

# **Community Redevelopment Agency**

## **Redevelopment Plan**

May, 2003  
(Originally Adopted July, 1999)

## **ARTICLE I**

### **INTRODUCTION**

#### **Section 100 - AUTHORITY FOR PLAN**

This Redevelopment Plan (hereinafter referred to as the "Plan") for the City of Atascadero Redevelopment Project has been prepared by the Redevelopment Agency of the City of Atascadero. The Plan has been prepared in conformance with the California Community Redevelopment Law, California Health and Safety Code Section 33000 et. seq., and with all other applicable laws and ordinances effective as of the date of adoption of the Plan. The contents of this Plan include the text set forth in the following sections, a Redevelopment Plan Map (Appendix A), a legal description and map of the Redevelopment Project Area (Appendix B), and a summary of public improvements and other activities which may be undertaken by the Agency in conformance with this Plan (Appendix C).

#### **Section 110 - DEFINITIONS**

As used in this Plan, the following terms, unless otherwise noted, are defined to mean:

- 110.1 "Project Area" means the Project Area, as depicted on the Map and the Legal Description for said area, attached hereto as Appendix "B".
- 110.2 "Agency" means the Atascadero Redevelopment Agency.
- 110.3 "Area Median Income" means the median household income of a geographic area of the State as adjusted for family size as annually estimated by the United States Department of Housing and Urban Development or, in the event such determinations are discontinued, income limits published by the State Department of Housing and Community Development (Health and Safety Code Section 50093).
- 110.4 "City Council" means the City Council of the City of Atascadero, California.
- 110.5 "Days" means calendar days, except when the last day falls on a Saturday, Sunday or legal holiday, in which case the following day is included.
- 110.6 "Downtown" means the area within the Project Area generally bounded by Highway 101, Highway 41, Bajada Avenue and Rosario Avenue.
- 110.6 "City" means the City of Atascadero, California.
- 110.7 "Legal Description" means a description of the land within the Project Area in accordance with map specifications approved by the California State Board of Equalization, attached hereto as Appendix "B".
- 110.8 "Low or Moderate Income" means persons and families whose income does not exceed the limits set forth in Health and Safety Code Section 50093.

- 110.9 "Map" means the Redevelopment Plan Map, attached hereto as Appendix "A".
- 110.10 "Occupant" means the persons, families, or businesses holding possession of a building or part of a building.
- 110.11 "Project Area" means project area, as depicted on the Map and the Legal Description for said area, attached hereto as Appendix "B".
- 110.12 "Participant" means any person, legal or natural, who holds fee title to property in the Project Area.
- 110.13 "Person" means any individual or any public or private entity.
- 110.14 "Plan" means the Redevelopment Plan for the Atascadero Redevelopment Project.
- 110.15 "Planning Commission" means the Planning Commission of the City of Atascadero, California.
- 110.16 "Real Property" means land; buildings, structures, fixtures and improvements on the land; property appurtenant to or used in connection with the land; and every estate, interest, privilege, easement, franchise, and right in land, including 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.
- 110.17 "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000 et. seq.), as to date.
- 110.18 "State" means any State agency or instrumentality of the State of California.
- 110.19 "Substantially Rehabilitated" means multi-family rented dwelling units with three or more units, single family dwelling units rehabilitated with Agency assistance where such rehabilitation constitutes at least twenty-five percent of the after-rehabilitation value of the dwelling unit, inclusive of land value.
- 110.20 "Tenant" means a person or group of persons who rent or otherwise are in lawful possession of a dwelling or business, including a sleeping room which is owned by another.
- 110.21 "Very Low Income" means persons and families whose incomes do not exceed the qualifying limits for very low income families established pursuant to Section 8 of the United States Housing Act of 1937 or, in the event such federal standards become obsolete, persons and families whose incomes do not exceed the appropriate limits as set forth in Health and Safety Code Section 50105.

**Section 120 - PROJECT AREA BOUNDARIES**

The boundaries of the City of Atascadero Redevelopment Project Area are depicted on the Map attached to, and incorporated in, this Plan as Appendix "A". A legal description of the Project Area boundaries is attached to, and incorporated in, this Plan as Appendix "B".

## **ARTICLE 2**

### **GOALS, OBJECTIVES, PRIORITIES, REQUIREMENTS AND PROCEDURES OF THE REDEVELOPMENT PLAN**

#### **Section 200 - GENERAL DISCUSSION**

Article 2 of the Plan generally establishes the goals objectives, and priorities of the Redevelopment Project and describes in broad terms the types of land uses and development standards, which will be promoted in the Project Area.

Since the Redevelopment Agency is a separate legal entity from the City of Atascadero, it is appropriate for the Agency to establish general standards and controls for construction and development activities, which are proposed to take place in the Project Area. For administrative ease and consistency, this section of the Plan adopts by reference City standards as found in the City General Plan, Zoning Ordinance, and various other building and development-related codes.

The Agency may adopt a process for administrative review to ensure that various redevelopment activities conform to the adopted standards. The Agency and the City are using the same standards. This generally assures that applicants for planning approvals and for building permits will be able to proceed as if the Agency did not exist as a separate entity as long as the development conforms with the Plan.

#### **Section 210 - OBJECTIVES OF THE REDEVELOPMENT PLAN**

The Project Area includes a number of conditions, which are specified in the California Health and Safety Code as characteristics of blight. The goal of this Plan is to eliminate such conditions of blight by providing needed public improvements; by encouraging rehabilitation and repair of deteriorated structures; by facilitating land assembly and development which will result in housing opportunities, employment opportunities and an expanded tax base; and by promoting development in accordance with the City General Plan.

The goal of the Redevelopment Plan is the revitalization of the Downtown. In pursuing attainment of this goal, overall objectives for the Redevelopment Plan are:

- 210.1 The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation.
- 210.2 The provision of opportunities for participation by owners and tenants in the revitalization of their properties.
- 210.3 The provision of adequate land for parking and open space.
- 210.4 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.
- 210.5 Expansion and diversification of the community's economic and employment base, through the facilitation of more year-round employment opportunities,

including industrial development and expansion, the removal of incompatible land uses, and the installation of public infrastructure. In addition to the Downtown area, the Agency may participate in projects for the purposes of achieving this objective in the industrial area located east of Lewis Avenue, south of Traffic Way and north of Atascadero Creek and west of Rosario/railroad tracks.

