

REDEVELOPMENT PLAN CHRONOLOGY: JULIAN-STOCKTON

Adopted July 15, 1976
(Original Plan)
City Ordinance No. 18220

First Amendment
Adopted September 30, 1980
City Ordinance No. 20348
Agency Resolution No. 2104
(Merger: Julian-Stockton, Olinder, San Antonio Plaza)

Second Amendment
Adopted August 25, 1981
City Ordinance No. 20677
Agency Resolution No. 2177
(Merger: Edenvale, Pueblo Uno, Rincon de los Esteros)

Third Amendment
Adopted August 30, 1983
City Ordinance No. 21417
Agency Resolution No. 2295
(Merger: Guadalupe-Auzerais)

Fourth Amendment
Adopted November 15, 1983
City Ordinance No. 21496
Agency Resolution No. 2315
(Merger: Century Center, Market Gateway)

Fifth Amendment
Adopted November 19, 1987
City Ordinance No. 22661
Agency Resolution No. 2737
(Land Use)

REDEVELOPMENT PLAN CHRONOLOGY: JULIAN-STOCKTON (continued)

Sixth Amendment

Adopted December 18, 1986
City Ordinance No. 22412
Agency Resolution No. 2598
(Administrative and Financial Amendments)
(Appears as Section 607)

Seventh Amendment

Adopted April 7, 1988
City Ordinance No. 22761
Agency Resolution No. 2788
(Merger: Alum Rock, East Santa Clara)

Eighth Amendment

Adopted April 7, 1988
City Ordinance No. 22761.1
Agency Resolution No. 2789
(Merger: Almaden-Gateway)
(Appears as Section 406)

Ninth Amendment

Adopted February 5, 1991
City Ordinance No. 23703
(Merger: Story Road)

Tenth Amendment

Adopted March 5, 1991
City Ordinance No. 23732
(Merger: Alameda)

Eleventh Amendment

Adopted April 9, 1991
City Ordinance No. 23761
(Merger: West San Carlos)

Twelfth Amendment

Adopted December 2, 1993
City Ordinance No. 24508
(Merger: Japantown)

REDEVELOPMENT PLAN CHRONOLOGY: JULIAN-STOCKTON (continued)

Thirteenth Amendment

Adopted December 13, 1994
City Ordinance No. 24768
(Financing Limitations and Technical Amendments)

Fourteenth Amendment

Adopted December 13, 1994
City Ordinance No. 24774
(Merger: Monterey Corridor)

Fifteenth Amendment

Adopted June 25, 1996
City Ordinance No. 25112
(Merger: Park Center)

Sixteenth Amendment

Adopted December 15, 1998
City Ordinance No. 25697
(Eminent domain extension)

Seventeenth Amendment

Adopted January 26, 1999
City Ordinance No. 25763
(Extend date to incur debt)

Eighteenth Amendment

Adopted June 15, 1999
City Ordinance No. 25888
(Merger: Civic Plaza)

Nineteenth Amendment

Adopted March 6, 2001
City Ordinance No. 26197
(Merger: Neighborhood Business Clusters)

Twentieth Amendment

Adopted June 25, 2002
City Ordinance No. 26663
(Merger: Strong Neighborhoods Initiative)

REDEVELOPMENT PLAN CHRONOLOGY: JULIAN-STOCKTON (continued)

Twenty-First Amendment

Adopted August 6, 2002
City Ordinance No. 26660
(Merger: Century Center Expanded Area)

Twenty-Second Amendment

Adopted October 22, 2002
City Ordinance No. 26765
(SB 211 – Delete date to incur debt)

Twenty-Third Amendment

Adopted November 18, 2003
City Ordinance No. 27011
(SB 1045 – Extend date of plan effectiveness,
date to incur debt and receive property taxes)

Twenty-Fourth Amendment

Adopted April 5, 2005
City Ordinance No. 27389
(SB 1096 – Extend date of plan effectiveness,
date to incur debt and receive property taxes; FY04-05)

Twenty-Fifth Amendment

Superior Court of Santa Clara County; Case No. 1-02-CV-811706
Ruling April 26, 2005 (invalidated Ord. Nos. 26659 and 26660)
City Ordinance No. 27511, adopted August 9, 2005
Removed the expanded area from the Century Center
Project Area and Merged Project Area

Twenty-Sixth Amendment

Adopted August 29, 2006
City Ordinance No. 27827
(SB 1096 – Extend date of plan effectiveness,
date to incur debt and receive property taxes; FY05-06)

Adoption of Ordinance describing eminent domain plan

Adopted June 5, 2007
City Ordinance No. 28044
(no amendment to plan – adoption of ordinance per SB 53 describing the
eminent domain plan)

ORDINANCE NO. 28044

**AN ORDINANCE OF THE CITY OF SAN JOSE
CONTAINING A DESCRIPTION OF THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN
JOSE'S PROGRAM TO ACQUIRE REAL PROPERTY BY
EMINENT DOMAIN IN ITS ADOPTED REDEVELOPMENT
PROJECT AREAS**

WHEREAS, the Council of the City of San Jose ("Council") adopted various ordinances approving and adopting the Redevelopment Plans for its Redevelopment Project Areas ("Redevelopment Plans"); and

WHEREAS, the Redevelopment Agency of the City of San Jose ("Agency") has been designated as the official redevelopment agency of the City of San Jose to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plans; and

WHEREAS, the Redevelopment Plans each contain a section on the Agency's authority to acquire property by eminent domain; and

WHEREAS, Section 33342.7 of the Health and Safety Code, which was added by Senate Bill 53 ("SB 53") and took effect on January 1, 2007, requires a legislative body that adopted a redevelopment plan containing eminent domain authority before January 1, 2007, to adopt an ordinance on or before July 1, 2007, containing a description of the agency's program to acquire real property by eminent domain;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 3. The City Clerk will certify to the passage of this Ordinance by the City Council and cause the same to be published once in the San Jose Post-Record, a newspaper of general circulation, and it will take effect thirty (30) days after its final passage.

PASSED FOR PUBLICATION of title this 15th day of May, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, CORTESE,
LICCARDI, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

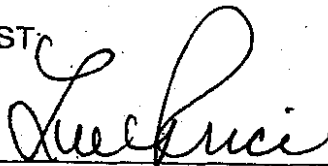
DISQUALIFIED: NONE

VACANT: DISTRICT 4



CHUCK REED
Mayor

ATTEST



LEE PRICE, MMC
City Clerk

12/15/2010	Market Gateway	Allowed – except for property on which any person resides
12/15/2010	Olinder	Allowed – except for property on which any person resides
12/15/2010	Pueblo Uno	Allowed – except for property on which any person resides
12/15/2010	Rincon de los Esteros (including expanded areas)	Allowed – except for property on which any person resides
12/31/2010	West San Carlos Street	Allowed – except for property on which any person resides Not allowed on unincorporated County land unless otherwise approved by County.
03/06/2013	Neighborhood Business Clusters	Allowed – except for property on which any person resides

ORDINANCE NO. 27827

AN ORDINANCE OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS AND AMENDING THE TIME LIMITATIONS EXTENDING BY ONE YEAR THE EFFECTIVENESS OF THE REDEVELOPMENT PLAN AND THE LAST DAY TO REPAY INDEBTEDNESS OR RECEIVE PROPERTY TAXES WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE CENTURY CENTER, EDENVALE, GUADALUPE-AUZERAI, JAPANTOWN, JULIAN-STOCKTON, MARKET GATEWAY, OLINDER, PUEBLO UNO, RINCON DE LOS ESTEROS (EXCEPT 3RD EXPANSION), AND MONTEREY CORRIDOR REDEVELOPMENT PROJECT AREAS

WHEREAS, Section 33681.12 of the Health and Safety Code was added by SB 1096, which took effect in August 2004, and requires the Redevelopment Agency of the City of San Jose ("Agency") during the 2005-2006 fiscal year to make a payment for deposit in the Educational Revenue Augmentation Fund ("ERAF"), in the amount of \$14,500,614; and

WHEREAS, Sections 33333.2 and 33333.6 of the Health and Safety Code were amended by SB 1096 to provide that when an agency is required to make a payment pursuant to Section 33681.12, the legislative body may amend a redevelopment plan to extend by one year the time limit of the effectiveness of the plan and the time limit to repay indebtedness or receive property taxes, by making certain findings when the time limit for the effectiveness of the redevelopment plan is more than ten years but less than twenty years from the last day of the fiscal year in which the ERAF payment is being made; and

WHEREAS, pursuant to Section 33334.6 of the California Redevelopment Law, the Agency started setting aside 20% of all tax increment revenues, except for the increment generated by the Park Center Project Area, in 1981, which was the first year

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 1. The Redevelopment Agency is in compliance with the 20% Housing Set Aside requirements of the Redevelopment Law.

