordinance No. 1534, adopted on January 5, 1987, as amended and restated by City Council Ordinance No. 1572, adopted on October 16, 1989, as further amended by City Council Ordinance No. 1669, adopted on November 21, 1994, as further amended and restated by City Council Ordinance No. 1732, adopted on October 5, 1998, and as further amended by City Council Ordinance No. 1776, adopted on March 4, 2002. All amendments have been incorporated in this Amended Plan.

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

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

Many of the requirements contained in this Amended Plan are necessitated by and in accordance with statutory provisions in effect at the time of adoption of this Amended Plan. Such statutory provisions may be changed from time to time. In the event that any such statutory changes affect this Amended Plan's provisions or the Agency's authority to undertake certain actions, and would be applicable to the Agency, the Project, or this Amended Plan whether or not this Amended Plan were formally amended to reflect such statutory changes, then the provisions of this Amended Plan that are so affected shall be superseded by such statutory changes, to the extent necessary to be in conformity with such statutory changes.

## II. GENERAL DEFINITIONS

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

A. "Agency" means the San Rafael Redevelopment Agency, City of San Rafael, California.

B. "Blight" means those conditions as defined in the California Community Redevelopment Law, Health and Safety Code Sections 33031 and 33032.

C. "Boundary Map" means the map indicating the boundaries of the Project Area, which Boundary Map is attached hereto as Exhibit A.

D. "City" means the City of San Rafael, California.

E. "City Council" means the City Council of the City of San Rafael, California.

F. "County" means the County of Marin, California.

G. "General Plan" means the San Rafael General Plan, as it currently exists and as it may hereafter be amended, and any specific plan(s) applicable to all or portions of the Project Area that are currently in effect or may hereafter be in effect from time to time.

H. "Land Use Maps" means the maps setting forth the permitted land uses and major circulation routes within the Project Area, which Land Use Maps are attached hereto as Exhibits B and C.

I. "Owner" means any individual or entity owning fee title to, or a long-term leasehold interest in "Real Property" (as defined below) within the Project Area.

J. "Person" means any individual, or any public or private entity.

K. "Personal Property" means moveable property, chattels, and any other property not part of Real Property.

L. "Plan," "Redevelopment Plan" or "Amended Plan" means this Third Amended and Restated Redevelopment Plan for Central San Rafael Project Area.

M. "Planning Commission" means the Planning Commission of the City of San Rafael, California.

N. "Project" or "Redevelopment Project" means Central San Rafael Redevelopment Project.

O. "Project Area" or "Redevelopment Project Area" means the area included within the boundaries of Central San Rafael Redevelopment Project.

P. "Real Property" means land; including land under water and waterfront property; buildings, structures, fixtures, and improvements on the land; every estate, interest, privilege, easement, franchise, and right of land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

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

R. "State" means the State of California.

S. "Zoning Ordinance" means the Zoning Ordinance of the City of San Rafael, California, as it currently exists and as it may hereafter be amended.

### III. PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated on the Project Area Boundary Map (Exhibit A). The legal description of the boundaries of the Project Area is contained in Exhibit D attached hereto and made a part of.

### IV. GOALS AND OBJECTIVES

The Central San Rafael Redevelopment Project Area comprises the central areas of the City of San Rafael, consisting of the General Plan designated neighborhoods of Downtown, a portion of Montecito, East San Rafael, and Francisco Boulevard West. Historically, this area was the governmental, commercial, financial and industrial center of the City as well as the County of Marin. With the passage of time, this position of central importance has been eroded by the functional obsolescence of the facilities caused by aging and the development of competing facilities outside the central area. Changing market needs and increased competition have also taken their toll on the area. The need for capital improvements, the lack of adequately sized parcels, the mix of incompatible land uses, the increasing traffic congestion and the lack of comprehensive planning has hindered the revitalization and recreation of this central area.