- 210.6 Improvement and revitalization of the downtown.
- 210.7 Increasing the capture of potential commercial trade.
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- 210.8 Improvement of traffic circulation consistent with the General Plan.
- 210.9 Expansion and/or improvement in the quality of the community's existing housing stock for low- and moderate-income persons, through rehabilitation, reconstruction programs.
- 210.10 Improvement of historical infrastructure deficiencies consistent with goals of the Plan—including street pavement, curb, gutter, sidewalk, sewer, water and storm drainage.
- 210.11 Creation/enhancement of recreational and cultural opportunities available to the residents of the Project Area and of the community at-large, including enhancement of Atascadero Lake Park.
- 210.12 Enhancement of the community facilities available to residents of the Project Area and supportive of the local population at-large including the expansion of the Atascadero Library.
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- 210.13 Elimination of incompatible land uses.
- 210.14 Transition of obsolete land uses or uses causing the under-utilization of the underlying land, and assembly of properties to best meet current market needs.
- 210.15 Elimination or mitigation of other existing blighting conditions and influences, including incompatible and uneconomic land uses, obsolete or substandard structures, inadequate and deteriorated public facilities, and/or small, multiple ownership, irregular or landlocked parcels.
- 210.16 Protection of significant historical buildings, including, but not limited to the City Administration Building and the Colony House.

Specific prospective projects contemplated by the Agency to attain the objectives of the City of Atascadero Redevelopment Plan are described in Appendix "C" attached hereto, and by this reference, made a part hereof.

#### **Section 220 - CONFORMANCE TO THE CITY'S GENERAL PLAN**

All uses proposed in this Plan, or any amendments to this Plan, or any other plans that may be adopted by the Agency, shall be in conformance with the General Plan of the City. In its present form, the Plan is fully consistent with all applicable

elements and provisions of the General Plan. As the General Plan is amended from time to time, the Redevelopment Plan map shall automatically be so amended .

All requirements of the City Zoning Ordinance shall apply to all uses proposed hereunder. The Agency, after consultation with the Planning Commission, may, by resolution, adopt specific plans for all or any portion of the Project Area which establish architectural controls, heights of buildings, land coverage, setback requirements, traffic circulation, traffic access, sign criteria and other development and design controls consistent with this Plan and necessary for proper development of both private and public areas within the Project Area. These controls may not reduce or eliminate requirements of the appropriate zone classification of the City Zoning Ordinance. All such specific plan or design regulations shall be administered according to applicable city regulations to eliminate multiple levels of design review.

#### **Section 230 - PROJECT AREA LAND USES**

The Redevelopment Plan Map attached hereto as Appendix "A", in addition to depicting the location of and prescribing the boundaries of the Project Area, also illustrates the proposed land uses to be permitted in the Project Area, including public rights-of-way, public easements, and open space. These uses correspond to uses prescribed in the Land Use Element of the City of Atascadero General Plan and other General Plan and Zoning Ordinance designations of the City of Atascadero. They are summarized in the following paragraphs:

- 230.1 "Residential" Uses. Areas designated on the Map as Residential shall be developed in accordance with the applicable standards for residential uses as provided for in the General Plan of the City of Atascadero.
- 230.2 "Commercial/Office" Uses. Areas designated on the Map as Commercial shall be developed in accordance with the standards for each such use as described in the General Plan of the City of Atascadero.
- 230.3 "Industrial" Uses. Areas designated on the Map as Industrial shall be developed in accordance with the standards for such uses as described in the General Plan of the City of Atascadero.
- 230.4 "Other" Uses. Areas designated on the Map as Public/Quasi-Public and Recreation/ Conservation shall be developed in accordance with the standards for such uses as described in the General Plan of the City of Atascadero.

#### **Section 240 - OTHER LAND USES FOR THE PROJECT AREA**

Section 33333 of the Community Redevelopment Law requires that a redevelopment plan contain a description of the general layout of streets for the Project Area, as well as a description of property to be devoted to public purposes and the nature of such purposes.

- 240.1 Public Street Layout, Rights-of-Way and Easements. The public rights-of-way, easements, and principal streets proposed or existing in the Project Area are shown on the Map included as Appendix "A". Such streets and rights-of-way may be widened, altered, realigned, abandoned, vacated, or closed by the Agency and the City as necessary for proper development of the project. Additional public streets, alleys, and easements may be created by the

Agency and the City in the Project Area as needed for proper circulation, in accordance with the adopted General Plan Circulation Element.

The public rights-of-way shall be used for vehicular and pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public facilities and public utilities may be retained and/or created.

240.2 Public and Quasi-Public Uses and Facilities. In any portion of the Project Area, the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or nonprofit uses. All such uses shall conform, so far as possible, with the provisions of this Plan applicable to the uses in the area involved.

240.3 Nonconforming Uses. An existing use may remain in an existing building which is in good condition when such 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 may 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 Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

#### **Section 250 - GENERAL DEVELOPMENT REQUIREMENTS**

The following requirements shall be applicable generally to all property, and development of such property, located within the boundaries of the redevelopment Project Area.

250.1 Conformance with the Redevelopment Plan. All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan except in conformance with the provisions of this Plan. Such conformity shall be ensured through the application of City General Plan requirements, zoning requirements, building codes and other development regulations as may be adopted by the City or Agency in a manner consistent with the application of such regulations outside the Project Area.

250.2 New Construction. All construction in the Project Area shall comply with and meet or exceed all applicable State and local laws in effect as from time to time, including, but not necessarily limited to: Zoning, Building, Electrical, Mechanical, and Plumbing Codes of the City of Atascadero. In addition, specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area, following appropriate public review and adoption of standards.

- 250.3 Rehabilitation and Retention of Properties. Any existing structure within the Project Area which is specifically approved by the Agency for retention and rehabilitation may be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and not detrimental to the surrounding uses. In addition to applicable development standards, property rehabilitation standards for rehabilitation of existing buildings and site improvements may be established by the Agency.
- 250.4 Limitations on Type, Size, Height, Number, Proposed Use of Buildings, and Number of Dwelling Units. The type, size, height, number, proposed use of buildings, and number of dwelling units shall be consistent with the City of Atascadero General Plan, the City of Atascadero Zoning Ordinance, any specific plan, or other requirements that may be adopted pursuant to this Plan. The number of dwelling units in the Project Area shall not exceed the number permitted under the City's General Plan.