Section 2. The Redevelopment Agency is in compliance with the Implementation Plan requirements of the Redevelopment Law.

Section 3. The Redevelopment Agency is in compliance with the Inclusionary and Replacement Housing requirements of the Redevelopment Law.

Section 4. The Redevelopment Agency is not subject to sanctions for failure to expend, encumber or disburse an excess surplus in the Low and Moderate Income Housing Fund.

Section 5. The redevelopment plans for Century Center, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Pueblo Uno, Rincon de los Esteros (except 3rd Expansion), and Monterey Corridor are hereby amended to extend by one year the time limit on the effectiveness of the plans.

Section 6. The redevelopment plans for Century Center, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Pueblo Uno, Rincon de los Esteros (except 3rd Expansion), and Monterey Corridor are hereby amended to extend by one year the time limit on the repayment of indebtedness or receipt of property taxes, if applicable, pursuant to Health and Safety Code Section 33670.

Section 7. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this

Section 8. The City Clerk will certify to the passage of this Ordinance by the City Council and cause the same to be published once in a newspaper of general circulation, and it will take effect thirty (30) days after its final passage.

PASSED FOR PUBLICATION of title this 15th day of August, 2006, by the following vote:

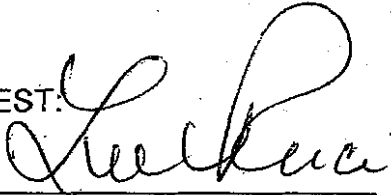
AYES: CAMPOS, CHIRCO, CORTESE, LeZOTTE, NGUYEN,
REED, WILLIAMS, YEAGER, CHAVEZ

NOES: NONE

ABSENT: PYLE; GONZALES

DISQUALIFIED: NONE

ATTEST:



LEE PRICE, MMC
City Clerk


CINDY CHAVEZ
Vice Mayor

ORDINANCE NO. 27511

AN ORDINANCE OF THE CITY OF SAN JOSE REPEALING ORDINANCE NOS. 26659 AND 26660 TO REMOVE 31 ACRES BOUNDED GENERALLY BY SANTA CLARA STREET TO THE SOUTH, JULIAN STREET TO THE NORTH, THIRD STREET TO THE EAST AND MARKET STREET TO THE WEST FROM THE CENTURY CENTER REDEVELOPMENT PROJECT AREA AND FROM THE SAN JOSE MERGED AREA REDEVELOPMENT PROJECT

WHEREAS, on August 6, 2002, the City Council adopted Ordinance Nos. 26659 and 26660 which adopted the Fifteenth Amended Century Center Redevelopment Plan adding a 31-acre site bounded generally by Santa Clara Street to the South, Julian Street to the North, Third Street to the East and Market Street to the West (the "Expanded Area") to the existing Downtown San Jose Century Center Redevelopment Project Area and merged the Expanded Area into the San Jose Merged Area Redevelopment Project, respectively. The ordinances were effective as of September 6, 2002; and

WHEREAS, on April 26, 2005, the Superior Court of California for the County of Santa Clara in Case No. 1-02-CV-811706 invalidated Ordinance No. 26659 and that decision is final.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. Repeal of Ordinance No. 26659. Ordinance No. 26659 is hereby repealed.

SECTION 2. Repeal of Ordinance No. 26660. Ordinance No. 26660 is hereby repealed.

ORDINANCE NO. 27389

AN ORDINANCE OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS AND AMENDING THE TIME LIMITATIONS EXTENDING BY ONE YEAR THE EFFECTIVENESS OF THE REDEVELOPMENT PLAN AND THE LAST DAY TO REPAY INDEBTEDNESS OR RECEIVE PROPERTY TAXES WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE CENTURY CENTER (ORIGINAL), EDENVALE, GUADALUPE-AUZERAI, JAPANTOWN, JULIAN-STOCKTON, MARKET GATEWAY, OLINDER, PUEBLO UNO, AND RINCON DE LOS ESTEROS (EXCEPT 3RD EXPANSION) REDEVELOPMENT PROJECT AREAS

WHEREAS, Section 33681.12 of the Health and Safety Code was added by SB 1096, which took effect in August 2004, and requires the Redevelopment Agency of the City of San Jose ("Agency") during the 2004-2005 fiscal year to make a payment for deposit in the Educational Revenue Augmentation Fund ("ERAF"), in the amount of approximately \$18.7 million; and

WHEREAS, Sections 33333.2 and 33333.6 of the Health and Safety Code were amended by SB 1096 to provide that when an agency is required to make a payment pursuant to Section 33681.12, the legislative body may amend a redevelopment plan to extend by one year the time limit of the effectiveness of the plan and the time limit to repay indebtedness or receive property taxes, by making certain findings when the time limit for the effectiveness of the redevelopment plan is more than ten years but less than twenty years from the last day of the fiscal year in which the ERAF payment is being made; and

WHEREAS, pursuant to Section 33334.6 of the California Redevelopment Law, the Agency started setting aside 20% of all tax increment revenues in 1981, which was the first year tax increment was collected on redevelopment plans adopted or amended

Section 3. The Redevelopment Agency is in compliance with the Inclusionary and Replacement Housing requirements of the Redevelopment Law.

Section 4. The Redevelopment Agency is not subject to sanctions for failure to expend, encumber or disburse an excess surplus in the Low and Moderate Income Housing Fund.

Section 5. The redevelopment plans for Century Center (Original), Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Pueblo Uno, and Rincon de los Esteros (except 3rd Expansion) are hereby amended to extend by one year the time limit on the effectiveness of the plans.

Section 6. The redevelopment plans for Century Center (Original), Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Pueblo Uno, and Rincon de los Esteros (except 3rd Expansion) are hereby amended to extend by one year the time limit on the repayment of indebtedness or receipt of property taxes, if applicable, pursuant to Health and Safety Code Section 33670.

Section 7. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

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ORDINANCE NO. 27011

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE ALAMEDA, ALMADEN GATEWAY, ALUM ROCK AVENUE, CENTURY CENTER, CIVIC PLAZA, EAST SANTA CLARA STREET, EDENVALE, GUADALUPE-AUZERAIS, JAPANTOWN, JULIAN-STOCKTON, MARKET GATEWAY, MONTEREY CORRIDOR, NEIGHBORHOOD BUSINESS CLUSTERS, OLINDER, PARK CENTER, PUEBLO UNO, RINCON DE LOS ESTEROS, SAN ANTONIO PLAZA, STORY ROAD, STRONG NEIGHBORHOODS INITIATIVE, AND WEST SAN CARLOS STREET PROJECT AREAS

WHEREAS, Section 33681.9 of the Health and Safety Code was added by SB 1045, which took effect on September 1, 2003, and requires the Redevelopment Agency of the City of San Jose ("Agency") during the 2003-2004 fiscal year to make a payment for deposit in Santa Clara County's Educational Revenue Augmentation Fund, in the amount of approximately \$10 million; and

WHEREAS, Sections 33333.2 and 33333.6 of the Health and Safety Code were amended by SB 1045 to provide that when an agency is required to make a payment pursuant to Section 33681.9, the legislative body may amend a redevelopment plan to extend by one year the time limit of the effectiveness of the plan and the time limit to repay indebtedness or receive property taxes.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 1. The redevelopment plans for The Alameda, Almaden Gateway, Alum Rock Avenue, Century Center, Civic Plaza, East Santa Clara Street, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Neighborhood Business Clusters, Olinder, Park Center, Pueblo Uno, Rincon de los Esteros, San Antonio Plaza, Story Road, Strong Neighborhoods Initiative, and West San Carlos Street are hereby amended to extend by one year the time limit on the effectiveness of the plans.