The purpose of this Amended Plan is to renew and create economic stimulation within this area, to capitalize on the characteristics and resources unique to the area, and to re-establish the image and awareness of this area as the vital center of San Rafael. Specifically, the goals of the Amended Plan are:

1. To guide and foster revitalization, rehabilitation and new development which meets the needs of the City, the Project Area and the citizens of San Rafael and provides a stable, diversified and strong economic base.
2. To enhance the visual characteristics of the Project Area and to protect the unique natural environmental resources.
3. To provide for increased sales, business and associated revenues and benefits to the City.
4. To promote new and continuing private sector investment within the Project Area which enhances the existing business activities and facilitates the growth of commercial activity.
5. To retain existing businesses by enhancing and promoting their development and rehabilitation activities and by assisting the cooperation and participation of owners, businesses and public agencies in the growth and development of the Project Area.
6. To create local job opportunities and preserve the Project Area's existing employment base.
7. To protect the Project Area's position as a commercial center serving the City and surrounding area.
8. To eliminate deficiencies in the Project Area including an inefficient circulation system for vehicles, bicyclists and pedestrians, inadequate storm drains, insufficient and inefficient off street parking, and other similar deficiencies adversely affecting the Project Area.
9. To improve and increase the City's supply of affordable housing consistent with the Housing Element of the General Plan and the policies of the California Redevelopment Law.
10. To accomplish these goals with minimum of displacement of any property owner, resident or business person who may wish to remain within the Project Area.

## V. REDEVELOPMENT TECHNIQUES TO ACHIEVE PLAN OBJECTIVES

The redevelopment of the Central San Rafael Redevelopment Project will be undertaken in accordance with the provisions of the California Community Redevelopment Law. The Agency proposes to use the redevelopment techniques set forth in this Part V and the Redevelopment Law to achieve the goals and objectives of the Plan set forth in Part IV above.

The Agency proposes to strive for economic revitalization and beautification within the Project Area by:

- Acquisition of certain real property;
- Demolition or removal of buildings and improvements;
- Rehabilitation;
- Relocation assistance to displaced residential and non-residential occupants;
- Installation, construction, or reconstruction of streets, utilities, landscaping, and other on-site and off-site improvements;
- Disposition of property for uses in accordance with this Redevelopment Plan;
- Redevelopment of land by private enterprise or public agencies for use in accordance with this Redevelopment Plan; and
- Providing for open space and recreational land use.

A. Property Acquisition

1. Acquisition of Real Property

Except as specifically limited herein, the Agency may, but is not required to, acquire or obtain options to acquire all real property located in the Project Area by gift, devise, exchange, purchase, eminent domain or any other lawful method whatsoever. The Agency may also acquire any other interest in real property less than a fee interest.

Since it is in the public interest and is necessary for the elimination of those conditions requiring redevelopment, the power of eminent domain may be employed by the Agency to acquire real property in the Project Area. However, said power of eminent domain will not be exercised when:

a) the property in question is improved with a structure and conforms to the Redevelopment Plan and in the sole determination of the Agency, all of the following are true:

(i) the property is not needed for those specific activities proposed by the Redevelopment Project including for development by a master developer pursuant to Section B.2. below; and

- (ii) the property is not needed for the development of replacement housing for those displaced by Agency activity, if any; and
- (iii) the property is not needed for any other public improvement or facility; and
- (iv) the property is not needed to promote historical or architectural preservation; and
- (v) the property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of this Redevelopment Plan; and
- (vi) the property is not needed for the elimination of environmental deficiencies including, among others, inadequate circulation, access or street layout, hazardous materials, incompatible and mixed uses, overcrowding and small parcel size; and
- (vii) the property is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.

b) the property in question is improved with a structure and although not conforming to the Redevelopment Plan, the Agency has determined that the property and the structure can so conform (pursuant to the rules for owner participation) and the owner has thereafter entered into an owner participation agreement and is faithfully performing under the terms of the agreement;

c) the property in question is owned by a public body and that public body has not consented to the exercise of the power of eminent domain by the Agency;

d) the Agency must commence eminent domain proceedings by November 20, 2012. The time limit on commencing an action in eminent domain cannot be exercised without further amendment to the Redevelopment Plan. The Agency may acquire property by voluntary (e.g., non-eminent domain) means after the expiration of the time limit for eminent domain proceedings and prior to the expiration of the effectiveness of the Plan.

Notwithstanding the foregoing limitations, the Agency may, with the prior written consent of the affected property owner, use the power of eminent domain to acquire property within the Project Area that is otherwise excluded by the terms of this Plan from the exercise of the power of eminent domain.

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

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 property devoted to a public use, if it is transferred to private ownership before the Agency completes land disposition within the entire Project Area, unless the Agency is not authorized to acquire such property under other provisions of this Redevelopment Plan.