#### **Section 260 - SPECIFIC DEVELOPMENT PROCEDURES**

- 260.1 Review of Applications for Building Permits. Upon the adoption of this Plan by the City Council and Agency after public hearing, no permit shall be issued for the construction of any new building or any addition to an existing building in the area covered by this Plan until the application for such permit has been processed in the manner herein provided. Any permit that is issued hereunder must conform to the provisions of this Plan. All applications for permits shall be made and processed in a manner consistent with all City requirements. The Agency shall be notified of pending development applications and shall have the right of comment on such plans. The City and Agency shall work cooperatively to jointly ensure the implementation of the General Plan and the Redevelopment Plan.
- 260.2 Variations. Minor variations from the limits, restrictions, and controls established by this Plan may be authorized. In order to permit such minor variations, the Agency must determine that:
1. The strict application of the provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan.
  2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not generally apply to other properties having the same standards, restrictions, and controls.
  3. Permitting a minor variation will not be materially detrimental to the public welfare or injurious to the property or improvements within or outside the Project Area.
  4. Permitting a minor variation will not be contrary to the objectives of this Plan or of the General Plan of the City.

No such minor variation shall be granted which permits substantial departure from the provisions of this Plan. In permitting any such minor variation, conditions may be imposed which are necessary to protect the public health,

safety, or welfare, and to assure compliance with the purpose of this Plan. Nondiscrimination and nonsegregation clauses shall not be subject to minor variation. Variation permitted under this section shall be considered and reviewed in a manner consistent with development regulations which are applied outside of the Project Area through City design review, conditional use permits, variances, changes in zoning requirements, etc. The Agency shall be notified of all projects and have rights of comment. Agency and City shall cooperate in such review to the maximum degree possible.

## **ARTICLE 3**

### **TECHNIQUES TO ACHIEVE REDEVELOPMENT OBJECTIVES**

Under existing law, a redevelopment plan is essentially an authorization document, setting forth the scope and types of activities which the Agency will be permitted to undertake, or alternatively, the nature of and manner in which certain activities must be undertaken, in pursuit of the attainment of local redevelopment objectives.

Redevelopment Law generally specifies that a redevelopment agency should only undertake projects, which would not occur without the involvement or assistance of the Agency. This means that an Agency, in the course of its activities, will focus on those projects which cannot be achieved by private enterprise or by local municipal government acting alone, because such projects are outside the legal authority or beyond the financial capacity of such entities. In order for a redevelopment agency to successfully undertake projects, which cannot be achieved by private enterprise or by local municipal government, it is necessary for the Agency to have certain "tools" with which to operate. The tools which redevelopment agencies may use in implementing redevelopment in a community are specifically set forth in Redevelopment Law. The following section both authorizes and limits the use of these tools by the Atascadero Redevelopment Agency in implementing the Plan for the Atascadero Redevelopment Project.

#### **Section 300 - SUMMARY**

To attain the objectives of this Plan, the Atascadero Redevelopment Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law, and to undertake the following implementation actions:

- 300.1 Provision for participation by owners and tenants of properties located in the Project Area and extension of preferences to business occupants and other tenants to remain or relocate within the redevelopment area;
- 300.2 Acquisition of real property and management of property under the ownership and control of the Agency;
- 300.3 Relocation assistance to displaced Project Area occupants;
- 300.4 Demolition or removal of buildings and improvements;
- 300.5 Installation, construction, or reconstruction of streets, utilities, open spaces and other public improvements and facilities;
- 300.6 Disposition of property for uses in accordance with this Plan;
- 300.7 Development and redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;
- 300.8 Rehabilitation of structures and improvements by present owners, their successors, or the Agency;

300.9 Rehabilitation of low and moderate income housing within the community;  
and

300.10 Assembly of adequate sites for the development and construction of  
commercial/industrial facilities.

### **Section 310 - PARTICIPATION BY OWNERS AND TENANTS**

It is the intent of the Agency to give preferential treatment to existing owners of residential, business and other types of real property in the Project Area for participation in the redevelopment of the area.

310.1 Conforming Owners. The Agency may determine that certain real property within the Project Area presently meets the requirements of this 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, use and maintain the real property within the requirements of this Plan. The Agency shall, upon the request of such conforming owner, issue to that owner, in a form suitable for recordation, a Certificate of Conformance which shall provide in substance that the property conforms to the requirements of this Plan on the date of the certificate's issuance.

The Agency may also determine that certain real property within the Project Area is in substantial conformance with the requirements of this Plan, and the owners of such property may be allowed to remain as conforming owners, except that such owners may be required to bring their property, to the extent possible, into greater conformance with this Plan. "Substantial conformance" shall mean the absence of blighting conditions identified in the Report to Council adopted with the Plan. Such Certificates of Conformity may be limited to a fixed term and may contain conditions.

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

310.2 Participation Opportunities for Owners. Persons who are owners of real property in the Project Area shall be given the opportunity to participate in redevelopment by retaining all or a portion of their properties and developing or improving such property for use in accordance with this Plan, by acquiring adjacent or other properties in the Project Area and developing or improving such property for use in accordance with this Plan, or where the Agency deems appropriate, by selling their properties to the Agency and purchasing other property or properties in the Project Area.

The Agency specifically intends to limit its acquisition of real property to those properties, which are essential to accomplishing the objectives of this Plan. Persons who own property within the Project Area shall be afforded ample opportunities to retain and develop or rehabilitate their properties consistent with the objectives of this Plan.

310.3 Re-Entry Preferences for Tenants. 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 re-enter in business within the Project Area if they otherwise meet the requirements prescribed in this Plan. The Agency shall also extend reasonable preferences to Project Area residents to re-enter within the redevelopment area if they otherwise meet the requirements prescribed in this Plan. Business, residential, institutional and semi-public tenants shall be permitted, if they so desire, to purchase and develop real property in the Project Area if they otherwise meet the requirements prescribed in this Plan.

310.4 Rules for Participation Opportunities. Participation opportunities shall necessarily be subject to and limited by such factors as the land uses designated for the Project Area, the provision of public facilities, construction, widening or realignment of streets, the ability of Participants to finance acquisition and development of structures in accordance with this Plan, or any change in the total number of individual parcels in the Project Area.

In order to provide an opportunity to owners and tenants to participate in the growth and development of the Project Area, the Agency has promulgated rules for owner and tenant participation. 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 present occupancy, Participant's length of residency or occupancy in the area, accommodation of as many participants as possible, similar land use to similar land use, necessity to assemble sites, conformity of Participants' proposals with the intent and objectives of this Plan, and Participant's ability to finance the implementation and development experience.