Section 2. The redevelopment plans for The Alameda, Almaden Gateway, Alum Rock Avenue, Century Center, Civic Plaza, East Santa Clara Street, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Neighborhood Business Clusters, Olinder, Park Center, Pueblo Uno, Rincon de los Esteros, San Antonio Plaza, Story Road, Strong Neighborhoods Initiative, and West San Carlos Street are hereby amended to extend by one year the time limit on the repayment of

ORDINANCE NO. 26765

AN ORDINANCE OF THE CITY OF SAN JOSE ADOPTING AN AMENDMENT TO THE ALAMEDA, ALMADEN GATEWAY, ALUM ROCK AVENUE, CENTURY CENTER, EAST SANTA CLARA STREET, EDENVALE, GUADALUPE-AUZERAIS, JAPANTOWN, JULIAN-STOCKTON, MARKET GATEWAY, OLINDER, PARK CENTER, PUEBLO UNO, RINCON DE LOS ESTEROS, SAN ANTONIO PLAZA, STORY ROAD, AND WEST SAN CARLOS REDEVELOPMENT PLANS TO DELETE THE TIME LIMITATION ON THE DATE TO INCUR DEBT

WHEREAS, the Redevelopment Agency of the City of San Jose ("Agency") has submitted to this Council for consideration proposed Plan Amendments for the Alameda, Almaden Gateway, Alum Rock Avenue, Century Center, East Santa Clara Street, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Park Center, Pueblo Uno, Rincon de los Esteros, San Antonio Plaza, Story Road, and West San Carlos Redevelopment Project Areas (the "Amended Plans"); and

WHEREAS, in 1993, the State legislature passed AB 1290, which, among other things, allowed redevelopment agencies, for a limited time period, to adopt or amend the following time limitations for certain redevelopment plans by adoption by the legislative body of an ordinance rather than the statutory plan amendment process: (1) the last date to incur debt in a redevelopment project area, (2) the last date to undertake redevelopment activity within a project area, and (3) the last date to collect tax increment from a project area to repay debt; and

WHEREAS, on December 13, 1994, the City Council adopted an ordinance, amending the Alameda, Almaden Gateway, Alum Rock Avenue, Century Center, East Santa Clara Street, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Park Center, Pueblo Uno, Rincon de los Esteros, San Antonio Plaza, Story Road, and West San Carlos Redevelopment Plans to include such time limits; and

WHEREAS, in 1998, the State legislature passed AB 1342, which amended Section 33333.6 of the California Health and Safety Code and permitted agencies that did not amend plan limits to the fullest extent allowed under AB 1290 to do so by adoption by the legislative body of an ordinance rather than through the statutory plan amendment process for any plans adopted on or before December 31, 1993; and,

WHEREAS, on January 26, 1999, the City Council adopted ordinances amending the Alameda, Almaden Gateway, Alum Rock Avenue, Century Center, East Santa Clara Street, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Park Center, Pueblo Uno, Rincon de los Esteros, San Antonio Plaza, Story Road, and West San Carlos Redevelopment Plans to extend the date until which debt may be incurred to January 1, 2004; and

ORDINANCE NO. 26660

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING THE JULIAN-STOCKTON REDEVELOPMENT PLAN, THE OLINDER REDEVELOPMENT PLAN, THE CENTURY CENTER REDEVELOPMENT PLAN, THE SAN ANTONIO PLAZA REDEVELOPMENT PLAN, THE RINCON DE LOS ESTEROS REDEVELOPMENT PLAN, THE PUEBLO UNO REDEVELOPMENT PLAN, THE EDENVALE REDEVELOPMENT PLAN, THE GUADALUPE-AUZERAIS REDEVELOPMENT PLAN, THE MARKET GATEWAY REDEVELOPMENT PLAN, THE ALUM ROCK AVENUE REDEVELOPMENT PLAN, THE EAST SANTA CLARA STREET REDEVELOPMENT PLAN, THE ALMADEN GATEWAY REDEVELOPMENT PLAN, THE STORY ROAD REDEVELOPMENT PLAN, THE ALAMEDA REDEVELOPMENT PLAN, THE WEST SAN CARLOS STREET REDEVELOPMENT PLAN, THE JAPANTOWN REDEVELOPMENT PLAN, THE MONTEREY CORRIDOR REDEVELOPMENT PLAN, THE PARK CENTER REDEVELOPMENT PLAN, THE CIVIC PLAZA REDEVELOPMENT PLAN, THE NEIGHBORHOOD BUSINESS CLUSTERS REDEVELOPMENT PLAN, AND THE AREA ADDED BY THE FIFTEENTH AMENDED CENTURY CENTER REDEVELOPMENT PLAN TO EFFECT THE MERGER OF SAID REDEVELOPMENT PROJECT AREAS AND MAKING CERTAIN FINDINGS

WHEREAS, pursuant to the Community Redevelopment Law of the State of California found at California Health and Safety Code Section 33000 *et. seq.* (the "Redevelopment Law"), and specifically including Redevelopment Law Sections 33485 through 33489, the Redevelopment Agency of the City of San Jose ("Agency") has submitted to this Council for consideration the proposed merger of the Fifteenth Amended Century Center Redevelopment Project Area ("Project Area"), which adds territory to the original Project Area, into the San Jose Merged Area Redevelopment Project ("Merger Amendment"); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the City of San Jose has prepared an Environmental Impact Report ("EIR") relating to the proposed adoption of the Mixed Use Environmental Impact Report for the Fifteenth Amended Century Center Redevelopment Project Area, which was accepted and certified to be complete by the San Jose Planning Commission on May 22, 2002, and which has been reviewed and considered by this Council and a separate resolution adopted making findings and adopting a Statement of Overriding Considerations pursuant to CEQA; and

WHEREAS, the Agency has prepared and submitted to the Council a report accompanying the proposed Amended Plan and Merger Amendment prepared pursuant to Sections 33352 and 33457.1 of the Redevelopment Law ("Report to Council"), and this Council has reviewed said report; and

A. The City Council has heretofore adopted the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Century Center Redevelopment Plan, the Market Gateway Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan and the Neighborhood Business Clusters Redevelopment Plan pursuant to Redevelopment Law;

B. The boundaries of each of the Project Areas mentioned hereinabove have been duly recorded in the Office of the County Recorder of Santa Clara County, except the Fifteenth Amended Century Center Redevelopment Project Area;

C. The City Council, by Ordinance No. 20348, adopted on September 30, 1980, authorized the merger of the Julian-Stockton, the San Antonio Plaza and the Olinder Redevelopment Project Areas;

D. The City Council, by Ordinance No. 20677, adopted on August 25, 1981, authorized the merger of the Rincon de los Esteros, Edenvale and Pueblo Uno Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, and the Olinder Redevelopment Project Areas;

E. The City Council, by Ordinance No. 21417, adopted on August 30, 1983, authorized the merger of the Guadalupe-Auzerais Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale and Pueblo Uno Redevelopment Project Areas;

F. The City Council, by Ordinance No. 21496, adopted on November 15, 1983, authorized the merger of the Century Center and Market Gateway Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno and Guadalupe-Auzerais Redevelopment Project Areas;

G. The City Council, by Ordinance No. 22761.1, adopted on March 17, 1988, authorized the merger of the Alum Rock Avenue, East Santa Clara Street and Almaden Gateway Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center and Market Gateway Redevelopment Project Areas;

Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock, East Santa Clara, Almaden Gateway, Story Road, Alameda, West San Carlos Street, Japantown, Monterey Corridor and Park Center Redevelopment Project Areas;

O. The City Council, by Ordinance No. 26197 adopted on March 6, 2001, authorized the merger of the Neighborhood Business Clusters Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock, East Santa Clara, Almaden Gateway, Story Road, Alameda, West San Carlos Street, Japantown, Monterey Corridor, Park Center and Civic Plaza Redevelopment Project Areas;

P. The purpose of the authorized mergers is to permit the allocation of taxes collected pursuant to Redevelopment Law Section 33670 from each of the Project Areas to the entire San Jose Merged Area for the purpose of paying the principal of and interest on indebtedness incurred by the Agency to finance or refinance, in whole or in part, such merged redevelopment project, except as provided in Section IV and V of this Ordinance;

Q. The proposed amendments to the Redevelopment Plans are economically sound and feasible. This finding is based upon the ordinances adopting the respective Redevelopment Plans;

R. The effectuation of the amendments in order to provide for the Merger will promote the public peace, health, safety and welfare of the community and effectuate the purposes and policy of Redevelopment Law. This finding is based upon the ordinances adopting the respective Redevelopment Plans;

S. The Amended Plan is consistent with the General Plan of the City of San Jose, including, as determined by the Planning Commission of the City of San Jose on May 22, 2002;

T. The time limitation and, if applicable, the limitation on the number of dollars to be allocated to the Agency that are contained in the Amended Plan are reasonably related to the proposed projects to be implemented in the Project Area and the San Jose Merged Area and to the ability of the Agency to eliminate blight within the Project Area and the San Jose Merged Area. This determination is based on the financial analysis contained in the Report to Council.