2. Acquisition of Personal Property

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

B. Conforming Owners and Participation by Owners and Business Tenants

1. Opportunities for Owners and Business Tenants

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

It is the intention of the Agency that Owners of parcels of Real Property within the Project Area where consistent with this Redevelopment Plan and the Owner Participation Rules, be allowed to participate in this redevelopment by: retaining all or a portion of their properties; acquiring adjacent or other properties in the Project Area; selling their properties to the Agency and purchasing other properties in the Project Area; and upgrading and developing their properties in conformance with this Redevelopment Plan.

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

In the event a participant fails or refuses to rehabilitate or develop the participant's real property pursuant to this Redevelopment Plan and/or the participation agreement, as an alternate thereto, 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 Redevelopment Plan and the adopted rules for owner participation.

The Agency may determine, either on its own direction or pursuant to a property owner's request, that certain real property within the Project Area presently meets the requirements of this Redevelopment Plan and the owners of such properties will be permitted to remain as conforming owners without a participation agreement with the Agency, provided such owners continue to operate and use the real property within the requirements of this Redevelopment Plan.

The Agency may also determine that certain real property within the Project Area is substantially in conformance with the requirements of this Redevelopment Plan and the owners of such properties shall be allowed to remain as conforming owners provided said owners adequately landscape such property.

The Agency shall not acquire, through the use of eminent domain, conforming property owned by conforming owners.

In the event any of the conforming owners desire to: 1) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or 2) acquire additional real property within the Project Area, then such conforming owners shall be required to enter into a participation agreement with the Agency in the same manner as required for owners of non-conforming properties.

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

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

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

As more fully set forth in the Agency's adopted Owner Participation Rules (as such rules may be amended from time to time), in the event the Agency determines either on its own direction or pursuant to a request of a property owner that it is in the best interest of the Project that several parcels within the Project Area be assembled and developed by a single

property owner or other entity under a master developer plan, the Agency may select and designate a master developer for the parcels based on the proposed master developer's financial and technical ability to successfully undertake and complete the development program.

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

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

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

### 3. Participation Agreements

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

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

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

C. Cooperation with Public Bodies

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

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall have the right to impose on all public bodies the planning and design controls contained in the Plan to insure that present uses and any future development by public bodies conform to the requirements of this Redevelopment Plan. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

D. Property Management

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

The Agency may in any year during which it owns property in the Project Area pay to the City of San Rafael, Marin County, or any district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes, provided that no such payment shall be made for any period during which such property is devoted to a public use.

E. Relocation of Persons Displaced

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

1. Assistance in Finding Other Locations

Currently, the Agency does not expect to displace any residents in the Project Area. However, to the extent the Agency does replace any residents, businesses or others, the Agency shall assist all households, businesses entities and others displaced by the Project, in finding other locations and facilities. There are in areas of the City of San Rafael, other than the Project Area, not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the families and persons

who may be displaced from the Project Area, decent, safe and sanitary dwellings, equal in number to the number of, and available to, such displaced families and persons which are reasonably accessible to their places of employment. In order to carry out the Project with a minimum of hardship to persons displaced from their homes, the Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing outside the Project Area for displaced persons.

2. Relocation Payments

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

3. Replacement Housing

To the extent that the activities undertaken pursuant to this Redevelopment Plan destroy or remove dwelling units housing persons and families of low or moderate income, 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 or families of low or moderate income, an equal number of replacement dwelling units at affordable housing cost as defined by Health and Safety Code Section 50052.5, within the territorial jurisdiction of the Agency, in accordance with all of the provisions of Health and Safety Code Sections 33413 and 33413.5.

F. Demolition, Clearance, Public Improvements, Building and Site Preparation

1. Demolition and Clearance

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

2. Public Improvements

As more fully set forth in Health and Safety Code Sections 33445 and 33679, the Agency is authorized to install and construct or cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements and public utilities include, but are not limited to, the construction, expansion, rehabilitation or modernization of over-or underpasses, bridges,

streets, curbs, gutters, sidewalks, public gateway and signage features, street lights, sewers, sewage treatment facilities, waste water or septic tank disposal areas, storm drains, flood control facilities, traffic signals, electrical and other energy distribution and generation systems, communication systems, fiber optic systems, fire fighting facilities, and public safety, police and criminal justice facilities, educational facilities, publicly owned health facilities, community and civic centers, natural gas distribution systems, water treatment and distribution systems, other public buildings, parks, playgrounds, and open space areas, if any, off-street parking, plazas, landscaped areas, and undergrounding of existing utilities.