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

The Agency may require Participants to enter into binding agreements with the Agency by which Participants agree to develop, rehabilitate, or use and maintain the property in conformance with this Plan and be subject to the provisions in the participation agreement. In such agreements, Participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of the agreement 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 a Participant fails or refuses to rehabilitate, develop, use and maintain his real property pursuant to this Plan, despite Agency's efforts to assist the owner through a participation agreement, the real property, or any interest therein, may be acquired by the Agency, in conformance with State property acquisition and tenant relocation guidelines and the payment of just compensation, and subsequently sold or leased for rehabilitation or development in accordance with this Plan.

## **Section 320 - PROPERTY ACQUISITION AND MANAGEMENT**

- 320.1 Acquisition of Real Property. The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, purchase, or any other lawful method including eminent domain. However, eminent domain shall not be used for any of the following:
- a) property zoned residential, according to the Atascadero Zoning Ordinance,
  - b) property used for residential purposes.
  - c) property that is a conforming use as defined by the Atascadero General Plan and the Atascadero Zoning Ordinance.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than fee title. Condemnation proceedings must be commenced within 12 years from the effective date of the ordinance adopting the Plan. Eminent domain shall only be used as a last resort, and shall require the unanimous vote of Agency Board members eligible and qualified to vote.

Through the adoption of this Plan, the Agency has not designated and/or identified any particular parcel of property or properties to be acquired through eminent domain.

In the event that it is determined that a particular portion of any real property is required pursuant to the conditions stated above, for the above stated uses, then the power of eminent domain shall not be exercised until a public hearing has been held before the Agency, with written notice of the said hearing given to all affected property owners as may be indicated on the latest tax assessment records, not less than sixty (60) days prior to said hearing.

Prior to any acquisition through eminent domain, the Agency shall adopt a resolution declaring a need to acquire any specific property there under within three (3) years after the date of adoption of the resolution declaring such need.

Thereafter, the Agency shall declare the property to be exempt from acquisition by eminent domain.

Thirty days prior to the acquisition of real property other than by eminent domain, the Agency shall provide notice of such acquisition and the provisions of this section to holders of interests, which would be made void and unenforceable pursuant to this section as follows:

- a. The Agency shall publish notice once in a newspaper of general circulation in the community in which the Agency is functioning.
- b. The Agency shall mail notices to holders of such interests if such holders appear on record sixty (60) days prior to the date of acquisition.

The Agency may accept any release by written instrument from the holder of any such interest, or may commence action to acquire such interest, after the date of the acquisition of the real property.

- 320.2 Community Input Prior to Property Acquisition by the Agency. Except for those properties which are found to be necessary for the development and implementation of ultimate street right of way and utility improvements, the Agency shall conduct a public hearing with notice of same given by publication in a general circulation newspaper for a period of not less than ten (10) days prior to the hearing. Said public hearing shall be scheduled to discuss the merits of such acquisition and plans for redevelopment. The Agency shall encourage the input, recommendations, and comments from the community and interested citizens and groups involved in any such acquisition or development proposals.
- 320.3 Acquisition of Personal Property. Generally, personal property shall not be acquired. However, where necessary for the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.
- 320.4 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 maintained, managed, operated, repaired, cleaned, rented, or leased to an individual, family, business, or other appropriate entity by the Agency, pending its disposition for redevelopment. The Agency shall maintain in a reasonably safe and sanitary condition all Agency-owned property that is not to be demolished. Furthermore, the Agency may insure against risks or hazards, any of the real or personal property which it owns.

#### Section 330 - RELOCATION OF PERSONS, FAMILIES AND BUSINESSES

- 330.1 Relocation Assistance. Relocation assistance will be furnished by the Agency to any person (either owners or renters) or business concern displaced by the Project. No person shall be displaced by the Project unless replacement housing is available in areas not generally less desirable with regard to public utilities, public and commercial facilities, and reasonably accessible to the place of employment, at rents or prices within the financial means of such persons, and the replacement dwelling unit is decent, safe and sanitary.
- 330.2 Relocation Plan. Prior to implementing a project that will relocate persons, the Agency shall prepare a feasible plan for relocation of all the following which might be impacted by the redevelopment project:
- a. Families and persons to be temporarily or permanently displaced from housing facilities in the Project Area.
  - b. Nonprofit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes in the Project Area.

The City Council shall ensure that the Agency's plan for the relocation of families or single persons to be displaced by a project shall provide that no

persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace such person or family until such housing units are available and ready for occupancy.

- 330.3 Relocation Payments. The Agency shall make relocation payments to qualified persons (including individuals and families), businesses and others displaced by the project. 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, and guidelines promulgated by the State Department of Housing and Community Development. In addition, the Agency may make any additional relocation payments, which, in the Agency's opinion, may be reasonably necessary to carry out the purposes of this Plan. These additional payments shall be subject to the availability of funds for such purpose.

#### **Section 340 - DEMOLITION, CLEARANCE, SITE PREPARATION, PROJECT IMPROVEMENTS AND PUBLIC IMPROVEMENTS**

- 340.1 Demolition and Clearance. The Agency is authorized to demolish and clear or move, or cause to be demolished and cleared or moved, buildings, structures, and other improvements from any city-owned, Agency owned or privately owned real property in the Project Area pursuant to a redevelopment agreement as necessary to carry out the purposes of this Plan.
- 340.2 Building Site Preparation. 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.
- 340.3 Project Improvements. Pursuant to Section 33421 of the California Community Redevelopment Law, the Agency is authorized to install and construct, or to cause to be installed and constructed, project improvements and public utilities necessary to carry out this Plan. Such improvements include, but are not limited to, streets, curbs, gutters, street lights, over and underpasses, utilities, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, parking facilities, landscaped areas, fire hydrants, parks, playgrounds and other public improvements.

Without the prior approval of 2/3rds of the City Council, the Agency may not use its authority pursuant to this subsection to develop a site for industrial or commercial use so as to provide streets, sidewalks, utilities or other improvements which an owner or operator of the site would otherwise be obliged to provide. In giving such consent, the City Council shall make a finding that the provision of such improvements is necessary to effectuate the purposes of this Plan and shall meet all other requirements of Redevelopment Law.