SECTION III. The Julian-Stockton Redevelopment Project, the Olinder Redevelopment Project, the San Antonio Plaza Redevelopment Project, the Rincon de los Esteros Redevelopment Project, the Pueblo Uno Redevelopment Project, the Edenvale Redevelopment Project, the Guadalupe-Auzerais Redevelopment Project, the Century Center Redevelopment Project, the Market Gateway Redevelopment Project, the Alum Rock Avenue Redevelopment Project, the East Santa Clara Street Redevelopment Project, the Almaden Gateway Redevelopment Project, the Story Road

SECTION IX. The Merger Amendment is found to be necessary and desirable, is hereby approved as submitted to the Council on June 11, 2002, and is hereby adopted. This ordinance which amends all of the project areas set forth in Section III is on file in the offices of the City Clerk and the Redevelopment Agency of the City of San Jose.

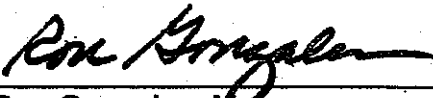
SECTION X. The Executive Director is hereby directed to record with the County Recorder of Santa Clara County a notice of the approval and adoption of the Amended Plan and of the merging of the expanded Project Area with the San Jose Merged Area pursuant to this Ordinance and the Ordinance approving the Amended Plan adopted concurrently herewith. The notice shall contain a description of the boundaries of the expanded Project Area and a statement that proceedings for redevelopment of the expanded Project Area have been instituted under the Redevelopment Law.

SECTION XI. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

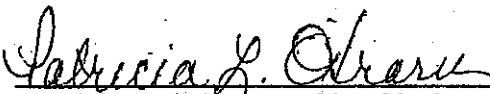
PASSED FOR PUBLICATION OF TITLE on the 11th day of June, 2002 by the following vote:

AYES:	CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO, LeZOTTE, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES
NOES:	REED
ABSENT:	NONE
DISQUALIFIED:	NONE

ATTEST:



Ron Gonzales, Mayor



Patricia L. O'Hearn, City Clerk

ORDINANCE NO. 26663

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING THE JULIAN-STOCKTON REDEVELOPMENT PLAN, THE OLINDER REDEVELOPMENT PLAN, THE SAN ANTONIO PLAZA REDEVELOPMENT PLAN, THE RINCON DE LOS ESTEROS REDEVELOPMENT PLAN, THE PUEBLO UNO REDEVELOPMENT PLAN, THE EDENVALE REDEVELOPMENT PLAN, THE GUADALUPE-AUZERAIS REDEVELOPMENT PLAN, THE MARKET GATEWAY REDEVELOPMENT PLAN, THE CENTURY CENTER REDEVELOPMENT PLAN, THE ALUM ROCK AVENUE REDEVELOPMENT PLAN, THE EAST SANTA CLARA STREET REDEVELOPMENT PLAN, THE ALMADEN GATEWAY REDEVELOPMENT PLAN, THE STORY ROAD REDEVELOPMENT PLAN, THE ALAMEDA REDEVELOPMENT PLAN, THE WEST SAN CARLOS STREET REDEVELOPMENT PLAN, THE JAPANTOWN REDEVELOPMENT PLAN, THE MONTEREY CORRIDOR REDEVELOPMENT PLAN, THE PARK CENTER REDEVELOPMENT PLAN, THE CIVIC PLAZA REDEVELOPMENT PLAN, THE NEIGHBORHOOD BUSINESS CLUSTERS REDEVELOPMENT PLAN, AND THE STRONG NEIGHBORHOODS INITIATIVE REDEVELOPMENT PLAN TO EFFECT THE MERGER OF SAID REDEVELOPMENT PROJECT AREAS AND MAKING CERTAIN FINDINGS

WHEREAS, pursuant to the Community Redevelopment Law of the State of California found at California Health and Safety Code Section 33000 *et. seq.* ("Redevelopment Law"), and specifically including Redevelopment Law Sections 33485 through 33489, the Redevelopment Agency of the City of San Jose ("Agency") has submitted to this Council for consideration the proposed merger of the proposed Strong Neighborhoods Initiative Redevelopment Project Area ("Project Area") into the San Jose Merged Area Redevelopment Project ("Merger Amendment"); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the City of San Jose has prepared an Environmental Impact Report ("EIR") relating to the proposed adoption of the Strong Neighborhoods Initiative Redevelopment Plan ("Plan Adoption") and the Merger Amendment, which was accepted and certified to be complete by the San Jose Planning Commission on May 22, 2002, and which has been reviewed and considered by this Council and a separate resolution adopted making findings pursuant to CEQA; and

WHEREAS, the Agency has prepared and submitted to the Council a report accompanying the proposed Plan Adoption and Merger Amendment prepared pursuant to Sections 33352 and 33457.1 of the Redevelopment Law ("Report to Council"), and this Council has reviewed said report; and

WHEREAS, the Redevelopment Law requires that this Council consider the proposed Plan Adoption and Merger Amendment at a public hearing, which may be a joint public hearing with the Agency Board; and

Redevelopment Plan, the Century Center Redevelopment Plan, the Market Gateway Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, the Neighborhood Business Clusters Redevelopment Plan and the Strong Neighborhoods Initiative Redevelopment Plan pursuant to Redevelopment Law;

B. The boundaries of each of the Project Areas mentioned hereinabove have been duly recorded in the Office of the County Recorder of Santa Clara County, except the Strong Neighborhoods Initiative Redevelopment Project Area;

C. The City Council, by Ordinance No. 20348, adopted on September 30, 1980, authorized the merger of the Julian-Stockton, the San Antonio Plaza and the Olinder Redevelopment Project Areas;

D. The City Council, by Ordinance No. 20677, adopted on August 25, 1981, authorized the merger of the Rincon de los Esteros, Edenvale and Pueblo Uno Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, and the Olinder Redevelopment Project Areas;

E. The City Council, by Ordinance No. 21417, adopted on August 30, 1983, authorized the merger of the Guadalupe-Auzerais Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale and Pueblo Uno Redevelopment Project Areas;

F. The City Council, by Ordinance No. 21496, adopted on November 15, 1983, authorized the merger of the Century Center and Market Gateway Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno and Guadalupe-Auzerais Redevelopment Project Areas;

G. The City Council, by Ordinance No. 22761.1, adopted on March 17, 1988, authorized the merger of the Alum Rock Avenue, East Santa Clara Street and Almaden Gateway Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center and Market Gateway Redevelopment Project Areas;

H. The City Council, by Ordinance No. 23703, adopted on February 5, 1991, authorized the merger of the Story Road Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza,

Road, Alameda, West San Carlos Street, Japantown, Monterey Corridor and Park Center Redevelopment Project Areas;

O. The City Council, by Ordinance No. 26197 adopted on March 6, 2001, authorized the merger of the Neighborhood Business Clusters Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock, East Santa Clara, Almaden Gateway, Story Road, Alameda, West San Carlos Street, Japantown, Monterey Corridor, Park Center and Civic Plaza Redevelopment Project Areas;

P. The purpose of the authorized mergers is to permit the allocation of taxes collected pursuant to Redevelopment Law Section 33670 from each of the Project Areas to the entire San Jose Merged Area for the purpose of paying the principal of and interest on indebtedness incurred by the Agency to finance or refinance, in whole or in part, such merged redevelopment project, except as provided in Section IV and V of this Ordinance;

Q. The proposed amendments to the Redevelopment Plans are economically sound and feasible. This finding is based upon the ordinances adopting the respective Redevelopment Plans;

R. The effectuation of the amendments in order to provide for the Merger will promote the public peace, health, safety and welfare of the community and effectuate the purposes and policy of Redevelopment Law. This finding is based upon the ordinances adopting the respective Redevelopment Plans;

S. The Plan is consistent with the General Plan of the City of San Jose, including, but not limited to, the City's housing element, which substantially complies with the requirements of the California Government Code. This finding is based upon the report of the Planning Commission of the City of San Jose;

T. The time limitation and, if applicable, the limitation on the number of dollars to be allocated to the Agency that are contained in the Plan are reasonably related to the proposed projects to be implemented in the Project Area and the San Jose Merged Area and to the ability of the Agency to eliminate blight within the Project Area and the San Jose Merged Area. This determination is based on the financial analysis contained in the Report to Council.