3. Preparation of Buildings and Development Sites

The Agency is authorized to prepare to cause or cause to be prepared as building and development sites any real property in the Project Area owned or acquired by the Agency.

4. Hazardous Waste Remediation and Removal

The Agency may take any actions which it determines are necessary and which are consistent with other state and federal laws to remedy or remove hazardous waste on, under or from property in the Project Area in accordance with the requirements of Health and Safety Code Section 33459 - 33459.8, or any successor legislation.

G. Rehabilitation and Moving of Structures by the Agency

1. Rehabilitation

Any property which is not required for public improvements and which conforms or can be made to conform to the uses, rehabilitation standards, and other applicable controls of this Redevelopment Plan (in such a manner as to meet the objectives of this Redevelopment Plan at a cost determined to be feasible) shall be rehabilitated by the owner if he or she is willing and able to carry out such rehabilitation. The Agency is also authorized to rehabilitate or cause to be rehabilitated any building or structure in the Project Area acquired by the Agency to the extent appropriate in implementing the Plan.

The Agency may, from time to time, develop property rehabilitation standards adapted to the physical conditions prevailing in the Project Area. The property rehabilitation standards will be a combination of existing code standards and supplementary requirements as approved by the Agency for residential and non-residential properties. Property rehabilitation standards shall be: a) Established for non-residential properties, which provide for the regulation of exterior maintenance of premises, exterior and interior maintenance of structures, structural components and functional areas; b) sufficiently high for residential properties to assure improved housing that is livable, healthful, safe, physically sound, and low enough in cost for present residents to afford; c) based on performance and at a level which encourages innovation and use of improved technology and gives promise of reducing

construction costs; and d) sufficiently high to assure conformance to the objectives of the Redevelopment Plan and improvements in the general condition of the properties.

2. Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any building or other structure to a location within or outside the Project Area.

3. Assistance for Certain Private Improvements

a. For any rehabilitation project, the Agency may take any action it determines necessary and consistent with local, state and federal law to provide for seismic retrofits as provided in Health and Safety Code Section 33420.1 and any successor statute.

b. The Agency may take such actions as it determines are necessary to remove graffiti from public and private property in the Project Area pursuant to Health and Safety Code Section 33420.2 and any successor statute.

c. The Agency may establish a program under which it lends funds to owners or tenants for the purpose of rehabilitating commercial buildings or structures within the Project Area pursuant to Health and Safety Code Section 33444.5 and any successor statute.

d. The Agency may assist in financing of facilities or capital equipment, including, but not necessarily limited to pollution control devices, for properties being developed or rehabilitated for industrial or manufacturing uses within the Project Area pursuant to Health and Safety Code Section 33444.6 and any successor statute.

H. Property Disposition and Development

1. Real Property Disposition and Development

a. General

For the purposes of this Amended 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 for development for the uses permitted in the Redevelopment 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 (1) 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 Redevelopment Plan.

All purchasers or lessees of property within the Project Area shall be required to use their property for the purposes designated in this Redevelopment 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 purpose of this Redevelopment Plan.

b. Purchase and Development by Participants

To provide adequate safeguards to insure that the provisions of this Redevelopment Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Redevelopment Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the 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 reverted, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Redevelopment Plan.

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 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 non-discrimination and nonsegregation clauses as are required by law.

c. Development

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 and the cost of the installation and construction of any building, facility, structure, or other improvements either within or outside the

Project Area for itself or for any public body or entity to the extent that such improvements would be of benefit to the Project Area.

During the period of development in the Project Area, the Agency shall insure that the provisions of this Redevelopment Plan and of other documents formulated pursuant to this Redevelopment 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 Redevelopment 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 into to carry out the purposes of this Redevelopment Plan.