340.4 Public Improvements. Pursuant to Section 33445 of the California Community Redevelopment Law, the Agency may, with the consent of the City Council, pay all or part of the value of the land for, and the cost of the installation and construction of, any building, facility, structure or other improvement which is publicly owned, either outside or inside the Project Area, if the City Council and Agency make the appropriate findings and determinations as set forth in Section 33445. Such determinations by the Agency and the City Council shall be final and conclusive. The construction or rehabilitation of a building that is, or that will be used as, a city hall or county administration building shall not be funded by the Agency, either directly or indirectly, with tax increment funds except as prescribed in Section 33445(g) of the California Community Redevelopment Law.

The Agency is specifically authorized to provide, or participate in providing, the public improvements and facilities described in Appendix "C" attached to, and incorporated in, this Plan, provided the public improvements meet the objectives of this Plan.

340.5 Temporary Public Improvements. The Agency is authorized to install and construct, or cause to be installed and constructed, temporary public improvements and temporary public utilities necessary to carry out this Plan. Such temporary public improvements shall include, but not be limited to, streets, public facilities and utilities. Temporary utilities may be installed above ground.

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#### **Section 350 - PROPERTY DISPOSITION AND DEVELOPMENT**

350.1 General Requirements. For the purpose 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 or personal property. In the manner required, and to the extent permitted by law, before any interest in property of the Agency acquired in whole or in part, directly or indirectly, with tax increment monies is sold, leased or otherwise disposed of for development pursuant to this Plan, such sale, lease or disposition shall first be approved by the City Council by resolution after public hearing, noticed as required by law. The Agency shall lease or sell all real property acquired by it in the Project Area, except property conveyed by it to the community.

All real property acquired by the Agency in the Project Area shall be sold or leased for development for uses permitted under this Plan. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation, or an annual report concerning such property shall be published by the Agency as required by Section 33443 of the California Health and Safety Code.

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

To the extent permitted by law, the Agency is authorized to dispose of real property through lease or sale by negotiation without public bidding, but only after a public hearing with notice as required by law. Real property may be conveyed by the Agency to the City or any other public body without charge.

Any property acquired from the Agency pursuant to the Redevelopment Plan shall not be the subject of real estate speculation.

350.2 Disposition and Development Documents. To provide adequate safeguards ensuring 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 shall be made subject to the provisions of this Plan by lease, deed, contracts, agreements, declaration or other lawful means. 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.

The leases, deeds, contracts, agreements and declarations of restrictions may contain restrictions, covenants running with the land, rights of reversion, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan. Where determined appropriate by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County of San Luis Obispo.

All deeds, leases, or contracts for the sale, lease, sublease or other transfer of any land in a redevelopment project shall conform to the provisions and nondiscrimination clauses outlined in the following paragraphs.

Restricting the rental, sale or lease of property on the basis of race, color, creed, religion, sex, marital status, ancestry or national origin of any person by lessees and purchasers of real property acquired in redevelopment projects and owners of property improved as part of a redevelopment project is prohibited. Redevelopment agencies, in accordance with Section 33435 of the California Health and Safety Code, shall obligate said lessees and purchasers to refrain from discriminatory practices.

In accordance with Section 33436 of the California Health and Safety Code, leases and contracts that the Agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of any real property in the Project Area shall include the following provisions:

In deeds, the following language shall appear: *"The grantee herein covenants by and for himself, his heirs, executors, administrator 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 himself, or any person claiming under or through him, 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, sub-*

*lessees 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, his heirs, executors, administrators and assigns, and all persons claiming under or through him, 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 person or groups 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 any person claiming under or through him, 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, sub-lessees, subtenants, or vendees in the premises herein leased."*

In 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 Survey Area or Project Area, the foregoing provisions, in substantially the form set forth, shall be included, and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

350.3 Design for Development. In order to effectuate this provision, all projects in the Project Area shall be subject to normal City review and approval procedures to adopted special applicable Agency guidelines. Agency and City shall cooperate to the maximum degree possible. In the case of property, which is the subject of a disposition and development or participation agreement with the Agency, it shall be constructed in accordance with architectural, landscape and site plans submitted to and approved in writing by the Agency. Development plans shall be submitted to the City for approval and review in conformance with City codes and regulations. All development must conform to this Plan and to all federal, State and local laws, as from time to time, and must receive the approval of appropriate public agencies.

350.4 Development by Agency. To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any buildings, facilities, structures or other improvements, either within or outside the Project Area, as set forth in Section 340. During the period of development in the Project Area, the Agency shall ensure that the provisions of the Plan and other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

In addition to the public improvements authorized under Section 340.4, the Agency may pay for, install or construct the buildings, facilities, structures or other improvements identified in Appendix "C" hereto, and may acquire or pay for the land required therefore.

Any participation by the Agency in the development of property shall require a two-thirds majority vote of the Board eligible and qualified to vote for such authority or agreement.

## **Section 360 - REHABILITATION OF STRUCTURES**

360.1 Rehabilitation of Structures. The Agency is authorized to adopt Property Rehabilitation Standards and 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 financially assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency.

The Agency and/or the City may conduct a rehabilitation program to encourage owners of property within the Project Area to upgrade and maintain their property consistent with City codes and standards and with Property Rehabilitation Standards, which may be adopted by the Agency. The Agency and/or the City may develop a program for making low interest loans for the rehabilitation of commercial properties in the Project Area.

360.2 Moving of Structures. As is necessary in carrying out this Plan and where it is economically feasible to do so, the Agency is authorized to move, or cause to be moved, any standard structure or building which can be rehabilitated to a location within or outside the Project Area, provided that all requisite requirements of Redevelopment Law have been met.

360.3 Buildings of Historical Significance. Special consideration shall be given to the protection, rehabilitation or restoration of any structure determined to be historically significant by the City, State Office of Historic Preservation or Department of the Interior, taking into consideration State guidelines and local registries and listings.

## **ARTICLE 4**

### **LOW AND MODERATE INCOME HOUSING**

#### **Section 400 - REQUIREMENT FOR TWENTY PERCENT OF TAX INCREMENT REVENUES TO BE USED FOR HOUSING**

No less than twenty percent (20%) of all taxes allocated to the Agency pursuant to Section 33670 of the California Health and Safety Code shall be used by the Agency for the purposes of increasing, improving and preserving the City's supply of housing for persons and families of low or moderate income, unless certain findings are made annually as required by Section 33334.2 to lessen or exempt such requirement.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions set forth in this Plan and the Community Redevelopment Law. 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 Section 33334.2 of the Health and Safety Code.

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.