SECTION III. The Julian-Stockton Redevelopment Project, the Olinder Redevelopment Project, the San Antonio Plaza Redevelopment Project, the Rincon de los Esteros Redevelopment Project, the Pueblo Uno Redevelopment Project, the Edenvale Redevelopment Project, the Guadalupe-Auzerais Redevelopment Project, the Century Center Redevelopment Project, the Market Gateway Redevelopment Project, the Alum Rock Avenue Redevelopment Project, the East Santa Clara Street Redevelopment Project, the Almaden Gateway Redevelopment Project, the Story Road

SECTION VII. This Ordinance supersedes all previous ordinances on the same subject to the extent necessary to carry out the purposes of this Ordinance.

SECTION VIII. The notice, public hearing and other requirements of the Redevelopment Law have been met.

SECTION IX. The Merger Amendment is found to be necessary and desirable, is hereby approved as submitted to the Council on June 11, 2002, and is hereby adopted. This ordinance which amends all of the project areas set forth in Section III is on file in the offices of the City Clerk and the Redevelopment Agency of the City of San Jose.

SECTION X. The Executive Director is hereby directed to record with the County Recorder of Santa Clara County a notice of the approval and adoption of the Plan and of the merging of the Project Area with the San Jose Merged Area pursuant to this Ordinance and the Ordinance approving the Plan adopted concurrently herewith. The notice shall contain a description of the boundaries of the Project Area and a statement that proceedings for redevelopment of the Project Area have been instituted under the Redevelopment Law.

SECTION XI. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

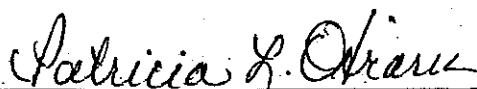
PASSED FOR PUBLICATION OF TITLE on the 11th day of June, 2002 by the following vote:

AYES:	CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO LeZOTTE, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES
NOES:	REED
ABSENT:	NONE
DISQUALIFIED:	NONE

ATTEST:



Ron Gonzales, Mayor



Patricia L. O'Hearn, City Clerk

ORDINANCE NO. 26197

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING THE JULIAN-STOCKTON REDEVELOPMENT PLAN, THE OLINDER REDEVELOPMENT PLAN, THE SAN ANTONIO PLAZA REDEVELOPMENT PLAN, THE RINCON DE LOS ESTEROS REDEVELOPMENT PLAN, THE PUEBLO UNO REDEVELOPMENT PLAN, THE EDENVALE REDEVELOPMENT PLAN, THE GUADALUPE-AUZERAI REDEVELOPMENT PLAN, THE MARKET GATEWAY REDEVELOPMENT PLAN, THE CENTURY CENTER REDEVELOPMENT PLAN, THE ALUM ROCK AVENUE REDEVELOPMENT PLAN, THE EAST SANTA CLARA STREET REDEVELOPMENT PLAN, THE ALMADEN GATEWAY REDEVELOPMENT PLAN, THE STORY ROAD REDEVELOPMENT PLAN, THE ALAMEDA REDEVELOPMENT PLAN, THE WEST SAN CARLOS STREET REDEVELOPMENT PLAN, THE JAPANTOWN REDEVELOPMENT PLAN, THE MONTEREY CORRIDOR REDEVELOPMENT PLAN, THE PARK CENTER REDEVELOPMENT PLAN, THE CIVIC PLAZA REDEVELOPMENT PLAN AND THE NEIGHBORHOOD BUSINESS CLUSTERS REDEVELOPMENT PLAN TO EFFECT THE MERGER OF SAID REDEVELOPMENT PROJECT AREAS AND MAKING CERTAIN FINDINGS

WHEREAS, pursuant to the Community Redevelopment Law of the State of California found at California Health and Safety Code Section 33000 *et. seq.* (the "Redevelopment Law"), and specifically including Redevelopment Law Sections 33485 through 33489, the Redevelopment Agency of the City of San Jose ("Agency") has submitted to this Council for consideration the proposed merger of the proposed Neighborhood Business Clusters Redevelopment Project Area ("Project Area") into the San Jose Merged Area Redevelopment Project ("Merger Amendment"); and

WHEREAS, pursuant to the California Public Resources Code, the City of San Jose has prepared an Environmental Impact Report ("EIR") relating to the proposed adoption of the Neighborhood Business Clusters Redevelopment Plan ("Plan Adoption") and the Merger Amendment, and the EIR was accepted and certified to be complete by the San Jose Planning Commission on August 9, 2000; and

WHEREAS, this Council has reviewed and considered said EIR; and

WHEREAS, the Agency has prepared and submitted to the Council a report accompanying the proposed Plan Adoption and Merger Amendment prepared pursuant to Sections 33352 and 33457.1 of the Redevelopment Law ("Report to Council"), and this Council has reviewed said report; and

Objections, incorporated herein by reference, the City Council does hereby find and determine:

A. The City Council has heretofore adopted the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Century Center Redevelopment Plan, the Market Gateway Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan and the Neighborhood Business Clusters Redevelopment Plan pursuant to Redevelopment Law;

B. The boundaries of each of the Project Areas mentioned hereinabove have been duly recorded in the Office of the County Recorder of Santa Clara County, except the Neighborhood Business Clusters Redevelopment Project Area;

C. The City Council, by Ordinance No. 20348, adopted on September 30, 1980, authorized the merger of the Julian-Stockton, the San Antonio Plaza and the Olinder Redevelopment Project Areas;

D. The City Council, by Ordinance No. 20677, adopted on August 25, 1981, authorized the merger of the Rincon de los Esteros, Edenvale and Pueblo Uno Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, and the Olinder Redevelopment Project Areas;

E. The City Council, by Ordinance No. 21417, adopted on August 30, 1983, authorized the merger of the Guadalupe-Auzerais Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale and Pueblo Uno Redevelopment Project Areas;

F. The City Council, by Ordinance No. 21496, adopted on November 15, 1983, authorized the merger of the Century Center and Market Gateway Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno and Guadalupe-Auzerais Redevelopment Project Areas;

G. The City Council, by Ordinance No. 22761.1, adopted on March 17, 1988, authorized the merger of the Alum Rock Avenue, East Santa Clara Street and Almaden Gateway Redevelopment Project Areas with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros,

N. The City Council, by Ordinance No. 25888 adopted on June 8, 1999, authorized the merger of the Civic Plaza Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock, East Santa Clara, Almaden Gateway, Story Road, Alameda, West San Carlos Street, Japantown, Monterey Corridor and Park Center Redevelopment Project Areas;

O. The purpose of the authorized mergers is to permit the allocation of taxes collected pursuant to Redevelopment Law Section 33670 from each of the Project Areas to the entire San Jose Merged Area for the purpose of paying the principal of and interest on indebtedness incurred by the Agency to finance or refinance, in whole or in part, such merged redevelopment project, except as provided in Section IV and V of this Ordinance;

P. The proposed amendments to the Redevelopment Plans are economically sound and feasible. This finding is based upon the ordinances adopting the respective Redevelopment Plans;

Q. The effectuation of the amendments in order to provide for the Merger will promote the public peace, health, safety and welfare of the community and effectuate the purposes and policy of Redevelopment Law. This finding is based upon the ordinances adopting the respective Redevelopment Plans;

R. The Plan is consistent with the General Plan of the City of San Jose, including, but not limited to, the City's housing element, which substantially complies with the requirements of the California Government Code. This finding is based upon the report of the Planning Commission of the City of San Jose;

S. The time limitation and, if applicable, the limitation on the number of dollars to be allocated to the Agency that are contained in the Plan are reasonably related to the proposed projects to be implemented in the Project Area and the San Jose Merged Area and to the ability of the Agency to eliminate blight within the Project Area and the San Jose Merged Area. This determination is based on the financial analysis contained in the Report to Council.

SECTION III. The Julian-Stockton Redevelopment Project, the Olinder Redevelopment Project, the San Antonio Plaza Redevelopment Project, the Rincon de los Esteros Redevelopment Project, the Pueblo Uno Redevelopment Project, the Edenvale Redevelopment Project, the Guadalupe-Auzerais Redevelopment Project, the Century Center Redevelopment Project, the Market Gateway Redevelopment Project, the Alum Rock Avenue Redevelopment Project, the East Santa Clara Street Redevelopment Project, the Almaden Gateway Redevelopment Project, the Story Road Redevelopment Project, The Alameda Redevelopment Project, the West San Carlos Street Redevelopment Project, the Japantown Redevelopment Project, the Monterey

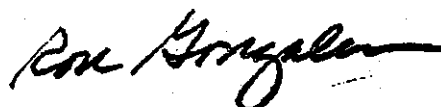
SECTION IX. The Merger Amendment is found to be necessary and desirable, is hereby approved as submitted to the Council on September 5, 2000, and is hereby adopted. This ordinance which amends all of the project areas set forth in Section III is on file in the offices of the City Clerk and the Redevelopment Agency of the City of San Jose.