2. Personal Property Disposition

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

3. Developer' s Obligations

a. Use

Purchasers of land within the Project Area shall be required to develop such land in accordance with the provisions of this Redevelopment Plan. The Agency shall have the right to withhold transfer of title to the land unless complete architectural plans and specifications for the building and site shall have been submitted to, reviewed, and approved in writing, by the Agency. The Agency shall have the right to refuse to approve any such plans or specifications for grading, parking, loading, construction, landscaping and signs, when in the opinion of the Agency, such plans or specifications do not conform with the conditions and objectives of the Redevelopment Plan.

b. Time

Developers of land within the Project Area must complete development within such reasonable period of time as is agreed to with the Agency. No building shall be occupied during construction or until made to comply with all requirements as set forth herein. Every building or other structure placed on any part of the project land shall be constructed from new material except with written approval of the Agency.

c. Speculation

No developer shall resell, lease, sublease or otherwise dispose of land purchased from the Agency until the construction, as approved by the Agency, has been completed, except with the prior written consent of the Agency.

d. Covenants

No covenant, agreement, lease, conveyance, or other instrument shall be affected or executed by the Agency or by a redeveloper or any of his successors or assigns, whereby land in the Project Area is restricted on the basis of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease or rental, or in the use of occupancy thereof. Appropriate covenants running with the land which will prohibit such restrictions shall be included in the disposition instruments.

I. Implementation Plan

As part of the Agency's five (5)-year implementation plan required pursuant to Health and Safety Code Section 33490, the Agency shall establish objectives to be achieved within a specified time frame and performance measures for the elimination of blighting conditions, which objectives and performance measures may be qualitative and/or quantitative in nature as deemed appropriate by the Agency under the circumstances.

VI. PREVENTION OF DISCRIMINATION

A. Redevelopment

The redeveloper shall comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, color, creed, religion, sex, marital status, national origin, or ancestry in the sale, lease or occupancy of the property. Pursuant to California Health and Safety Code (Sections 33337 and 33435-33436), contracts entered into by the Agency relating to the sale, transfer, or leasing of land, or any interest therein acquired by the Agency within any redevelopment area or project, the provisions of said Section in substantially the form set forth therein shall be included in such contracts, and such contracts shall further provide that the provisions of said Section shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties all other transferees under the instrument.

B. Contracts

All deeds, leases or contracts for the sale, lease, sublease or other transfer or any land in the Project Area shall contain the following nondiscrimination clauses as prescribed by the California Health and Safety Code, Section 33436 (as amended):

In deeds, the following language shall appear:

"The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against, or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

In leases, the following language shall appear:

"The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions: That there shall be no discrimination against or segregation of any persons or group of persons, on account of race, color, creed, religion, sex, marital status, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

C. Duration

The covenants in deeds, leases, and contracts from or with the Agency, with respect to Prevention of Discrimination, shall remain in effect in perpetuity.

VII. PERMITTED LAND USES

A. Overview of Regulations

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

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

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

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

B. Permitted Land Uses

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

C. Land Use Maps

The Project Area Land Use Maps (Exhibits B and C) show the permitted land uses, major circulation routes and street layout, the location of proposed open space areas, and the property to be devoted to public purposes within the Project Area. The specific types of uses and activities permitted or conditionally permitted in each land use category mapped on the Project Area Land Use Maps (Exhibits B and C) are those types of uses and activities described in the General Plan for the relevant land use category. The land uses shown on the Project Area Land Use Maps (Exhibits B and C) are drawn from the Land Use Element of the General Plan and shall be deemed to be automatically modified as the Land Use Element of the General Plan may be

revised from time to time, in order to maintain conformance of this Redevelopment Plan with the General Plan, as provided in Section A and B of this Part.

D. Streets and Rights-of-Way

All streets within the Project Area may be widened, altered, or vacated for purposes of development of the Project. New streets may be created as necessary. The anticipated configuration of streets within the Project Area (including existing streets to be retained) is shown on the Project Area Land Use Maps (Exhibits B and C). These public rights-of-way shall be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in the public rights-of-way. Any and all street vacations pursuant to this Redevelopment Plan shall be in accordance with the City's public hearing requirements as well as all other applicable law including, but not limited to, those provisions set forth in the California Streets and Highways Code.

Additional public streets, alleys and easements may be created in the Project Area as appropriate for proper development, consistent with maintaining and enhancing the rustic, informal character of the area, as well as the natural environment. 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, and shall be effectuated in the manner prescribed by state and local law.