#### **Section 410 - LOW AND MODERATE INCOME HOUSING AND REPLACEMENT HOUSING**

In carrying out the activities contemplated in this Plan, it may become necessary, from time to time, for the Agency to enter into various agreements, such as an agreement for acquisition of real property, an agreement for the disposition and development of property, or an owner participation agreement, which would lead to the destruction or removal of dwelling units from the low and moderate income housing market. Not less than thirty (30) days prior to the execution of such an agreement which would lead to destruction or removal of low and moderate income dwelling units, the Agency shall adopt, by resolution, a Replacement Housing Plan pursuant to Section 33413.5 of the Health and Safety Code. A dwelling unit whose replacement is required by Section 33413 of the California Health and Safety Code, but for which no Replacement Housing Plan has been prepared, shall not be removed from the low and moderate income housing market, except as set forth in Section 33413.5.

For a reasonable period of time prior to adopting a Replacement Housing Plan, the Agency shall make available a draft of the proposed Plan for review and comments by public agencies and the general public.

In accordance with Section 33334.5 of the Health and Safety Code, 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 housing costs 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 the Health and Safety Code.

**Section 420 - PROVISION OF LOW AND MODERATE INCOME HOUSING**

To carry out the purposes of this Article 4, the Agency may, to the extent permitted by law, acquire land, donate land, improve sites, or construct or rehabilitate structures or exercise any or all of its powers authorized under Section 33334.2 of the Health and Safety Code in order to provide housing for persons and families of low or moderate income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing within the City. The Agency may enter into agreements with appropriate organizations for the purpose of increasing and improving the City's supply of low or moderate-income housing. The Agency shall provide preference to projects and activities within the Project Area for the purposes of this provision.

**Section 430 - NEW OR REHABILITATED DWELLING UNITS DEVELOPED WITHIN THE PROJECT AREA**

In accordance with Section 33413 of the Health and Safety Code, at least thirty percent (30%) of all new and substantially rehabilitated dwelling units developed by the Agency shall be available at affordable housing costs to persons and families of low or moderate income; and, of such thirty percent (30%), not less than fifty percent (50%) thereof shall be available at affordable housing costs to, and occupied by very low income households.

At least fifteen percent (15%) of all new and substantially rehabilitated dwelling units developed by public or private entities or persons other than the Agency shall be available at affordable housing costs to persons and families of low or moderate income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be available at affordable housing cost to very low income households.

The percentage requirements set forth in this section shall apply in the aggregate to housing in the entire Project Area and not to each individual case of rehabilitation, development or construction of dwelling units.

The Agency shall require, by contract or other appropriate means, that whenever any low or moderate income housing units are developed within the Project Area, such units shall be made available on a priority basis for rent or purchase, whichever the case may be, to persons and families of low or moderate income who are displaced by the project; provided, however, that failure to give such priority shall not affect the validity of title to the real property upon which such housing units have been developed.

The requirements set forth in this Section are independent of the requirements set forth in Section 410. The Agency, as part of the Implementation Plan to be prepared as set forth in Section 650, shall adopt a plan to comply with and ensure compliance with the requirements of this Section in accordance with Section 33413 of the Health and Safety Code.

**Section 440 - DURATION OF DWELLING UNIT AVAILABILITY**

The Agency shall require that the aggregate number of dwelling units rehabilitated, developed or constructed for low or moderate income persons and families as set forth in Section 430 above shall remain for persons and families of low, moderate income or very low income households, respectively, for not less than the period of time set forth in Section 33413 of the Health and Safety Code.

**Section 450 - LAST RESORT HOUSING**

If sufficient suitable housing units are not available in the City for use by persons and families of low or moderate income displaced by the project, the Agency may, to the extent of that deficiency, direct or cause the development, rehabilitation or construction of housing units within the City, both inside and outside the Project Area.

## **ARTICLE 5**

### **PROJECT FINANCING**

#### **Section 500 - FRAMEWORK**

Redevelopment agencies are not allowed to levy property taxes of any kind. Therefore, agencies primarily finance their various projects and implementation activities through tax increment financing. Tax increments are derived from property taxes which result from increases in assessed valuation of property in a Project Area, once a Redevelopment Plan has been adopted. Such assessed valuation increases can only occur from new development, from property improvements, from property sales or transfer, or from an annual inflationary increase (up to 2%) as allowed by Proposition 13.

Because of the limitations of Proposition 13, the basic property tax levy is one percent of the assessed valuation of property. With this one percent limitation, a redevelopment agency may receive up to \$10,000 annually for every million dollars of increased assessed valuation, which occurs in a Project Area subsequent to the adoption of a Redevelopment Plan. Such funds flow to the Agency each year until project completion, and then only to the extent that the agency has indebtedness which must be repaid.

In addition to tax increment revenues, an agency is legally authorized to utilize other funds, such as federal or State grants and various loans and notes, and utilize various types of bond financing to finance its activities. This section of the Plan describes the financing tools the Agency may utilize and the limitations on those tools.

#### **Section 510 - GENERAL DESCRIPTION OF PROPOSED FINANCING METHODS**

The Agency is authorized to finance the project with assistance from the City, State of California, United States Government, any other public agency, from property tax increments, interest revenue, income revenue, Agency-issued notes and bonds, loans from private financial institutions, the sale or lease of Agency-owned property, or from any other available sources of financing which are legally available and do not conflict with the objectives of the adopted Redevelopment Plan.

The City may supply advances and expend money as necessary to assist the Agency in carrying out the project. Such assistance shall be on terms established by an agreement between the City and the Agency.

#### **Section 520 - TAX INCREMENTS**

Pursuant to Section 33670 of the California Health and Safety Code, all taxes levied upon taxable property within the City of Atascadero each year by or for the benefit of the State of California, County of San Luis Obispo, City of Atascadero, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided as follows:

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 redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated and collected shall be paid to the respective taxing agencies as taxes by or for the 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 in a redevelopment project on the effective date of such ordinance but to which that territory has been annexed or otherwise included after such effective date, the assessment roll of the County of San Luis Obispo last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project Area on the effective date); and that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this redevelopment project and payment to taxing agencies pursuant to Section 530. Unless and until the total assessed value of the taxable property in the Project Area exceeds the total assessed value of the taxable property in the Project Area as shown on the last equalized assessment roll, 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 such bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

That portion of taxes discussed in this section is hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or the making of loans, the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance in whole or in part the Atascadero Redevelopment Project.