SECTION X. The Executive Director is hereby directed to record with the County Recorder of Santa Clara County a notice of the approval and adoption of the Plan and of the merging of the Project Area with the San Jose Merged Area pursuant to this Ordinance and the Ordinance approving the Plan adopted concurrently herewith. The notice shall contain a description of the boundaries of the Project Area and a statement that proceedings for redevelopment of the Project Area have been instituted under the Redevelopment Law.

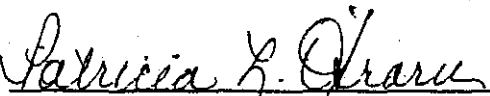
SECTION XI. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

PASSED FOR PUBLICATION OF TITLE on the 5th day of September, 2000 by the following vote:

- AYES: DANDO, DIAZ, DIQUISTO, FISCALINI, LeZOTTE, POWERS, SHIRAKAWA, WOODY; GONZALES
- NOES: NONE
- ABSENT: CHAVEZ
- ABSTAIN: NONE
- VACANT: DISTRICT 4



Ron Gonzales, Mayor

ATTEST:


Patricia L. O'Hearn, City Clerk

ORDINANCE NO. 25888

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING THE JULIAN-STOCKTON REDEVELOPMENT PLAN, THE OLINDER REDEVELOPMENT PLAN, THE SAN ANTONIO PLAZA REDEVELOPMENT PLAN, THE RINCON DE LOS ESTEROS REDEVELOPMENT PLAN, THE PUEBLO UNO REDEVELOPMENT PLAN, THE EDENVALE REDEVELOPMENT PLAN, THE GUADALUPE-AUZERAIS REDEVELOPMENT PLAN, THE MARKET GATEWAY REDEVELOPMENT PLAN, THE CENTURY CENTER REDEVELOPMENT PLAN, THE ALUM ROCK AVENUE REDEVELOPMENT PLAN, THE EAST SANTA CLARA STREET REDEVELOPMENT PLAN, THE ALMADEN GATEWAY REDEVELOPMENT PLAN, THE STORY ROAD REDEVELOPMENT PLAN, THE ALAMEDA REDEVELOPMENT PLAN, THE WEST SAN CARLOS STREET REDEVELOPMENT PLAN, THE JAPANTOWN REDEVELOPMENT PLAN, THE MONTEREY CORRIDOR REDEVELOPMENT PLAN, THE PARK CENTER REDEVELOPMENT PLAN AND THE CIVIC PLAZA REDEVELOPMENT PLAN TO EFFECT THE MERGER OF SAID REDEVELOPMENT PROJECT AREAS AND MAKING CERTAIN FINDINGS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The City Council, after a public hearing held at 7:00 p.m., on June 8, 1999, makes the following findings and determinations:

A. The City Council has heretofore adopted the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Century Center Redevelopment Plan, the Market Gateway Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan and the Civic Plaza Redevelopment Plan pursuant to California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.);

B. The boundaries of each of the Project Areas mentioned hereinabove have been duly recorded in the Office of the County Recorder of Santa Clara County, except the Civic Plaza Redevelopment Plan;

the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock Avenue, East Santa Clara Street, Almaden Gateway, Story Road and The Alameda Redevelopment Project Areas;

K. The City Council, by Ordinance No. 24508 adopted on December 2, 1993, authorized the merger of the Japantown Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock, East Santa Clara, Almaden Gateway, Story Road, Alameda and the West San Carlos Street Redevelopment Project Areas;

L. The City Council, by Ordinance No. 24774 adopted on December 13, 1994, authorized the merger of the Monterey Corridor Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock, East Santa Clara, Almaden Gateway, Story Road, Alameda, West San Carlos Street, and Japantown Redevelopment Project Areas;

M. The City Council, by Ordinance No. 25112 adopted on June 6, 1996, authorized the merger of the Park Center Redevelopment Project Area with the Merged Area Redevelopment Project consisting of the Julian-Stockton, San Antonio Plaza, Olinder, Rincon de los Esteros, Edenvale, Pueblo Uno, Guadalupe-Auzerais, Century Center, Market Gateway, Alum Rock, East Santa Clara, Almaden Gateway, Story Road, Alameda, West San Carlos Street, Japantown and Monterey Corridor Redevelopment Project Areas;

N. The purpose of the authorized mergers is to permit the allocation of taxes collected pursuant to Health and Safety Code Section 33670 from each of the Project Areas to the entire Merged Area Redevelopment Project for the purpose of paying the principal of and interest on indebtedness incurred by the Redevelopment Agency of the City of San Jose ("Redevelopment Agency") to finance or refinance, in whole or in part, such merged redevelopment project, except as provided in Section 3 and 4 of this Ordinance;

O. The Redevelopment Agency caused to be published Notices of Joint Public Hearing in the form and substance and within the time and manner prescribed by California Community Redevelopment Law, giving notice that the Redevelopment Agency and City Council would hold a joint public hearing to consider the amendment of the Merged Area Redevelopment Project to merge the Civic Plaza Redevelopment Project into the Merged Area Redevelopment Project, at 1:30 p.m., or as soon thereafter as it may be heard, on June 1, 1999, in Council Chambers of City Hall, located at 801 North First Street, San Jose, California. The public hearing on June 1, 1996, was deferred subsequently, to the 8th day of June, 1999;

Redevelopment Project Area, the Market Gateway Redevelopment Project Area, the Alum Rock Avenue Redevelopment Project Area, the East Santa Clara Street Redevelopment Project Area, the Almaden Gateway Redevelopment Project Area, the Story Road Redevelopment Project Area, The Alameda Redevelopment Project Area, the West San Carlos Street Redevelopment Project Area, the Japantown Redevelopment Area, the Monterey Corridor Redevelopment Project Area, the Park Center Redevelopment Project Area and the Civic Plaza Redevelopment Project Area which are allocated to the Redevelopment Agency pursuant to Section 33670 shall be first used to comply with the terms of any bond resolution of other agreement pledging such taxes from such Project Areas.

SECTION 4. Except as provided in Section 3 of this Ordinance, not less than twenty percent (20%) of all taxes which are allocated to the Redevelopment Agency pursuant to Section 33670 shall be used for the purposes set forth in Health & Safety Code Section 33334.2.

SECTION 5. Except as provided in Section 2 of this Ordinance, the Julian-Stockton Redevelopment Project, the Olinder Redevelopment Project, the San Antonio Plaza Redevelopment Project, the Rincon de los Esteros Redevelopment Project, the Pueblo Uno Redevelopment Project, the Edenvale Redevelopment Project, the Guadalupe-Auzerais Redevelopment Project, the Century Center Redevelopment Project, the Market Gateway Redevelopment Project, the Alum Rock Redevelopment Project, the East Santa Clara Street Redevelopment Project, the Almaden Gateway Redevelopment Project, the Story Road Redevelopment Project, The Alameda Redevelopment Project, the West San Carlos Street Redevelopment Project, the Japantown Redevelopment Project, the Monterey Corridor Redevelopment Project, the Park Center Redevelopment Project and the Civic Plaza Redevelopment Project shall each continue under their respective previously adopted Redevelopment Plans.