E. General Controls and Limitations

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

1. New Construction

All new construction shall comply with all applicable State and local laws and standards in effect from time to time. Parking facilities shall be provided in accordance with the criteria set forth in the General Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, and any additional standards adopted by the Agency pursuant to Section F below. All parking shall be paved and drained so that storm and surface water drainage from parcels will not cross public sidewalks. All parking spaces visible from the street shall be landscaped as necessary to prevent unsightly barren appearances. Off-street loading facilities, trash areas and any outdoor storage of materials approved by the City and/or Agency shall be

adequately enclosed or screened by walls, landscaping, or other such enclosure consistent with the applicable City ordinances.

2. Rehabilitation

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

3. Open Spaces and Landscaping

The standards for open space to be provided within the Project Area will be set forth in the General Plan and the Zoning Ordinance, as they now exist and may hereafter be amended, and are included as part of the goals and objectives of this Plan. These areas include, but are not limited to, the total of all areas which will be in the public rights-of-way, open space areas, the space around buildings, and all other outdoor areas not permitted through applicable limits of land coverage to be covered by buildings. Landscaping plans may be required to be submitted to the Agency for review and approval.

4. Non-Conforming Uses

The Agency is authorized to permit existing uses to remain and be repaired expanded and replaced, which uses do not otherwise conform to the provisions of this Redevelopment Plan, provided that such uses are determined by the City under its applicable laws and land use regulations to be acceptable, and with such conditions as the City may apply.

5. Resubdivision of Parcels

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

6. Utilities

The Agency will work with all utility companies to encourage the undergrounding of utility equipment, including, but not limited to, the following: transformer vaults or pads, water meters and valves, telephone pull boxes, manhole inlets, and drain facilities, and Cable television.

7. Signs

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

8. Variances

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

In addition, the Agency is authorized to permit variances from any development standards adopted by the Agency pursuant to Section F. In order to permit such a variance the Agency must determine that:

- a. The application of one or more of the provisions of this Redevelopment Plan would result in unnecessary hardship to the property owner; and
- 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; and
- c. Permitting a variance from the limits, restrictions, or controls of this Redevelopment Plan will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variance from the limits, restrictions or controls of such Agency development standards, regulations or policy guidelines will not be contrary to the objectives of this Plan; and
- e. The grant of variance by the Agency will not result in development that conflicts with applicable City land use standards.

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

F. Additional Standards for Development

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

1. Height and Bulk

On any building site, the height and bulk of structures shall be regulated as provided in the City's General Plan and Zoning Ordinance, as they now exist or as they may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section F above.

2. Density

The maximum permitted density of development (including dwelling unit density) on any building site shall be regulated as provided in the General Plan and Zoning Ordinance, as they may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section F above.

G. Dwelling Units

The approximate number of dwelling units within the Project Area at the time of adoption of this Amended Plan is three thousand eight hundred fifty (3,850). As provided in this Redevelopment Plan, the maximum number of dwelling units in the Project Area shall be regulated as provided in the General Plan and Zoning Ordinance, as they now exist or may hereafter be amended.

H. Building Permit

1. Review of Applications

Upon the adoption of this Redevelopment Plan, no permit shall be issued for the construction of any new building or the addition to an existing building or any permit for rehabilitation in the Project Area until the application for such permit has been processed in the

manner herein provided. Any permit that is issued hereunder must be for construction or maintenance which conforms to the provisions of this Redevelopment Plan.

The procedure for filing an application for a building permit shall be the same procedure currently used by the City in processing building permit applications. Upon receipt of an application by the Building Department, the Building Department shall submit to the Executive Director (or the authorized designee(s) of the Executive Director) of the Agency said application for review to determine if the proposed improvements conform to the Redevelopment Plan. With fifteen (15) days thereafter, the Executive Director or his or her designee(s) shall submit a report to the Building Division on said application. Said report shall:

- a) Deny the application.
- b) Approve the application.
- c) Approve the application with modifications or conditions deemed to be necessary by the Executive Director.

After receipt of the report or after fifteen (15) days from submittal of the application to the Executive Director or his or her designee(s), whichever occurs first, the Building Department shall issue the permit with conditions, if any, as set forth in the Executive Director's report, or shall deny the issuance of the permit pursuant to the Executive Director's report.