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

#### **Section 530 - PAYMENTS TO TAXING AGENCIES**

Commencing with the first fiscal year in which the Agency receives tax increments and continuing through the last fiscal year in which the Agency receives tax increments with respect to the Area, the Agency shall pay to any taxing agency with territory located within the Project Area an amount calculated pursuant to Section 33607.5 of the California Community Redevelopment Law as that section is in effect at the time of adoption of the Ordinance adopting the Plan.

#### **Section 540 - ISSUANCE OF BONDS AND NOTES**

The Agency may issue bonds or notes when a determination has been made that such financing is required and feasible. Such bonds or notes shall be issued only

after the Agency has determined that funds are, or will be, available to repay principal and interest when due and payable. 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.

#### **Section 550 - LOANS AND GRANTS**

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

#### **Section 560 - LOW AND MODERATE INCOME HOUSING FUND**

Subject to the provisions of Section 400 of this Plan, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Section 33670 and Section 520 of this Plan shall be held in a separate low and moderate income housing fund and used by the Agency for the purposes of increasing, improving and preserving the community's supply of housing for persons and families of low or moderate income, as set forth in the Community Redevelopment Law.

#### **Section 570 - FINANCING LIMITATIONS**

Consistent with Sections 33333.2 and 33334.1 of the California Community Redevelopment Law, the following financing limitations are imposed on this Plan:

570.1 No loans, advances or indebtedness to finance, in whole or in part, the project and to be repaid from the allocation of these taxes described in the before-mentioned Section 33670 shall be established or incurred by the Agency beyond twenty (20) years from the date of adoption of the Redevelopment Plan.

These limits, however, shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the California Community Redevelopment Law.

570.2 The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after forty-five (45) years from the adoption of the Redevelopment Plan adding the Added Area to the Project Area.

570.3 From time to time as may be appropriate, the Agency may issue bonds and/or notes for any of its corporate purposes. The Agency may issue such

types of bonds on which the principal and interest are payable in whole or in part from tax increments. The total outstanding principal of any bonds so issued and payable from said tax increments shall not exceed \$25 million at any one time except by amendment of this Plan.

- 570.4 Any loan from the City to the Agency requires approval of a majority of the City Council eligible and qualified to vote and a majority of the Agency Board of Directors eligible and qualified to vote.
- 570.5 The Agency shall not issue tax revenue bonds without adequate insurance or other security protecting its revenue sources and shall require authorization by a majority vote of the Agency Board of Directors eligible and qualified to vote.
- 570.6 Any General Obligation Bond, as defined in Article XIII A, Section 1(b) of the California Constitution issued by the Agency shall require the affirmative vote of two-thirds of the voters voting in a general or special election.

## **ARTICLE 6**

### **PLAN ADMINISTRATION**

#### **Section 600 - GENERAL DISCUSSION**

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, re-entry, 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.

#### **Section 610 - TERM OF THIS PLAN'S DEVELOPMENT CONTROLS**

Except for the nondiscrimination and nonsegregation provisions, which shall run in perpetuity, the Agency shall have authority to act pursuant to this Plan for a period not to exceed thirty (30) years from the date of adoption of the amendment to the Redevelopment Plan. After this time limit, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to Section 33413 of the California Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under said Section 33413, including its ability to incur and pay indebtedness for this purpose.

#### **Section 620 - COOPERATION BETWEEN AGENCY AND CITY**

Subject to any limitation in law, the City will aid and cooperate with the Agency in carrying out this Plan and may take any further action necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread of blight or those conditions which caused the blight in the Project Area. Actions by the City may include, but are not necessarily limited to, the following:

- 620.1 Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way, and for other necessary modifications of the streets, the street layout and other public rights-of-way in the Project Area. Such action by the City may include the abandonment and relocation of public utilities in the public rights-of-way as necessary to carry out this Plan.
- 620.2 Institution and completion of proceedings necessary for changes and improvements in publicly owned public utilities within or affecting the Project Area.

- 620.3 Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- 620.4 Imposition wherever necessary of appropriate design controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- 620.5 Provision for administration/enforcement of this Plan by the City after development.
- 620.6 Preservation of historical sites.
- 620.7 Performance of the above and of all other functions and services relating to public health, safety and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- 620.8 The initiation and completion of any other proceedings necessary to carry out the project.

The Agency is authorized, but not obligated, to provide and expend funds to ensure the completion of the project as a whole in accordance with this Plan. The obligation of the Agency to perform the actions indicated in this section shall be contingent upon the continued availability of funding for this project primarily from tax increment revenues as defined in Section 520 hereof. However, the Agency may utilize any legally available sources of revenue for funding projects in accordance with this Plan.

#### **Section 630 - COOPERATION WITH OTHER PUBLIC AGENCIES**

Certain public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning, 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. However, the Agency will seek the cooperation of all public bodies that own or intend to acquire property in the Project Area. Any public body that 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, to the extent permitted by law.

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, structure or other improvements (within or without the Project Area) which land, buildings, facilities, structure or other improvements are or would be of benefit to the Project.

**Section 640 - PROCEDURES FOR AMENDING THIS PLAN**

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

The approval of any amendment to this plan requires a two-thirds majority vote of the City Council eligible and qualified to vote. This paragraph is not severable from the rest of this ordinance. Should a court of competent jurisdiction hold the provisions of this paragraph to be void or otherwise unenforceable, then the entire ordinance shall likewise be void and unenforceable. In the event that the ordinance becomes void and unenforceable, the Agency shall cease activities and operations as established by California Redevelopment Law.

## Article 7

### Implementation Plan

#### **Section 700 - IMPLEMENTATION PLAN**

The Agency shall prepare and adopt an Implementation Plan every five years pursuant to Section 33490 of the California Community Redevelopment Law. In addition to meeting the provisions of Section 33490 of the California Community Redevelopment Law, the Agency shall include any and all projects that have yet to be completed from a prior Implementation Plan.

The initial implementation plan, summarized below, may only be amended by amendment of the redevelopment plan. Such amendment shall fall within the scope of an addition or change in major capital projects as described in California Redevelopment Law. This initial implementation plan shall expire five years after the adoption of the Redevelopment Plan; thereafter the Agency shall, by majority vote of the Agency Board, adopt an implementation plan in conformance with Section 33490 of the Health and Safety Code, or amend it in the manner provided herein.