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**EIGHTEENTH AMENDED
JULIAN-STOCKTON
REDEVELOPMENT PLAN**

**THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN JOSE**

JUNE 15, 1999

CITY COUNCIL AND REDEVELOPMENT AGENCY

Ron Gonzales, Mayor and Chair Redevelopment Agency Board

Frank Fiscalini, Vice-Mayor and Vice-Chair Redevelopment Agency Board

**Linda J. LeZotte
Charlotte Powers
Cindy Chavez
Margie Matthews
Manny Diaz**

**John Diquisto
Alice Woody
Pat Dando
George Shirakawa**

PLANNING COMMISSION

Brian Grayson, Chairperson

**Gloria Chun Hoo
William Ress
Forrest Williams**

**Sharon Godbolt
Jay Ross
James Zetterquist**

Debra Figone, Acting City Manager

**Frank M. Taylor, Executive Director of
The Redevelopment Agency**

**Eighteenth Amended Julian-Stockton Redevelopment Plan
Adopted June 15, 1999
City Council Ordinance No. 25888**

REDEVELOPMENT PLAN CHRONOLOGY: JULIAN-STOCKTON

Adopted July 15, 1976
City Council Ordinance No. 18220

First Amendment
Adopted September 30, 1980
City Council Ordinance No. 20348
Agency Resolution No. 2104
(Merger)

Second Amendment
Adopted August 25, 1981
City Council Ordinance No. 20677
Agency Resolution No. 2177
(Merger)

Third Amendment
Adopted August 30, 1983
City Council Ordinance No. 21417
Agency Resolution No. 2295
(Merger)

Fourth Amendment
Adopted November 15, 1983
City Council Ordinance No. 21496
Agency Resolution No. 2315
(Merger)

Fifth Amendment
Adopted November 19, 1987
City Council Ordinance No. 22661
Agency Resolution No. 2737
(Land Use)

Sixth Amendment
Adopted December 18, 1986
City Council Ordinance No. 22412
Agency Resolution No. 2598
(Administrative and Financial Amendments)
(Appears as Section 607)

Seventh Amendment
Adopted April 7, 1988
City Council Ordinance No. 22761
Agency Resolution No. 2788
(Merger)

Eighth Amendment
Adopted April 7, 1988
City Council Ordinance No. 22761.1
Agency Resolution No. 2789
(Merger)
(Appears as Section 406)

Ninth Amendment
Adopted February 5, 1991
City Ordinance No. 23703
(Merger)

Tenth Amendment
Adopted March 5, 1991
City Ordinance No. 23732
(Merger)

Eleventh Amendment
Adopted April 9, 1991
City Ordinance No. 23761
(Merger)

Twelfth Amendment
Adopted December 2, 1993
City Ordinance No. 24508
(Merger)

Thirteenth Amendment
Adopted December 6, 1994
City Ordinance No. 24768
(Financing Limitations and Technical Amendments)

Fourteenth Amendment
Adopted December 13, 1994
City Ordinance No. 24774
(Merger: Monterey Corridor)

Fifteenth Amendment
Adopted June 25, 1996
City Ordinance No. 25112
(Merger: Park Center)

Sixteenth Amendment
Adopted December 15, 1998
City Ordinance No. 25697
(Eminent domain extension)

Seventeenth Amendment
Adopted January 26, 1999
City Ordinance No. 25763
(Extend date to incur debt)

Eighteenth Amendment
Adopted June 15, 1999
City Ordinance No. 25888
(Merger: Civic Plaza)

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100. DESCRIPTION OF PROJECT

101. Introduction

This Eighteenth Amended Redevelopment Plan (hereafter called the "Plan") for the Julian-Stockton Redevelopment Project has been prepared by the Redevelopment Agency of the City of San Jose (hereafter called the "Agency") pursuant to the Community Redevelopment Law of the California Health and Safety Code, and all applicable local laws and ordinances. The Project Area Boundary is indicated in Figure 1.

This plan conforms to the General Plan of the City of San Jose insofar as the General Plan applies to the project.

This Plan provides the Agency with powers, duties and obligations to implement the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the area within the boundaries of the Project (the "Project Area"). Due to the needs of the Project, the long-term nature of the Plan, and the need for flexible response to such factors as market and financial conditions, participating property owner and potential developer needs, as well as opportunities for Agency action, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation and revitalization of the Project Area, neither does this Plan present specific proposals in an attempt to solve or alleviate the problems and issues identified by the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific solutions will be proposed, and specific projects may be approved.

The major goal of this Plan is to advance the purposes of the Community Redevelopment Law by:

- A. The strengthening of the economic base of the Project Area and the community generally by the provision of necessary assistance to stimulate new commercial, industrial and office expansion, with associated growth of employment.
- B. The replanning, redesign, and development of undeveloped areas which are economically stagnant, physically constrained, or improperly utilized.

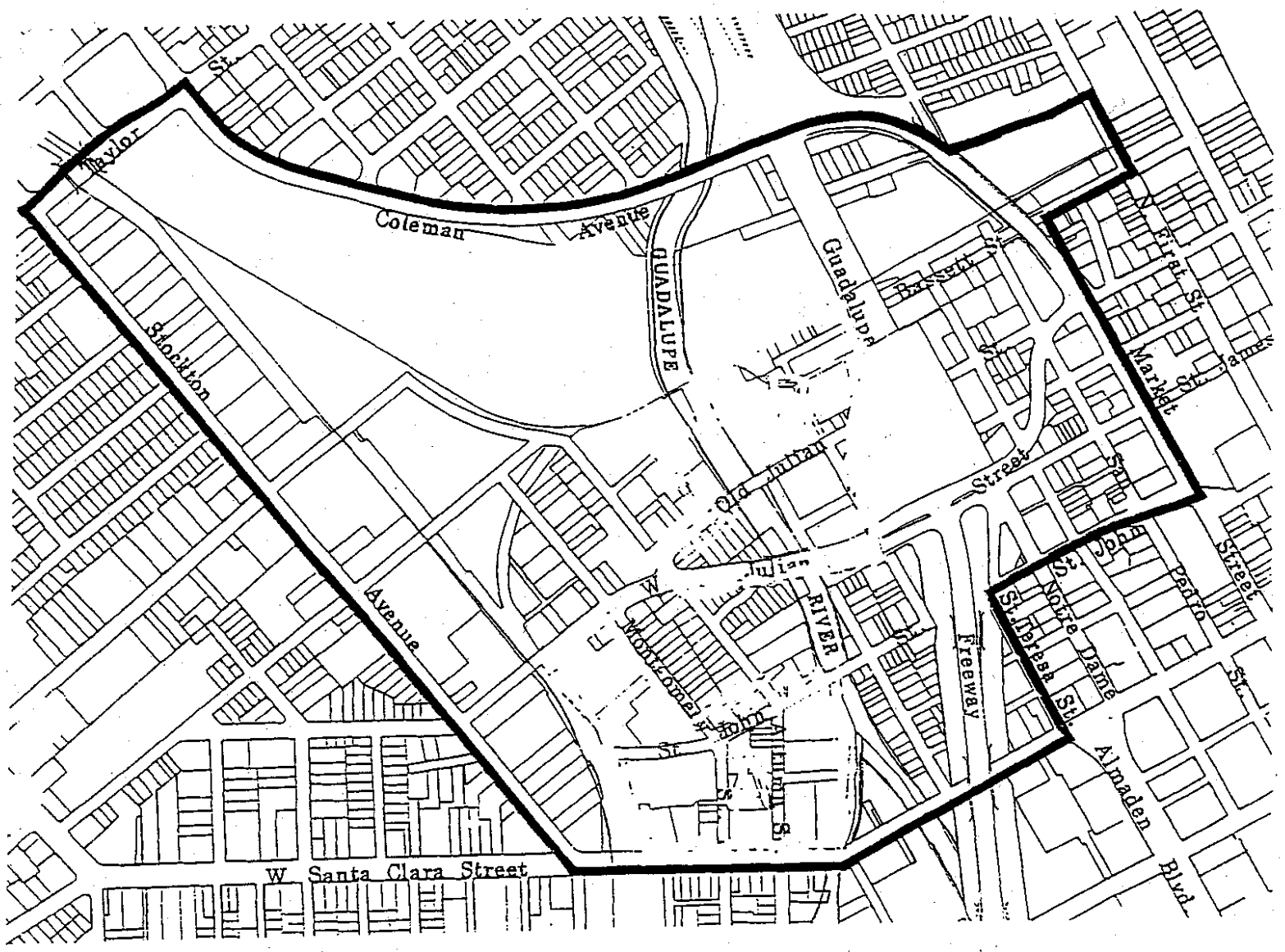
- C. The elimination of environmental deficiencies in the Project Area, including small and irregular lots, obsolete and aged buildings, substandard alleys and deteriorated public improvements, and the like.
- D. The strengthening of commercial, industrial and office support functions near the downtown area.
- E. The assembly of land into parcels suitable for appropriate, integrated development designed to provide improved pedestrian and vehicular circulation in the Project Area.
- F. The provision of adequate land for parking and open spaces.
- G. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project.
- H. The expansion of the community's supply of low- and moderate-income housing.

The overall objective of the Plan is to make the project area physically attractive and economically viable. Some specific objectives of actions proposed by the Plan are to:

- A. Eliminate conditions of physical and economic blight.
- B. Expand permissible redevelopment activities to include the development of a significant additional capital improvement project (the Arena facility) and park/open space (Guadalupe River Park).
- C. Strengthen and expand the community's tax base through an effective economic development program and improved employment opportunities.
- D. Incorporate the General Plan 2020 Land Use Designation, including the addition of a potential significant capital improvement project and park/open spaces.