## 2. Appeal

The applicant or the Agency may appeal the Executive Director's decision to withhold, to conditionally allow or to allow the issuance of such a permit pursuant to established City procedures. The appeal will be made to the Agency Board of Directors within thirty (30) days from the date of the Executive Director's Report.

## VIII. METHODS FOR FINANCING THE PROJECT

### A. General Description of the Proposed Financing Methods

Upon adoption of this Redevelopment Plan by the City Council, the Agency is authorized to finance this Project with financial assistance from the City of San Rafael, State of California, Marin County, Federal government, property tax increments, interest income, Agency notes and bonds, or any other available source.

The advances for survey and planning and the operating capital for administration of this Project may come through loans from the City or other entities. Such loans shall be on

terms established by the City and the Agency. The City may also supply additional assistance through City loans and grants for various public facilities and other redevelopment activities.

As available, gas tax funds from the State of California, the County of Marin, and the City may be used toward the cost of the street system. It is also anticipated that there will also be some revenue accruing to the Project from interest earned on investments of Agency funds.

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

B. Tax Increments

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Marin, City, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance first adopting the 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 the 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 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 has been annexed or otherwise included after such effective date, the assessment roll of the County of Marin 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 the effective date; and

(2) Except as provided in Health and Safety Code Section 33670(e), 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, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable properties in such 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 moneys 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 may be irrevocably pledged by the Agency for the payment of the principal of and interest on money advanced, loans, or any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance in whole or in part, the Central San Rafael Redevelopment Project.

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

As to tax increment generated within the Project Area, no more than Nine Hundred Fifty Million Dollars (\$950,000,000) may be divided and allocated to the Redevelopment Agency without further amendment to this Plan.

The Agency may in any year during which it owns property in the Redevelopment Project pay directly to the City of San Rafael, County of Marin and any other taxing district with jurisdiction in the Project Area, including but not limited to any 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 such taxes.

The Agency may also pay to any taxing agency with territory located within the Project Area, other than the City of San Rafael, any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to any taxing agency by the Redevelopment Project to the extent required by law. The payments to a taxing agency in any single year shall not exceed the amount of property tax revenues which would have been received by the taxing agency if all the property tax revenues from the Project Area had been allocated to all the affected taxing agencies without regard to the division of taxes required by Health and Safety Code Section 33670, except that a greater payment may be established by agreement between the Agency and one or more taxing agencies, except a school district, if the other taxing agencies agree to defer payments of one (1) or more years in order to accomplish the purposes of the Project at an earlier time than would otherwise be the case. The amount of any greater payments shall not exceed the amount of payment deferred. The payments shall be approved by Resolution, adopted by the Agency, which shall contain findings, supported by substantial evidence, that the Project will cause or has caused a financial burden or detriment to the taxing agency and that the payments are necessary to alleviate the financial burden or detriment.

The requirement that the Agency may make payments to a taxing entity only to alleviate a financial burden or detriment, as defined in previously-existing Health and Safety Code Section 33012, and only after approval by a Resolution which contains specified findings, shall apply only to payments made by the Agency pursuant to an agreement between the Agency and a

taxing entity which is executed by the Agency on or after January 1, 1985, and prior to January 1, 1994.

C. Affordable Housing Financing

Pursuant to the Redevelopment Law (Health and Safety Code Section 33334.2), a minimum of twenty percent (20%) of all tax increments allocated to the Agency shall be used for the purposes of improving and increasing the community's supply of low- and moderate-income housing available at affordable cost, unless the Agency makes one or more of the findings specified in Health and Safety Code Section 33334.2(a).

Tax increment revenues allocated to the Agency and earmarked for housing purposes will be used to fund existing and new programs for housing development and rehabilitation in a manner consistent with the Housing Element of the City's General Plan, and/or other applicable City housing policies, as they now exist or may hereafter be amended. The permitted uses in the Project Area allow for the development of very low, low and moderate income housing.

D. Other Loans and Grants

Any other available loans, grants, or financial assistance from any other public or private source may be utilized by the Agency for purposes of the Project.

Among other financing techniques that may be employed to encourage private sector financial support for Project Area redevelopment, the Agency may, consistent with the Redevelopment Law, facilitate the formation and financing of, and may cooperate with, community development financing institutions and land trusts involved in Project Area redevelopment activities.