#### **Section 710 – CRITERIA FOR PROJECT SELECTION**

The overall goal of the Atascadero Redevelopment Agency is to eliminate constraints to private investment to ensure continued growth of industrial, commercial and residential development. In the implementation of the goal, the Agency will, from year to year, make recommendations regarding specific projects or public improvements to be undertaken. Projects are to be selected according to the following criteria:

- 710.1 Projects that meet the objectives of the Plan.
- 710.2 Projects that directly and immediately leverage new development in the downtown area.
- 710.3 Public improvement projects that improve historical infrastructure deficiencies.
- 710.4 Housing programs to meet the following needs:
  - (a) Rehabilitation
  - (b) Replacement housing needs.
  - (c) Neighborhood residential conservation and preservation.
  - (d) Development of new, affordable units.
- 710.5 Projects that meet the City's economic investment guidelines.

## **Section 720 – GOALS, OBJECTIVES AND PROGRAMS FOR INITIAL PLAN**

**The Agency's goals and objectives for the initial Implementation Plan for the Atascadero Redevelopment Project shall be as follows:**

### **720.1 Improvement of the Downtown Area which is generally bounded by Highway 101, Highway 41, Bajada Avenue and Rosario Avenue. Potential projects include the following:**

Financial and technical assistance to Main Street program, Business Improvement District or other merchant/owner based downtown improvement organization. The Agency will support the Main Street program and assist the community in its involvement. Main Street is a broad-based community effort aimed at revitalizing downtown with existing physical and people resources. The Agency will provide the financial support necessary to stimulate community involvement.

Improvement of El Camino and Traffic Way intersection. This project includes the development of downtown compatible uses at each corner. Improved public infrastructure and streetscape accentuating an entrance to downtown.

Improvement of the Carlton Hotel as a focal of downtown. This project includes the revitalization of the Carlton. The Agency may desire to participate in the revitalization to stimulate private investment. Agency participation may include public improvements, parking improvements, façade improvement, fee waivers, loans or other means to stimulate the revitalization of the structure.

Improvement of public parking facilities in the downtown. This project includes the creation and improvement of downtown parking facilities. One parking area will be the interior of the block where the Carlton is located. This parking will require removal of a garage structure, surface improvements and landscaping. Parking will also be developed on the City owned lot that was originally purchased by the Business Improvement District. Additional facilities will be developed to enhance the business opportunities in downtown and located so as to encourage pedestrian oriented public spaces.

Expansion of entertainment facilities in the downtown including the expansion of the existing movie theater. The Agency will encourage and target entertainment facilities in the downtown to encourage public gatherings and informal uses of public spaces. Encouragement will include marketing for targeted uses, assisting in project planning and other activities to promote private investment. The Agency will also encourage the expansion of the existing theater complex in the downtown. The goal will be to continue to have the complex a community focal point, draw people to the downtown and expand the experience they have, maintain the facility in the downtown.

Redevelopment of the Junior High School Site to enhance employment in the downtown. The School District has from time to time contemplated relocating the Junior High School away from its current site, the City also has a goal of relocating this facility. The property is in the downtown area, generally flat

with utilities and good access. It could be a significant improvement to the downtown area. The Agency could participate to insure the property was strategically planned to enhance the downtown experience and capitalize on the atmosphere created as the focal point of the community. Agency participation in addition to planning could include needed public improvements, and strategic investment or involvement to stimulate private investment in a way that will enhance downtown.

Addition of anchor tenants to increase activity in the downtown. This project will include the Agency assisting in the attraction of major downtown tenants to stabilize the retail mix. The Agency may assist in marketing, planning and investment consistent with the Redevelopment Plan to capture tenants that will attract people to downtown. These tenants would include restaurants, entertainment and retail that attract people by their name of business practices.

Improvement of and additions to the downtown streetscape. This project includes the improvement of public infrastructure to promote a downtown pedestrian atmosphere. Improvements include new sidewalks, street trees, landscaping, benches, waste cans, signs etc.

Façade Improvements in the downtown to capitalize on Atascadero's character and improve the retail/pedestrian atmosphere. In this project, the Agency would work with individual property owners to improve the exterior appearance of buildings. Consistent with the Downtown Master Plan, a design theme will be promoted to accentuate the Atascadero Colony and improve the pedestrian, retail climate. Participation will include façade easements, loans, designs, fee waivers etc.

Elimination of incompatible land uses that detract from the downtown. Through this project the Agency would relocate land uses that detract from the downtown, pedestrian atmosphere. The Agency would assist businesses in finding more suitable locations including the development of nodes where the businesses could benefit from a common location. Certain uses in proximity to the downtown will be targeted for relocation.

Aggregation of sites and buildings for a major employment, office or retail user. The Agency will assist major employers in locating suitable sites. This may include joining multiple properties to provide an appropriate sized parcel. The Agency will first look to the downtown area.

Elimination or relocation of residential uses which are not consistent with development of downtown area in the long run. The Agency will assist in the relocation of residential uses away from the first floor in downtown. Residential uses on the first floor block pedestrian movement in retail areas. The Agency will provide for relocation benefits consistent with the Redevelopment Plan and assist property owners with developing strategic plans for property usage that will enhance the downtown experience.

Location of a major additional public activity center. (E.g. medical center, county offices, or other such facilities). This project furthers the development of downtown by encouraging major activity centers in the downtown and removing uses that drain the energy from downtown. While it may be too

late to have the main Post Office downtown, there are other potential uses like a North County Government Center that would bring more people to the area. The Agency would promote and assist in this effort.

Development of Palma as a retail/pedestrian corridor to connect City Hall to Traffic Way downtown corridor. The City Hall is a focal point in downtown and is office to many potential shoppers. An attractive connection to downtown will provide a benefit in both directions.

Enhance the Sunken Gardens area and encourage entertainment, eating and pedestrian uses surrounding the area that would promote its unique character. The Sunken Gardens is a unique focal point with great visual appeal. The Garden itself can be improved to encourage more visitors and enhance the downtown. A variety of projects are possible from the refurbishment of the fountain to other improvements including flower gardens. The Agency would also encourage projects around the Sunken Garden that would benefit from the location like restaurant uses.

Atascadero Creek Pedestrian Crossing/Lewis Avenue Bridge. Investigation and construction of pedestrian and/or vehicular crossing of Atascadero Creek to connect entertainment facilities with the downtown core.

720.2 Employment Generation Projects Meeting the objectives of the Plan as contained in Section 210.

720.3 Expansion of the Atascadero Library

720.4 Housing programs including the following:

- (1) Rehabilitation
- (2) Replacement housing needs
- (3) Neighborhood residential conservation
- (4) Development of new, affordable units.