E. Bonds

The Agency may issue its bonds for any corporate purpose or for the purpose of refunding bonds it has previously issued. The principal and interest payable on such bonds may be paid from:

1. the income and revenues of the Project;
2. the tax increment funds allocated to the Agency;
3. the Agency's revenues generally;
4. any contributions or other financial assistance from the state or local government;

5. repayment of loans or other form of indebtedness to the Agency;
6. private parties;
7. any other source permitted by law; or
8. any combination of the above sources.

## IX. ACTIONS BY THE CITY

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

A. Acquisition of any real and personal property inside or outside the Project Area required for public use; demolition and removal of structures on such acquired property; and preparation of such property for construction. The costs to the City of such acquisition, demolition and site preparation may be reimbursed by the Agency from Project revenues.

B. Construction of any public improvements serving the purposes of this Plan. The costs to the City of such construction may be reimbursed by the Agency from Project revenues.

C. Establishment of an assessment district mechanism, to the extent permitted by applicable law including receipt of any required voter or property owner approval, to collect assessments, fees or other charges from property owners and developers within the Project Area for purposes of Project financing.

D. Initiation and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public right-of-ways, as appropriate to carry out this Plan.

E. Initiation and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area.

F. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls, within the limits of this Redevelopment Plan, upon parcels in the Project Area to ensure their proper development and use.

G. Provision for administrative enforcement of this Redevelopment Plan by the City after development.

H. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered by the City, in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary to carry out the Project.

## X. ENFORCEMENT

The administrative enforcement of this Redevelopment Plan or other documents implementing this Redevelopment Plan shall be performed by the City or the Agency.

The provisions of this Redevelopment Plan or other documents entered into pursuant to this Redevelopment 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, re-entry, injunctions, or any other remedies appropriate to the purposes of this Redevelopment Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area, may be enforced by such owners.

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

## XI. TIME LIMITATIONS

Except as provided in Health and Safety Code Sections 33333.6(g) and (h), and except for any other authority in excess of the following limits that may from time to time be granted by statute (which authority shall be deemed to be incorporated into the provisions of the Amended Plan by this reference and shall supersede the following limits):

A. The effectiveness of the Amended Plan (including, without limitation, the effectiveness of the Agency's land use controls under the Plan) shall terminate on November 20, 2012. After expiration of this time limit on the effectiveness of the Amended Plan, the Agency shall have no authority to act pursuant to the Amended Plan, except to pay previously incurred indebtedness and to enforce existing covenants, contracts, or other obligations.

B. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after November 20, 2022.

The above time limits shall not affect the validity of any bond, indebtedness, or other obligation, including, but not limited to, any agreement entered into pursuant to Health and Safety Code Section 33401, authorized by the City Council or the Agency prior to January 1, 1994. Nor shall this time limit be construed to affect the right of the Agency to receive property taxes, pursuant to Section 33670 to pay such indebtedness or other obligation.

Notwithstanding any other time limitations set forth in this Part XI, the nondiscrimination and nonsegregation provisions of this Plan shall run in perpetuity, and the affordable housing covenants imposed by the Agency with respect to development, rehabilitation, and/or preservation of Project-related affordable housing (whether inside or outside the Project Area) shall continue in effect for such period as may be determined and specified by the Agency.

This Part XI supersedes any inconsistent provision of the Plan.

## XII. SEVERABILITY

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

## XIII. PROCEDURE FOR AMENDMENT

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

## XIV. AUTHORITY OF THE AGENCY

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

EXHIBIT A  
Project Area Boundary Map

EXHIBITS B and C  
Land Use Maps of Project Area

EXHIBIT D  
Legal Description of Project Area Boundaries

**D R A F T**

**THIRD AMENDED AND RESTATED  
REDEVELOPMENT PLAN  
FOR THE  
CENTRAL SAN RAFAEL REDEVELOPMENT PROJECT**

Adopted by Ordinance No. 1079, November 20, 1972

Amended by Ordinance No. 1534, January 5, 1987

Amended and Restated by Ordinance No. 1572, October 16, 1989

Amended by Ordinance No. 1669, November 21, 1994

Amended and Restated by Ordinance No. 1732, October 5, 1998

Amended by Ordinance No. 1776, March 4, 2002

Amended and Restated by Ordinance No. \_\_\_\_\_, \_\_\_\_\_, 2002

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