Figure 1

Julian-Stockton Redevelopment Project



Project Boundary



————— Project Boundary

- E. Create an attractive urban environment to attract people and activity to this central city location which is adjacent to Downtown San Jose.
- F. Support and enhance the values of private properties and improvements, including those which have historical or architectural merit.
- G. Attract additional private investment and employment into the Redevelopment Area and adjoining areas.

102. Boundary Description

The boundaries of the project are delineated on the Project Area Boundary Map (Figure 1) in accordance with the following legal description:

All that certain real property in the County of Santa Clara, State of California:

BEGINNING at the intersection of the southwesterly line of Stockton Avenue with the southern line of the Alameda; thence northwesterly along the southwesterly line of Stockton Avenue to the intersection with the northwesterly line of Taylor Street; thence northeasterly along the northwesterly line of Taylor Street to its intersection with the northeasterly line of Coleman Avenue; thence southeasterly along the northeasterly line of Coleman Avenue to its intersection with the southeasterly line of Ryland Park; thence northeasterly along the southeasterly line of Ryland Park to its intersection with the northeasterly line of First Street; thence southeasterly along said northeasterly line to its intersection with the southeasterly line of Bassett Street; thence southwesterly along said southeasterly line to its intersection with the northeasterly line of Market Street; thence southeasterly along said northeasterly line of Market Street to its intersection with the southeasterly line of St. John Street; thence southwesterly along said southeasterly line of St. John Street to its intersection with the northeasterly line of Santa Teresa Street; thence southeasterly along said northeasterly line of Santa Teresa to its intersection with the southeasterly line of West Santa Clara Street; thence along said southeasterly line of West

Santa Clara Street to its intersection with the southwesterly line of Stockton Avenue, the point of beginning.

103. Summary of Proposed Actions

The Agency in accordance with and pursuant to applicable Federal, State and Local laws will remedy as necessary, or cause to be remedied, as necessary, conditions causing blight presently existing in the Project by the following measures:

- A. Rehabilitation, alteration, modernization, general improvement or any combination thereof (hereinafter called "rehabilitation") of certain existing non-residential structures.
- B. Acquisition of real property by purchase, gift, devise, exchange, condemnation or any other lawful means.
- C. Relocation of the occupants presently located in non-residential or industrial structures which are acquired or, as necessary, in non-residential structures subject to rehabilitation.
- D. Demolition, removal or clearance of certain existing buildings and structures on land acquired by the Agency.
- E. Arrangement with proper authorities for the vacation and realignment of certain streets, and other rights-of-way, and the underground placement of certain utilities.
- F. Reservation of certain areas for public streets, rights-of-way and other public purposes.
- G. Installation and relocation of certain necessary site improvements, utilities and facilities.
- H. Administration of adopted rules and regulations for owner participation.
- I. Administration of adopted rules governing reasonable preference to persons who are engaged in business in the Project Area to reenter in business within the redevelopment area.

- J. Sale or lease of all land acquired by the Agency for reuse in accordance with the Plan and such additional conditions as may be established by the Agency in any manner authorized by law in order to carry out the purpose of redevelopment.
- K. Coordination with proper authorities, and where permissible under State and Local laws, assistance to such authorities, to insure an adequate transportation system and related facilities.
- L. Coordinate with proper authorities to insure a comprehensive development effort.
- M. Provide 20 percent of Tax Increment Funds from the Project for City-wide low- and moderate-income housing programs.
- N. Utilize any other technique or approach authorized by law necessary or convenient for the implementation of this Plan.
- O. Cooperation in the development of freeway ramp connectors to State Route 87.
- P. Preservation of the Guadalupe River as an open space element throughout the Project Area.
- Q. Coordination of flood control and public open space improvements along the Guadalupe River.
- R. Preservation of historic structures through rehabilitation or relocation.

200. PERMITTED USES IN THE PROJECT AREA

201. Land Use Plan

The purpose of this Redevelopment Plan is to direct development in a manner which is consistent with, and which best supports, the San Jose 2020 General Plan, as amended (hereinafter referred to as "General Plan"). The General Plan, by this reference, is hereby incorporated into this Redevelopment Plan as if fully set forth herein.

The proposed land uses within the Project Area are those established by the General Plan, with which this Plan conforms. It is the intention of this Plan that the land uses permitted in the Project Area shall be as provided in the General Plan as it currently exists or as it may from time to time be amended.

The following descriptions identify the basic range of allowed land uses within the different locations of the Project Area. The scope and nature of these uses are basically established by the City's General Plan. The focus of this Plan is to direct future development in a manner that best supports the Downtown Development Strategy and promotes important Downtown functional linkages.

A. Combined Industrial/Commercial

The Combined Industrial/Commercial designation will allow for developments containing either commercial or industrial uses or a compatible mixture of these two categories. The allowed commercial uses are retail and office. The allowed industrial uses are of the light industrial and industrial park variety. This designation covers a majority of the Redevelopment Project Area.

B. Light Industrial

The Light Industrial designation is intended for a wide variety of industrial uses and related office development. Commercial uses which directly serve the light industrial uses in the area are also appropriate in this designation. This designation covers the portion of the Redevelopment

Area west of the Southern Pacific rail lines and is based on the mixed nature of the existing uses in the area.

C. Core Area Commercial

The Core Area Commercial designation within the Julian-Stockton Redevelopment Area provides for Downtown support activities as well as office and commercial land uses. As Downtown expansion occurs, the need for both support and office land uses becomes necessary.

D. Public Park and Open Space

The Public Park and Open Space designation is intended for the area adjacent to the Guadalupe River.

Approximately ten percent of the project area is intended for public park and open space uses. This designation is not intended to be exact with respect to the ultimate limit of open space use. Therefore, future expansion of Guadalupe River Park activities beyond these designated areas would be consistent with this Plan. Park improvements along the Guadalupe River will provide open spaces that will be an amenity to attract new development to the area.

Interim parking uses are permissible within this land use designation.

E. Public/Quasi-Public

This category is used to designate public land uses, including schools, colleges, corporation yards, libraries, fire stations, water treatment facilities, convention centers and auditoriums museums, governmental offices and airports. Joint development projects which include public and private participation -- such as an integrated convention center/hotel/restaurant complex -- are allowed. This category is also used to designate lands used by some private entities, including public utilities and such institutions as churches, private schools and private hospitals. Only existing uses and ownerships are designated. New quasi-public uses may be established according to the Discretionary Alternate Use policies. The Discretionary Alternative Use Policy Section also describes the process

for determining an appropriate alternate use of properties designated for Public/Quasi-Public use.

202. Circulation and Public Rights-of-Way

The principal streets providing overall circulation for the Julian-Stockton Redevelopment Area are set forth in the General Plan.

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

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

- A. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;
- B. The requirements imposed by such factors as topography, traffic safety and aesthetics; and
- C. The potential need to serve not only the Project Area and new or existing developments but to also serve areas outside the Project by providing convenient and efficient vehicular access and movement.

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

In addition to the street system, the Julian-Stockton Redevelopment Area is well served by a public transportation network. Included in this transit network are the Caltrain Peninsula

Commute Service, Santa Clara County Transit Buses, and the Guadalupe Corridor Light Rail Transit Line.

203. Development Review Process

All development in the Project Area will be processed through established procedures, processed through applicable City departments and commissions including zoning, subdivision, site and development review and approval.

As a general rule, any proposed use which involves new construction, exterior alteration, paving, or installation will require a development permit. The determination for need and type of a permit will be based on zoning district provisions applicable to the subject property along with any other special provisions stated in this Plan.

Building standards and intensities for this area are broadly set forth in the General Plan in the form of average Floor Area Ratios and average employment densities. Because Julian-Stockton is located in the vicinity of San Jose's International Airport, San Jose Airport Master Plan/Vicinity Area Plan and Santa Clara County Airport Land Use Commission (ALUC) Plan regulations regarding land use, building height, safety and noise insulation shall also apply to new development in this area.

204. Existing and Interim Uses

All uses in existence in the Project Area at the time of adoption of this plan shall continue to be subject to all applicable City zoning and use controls in effect at that time.

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

205. Nonconforming Uses

The Agency may allow an existing use to remain which use does not conform to the provisions of this Plan, but is in conformance with the General Plan, provided that such use is generally compatible with existing and proposed developments and uses in

the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

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

206. Minor Variations

Under exceptional circumstances, the Agency may allow a variation from the limits, restrictions and controls established by this Plan, as long as such variation is in conformance with the General Plan. In order to permit such variation, the Agency must determine that:

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

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

207. Building Permits

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

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

208. Mitigation of Environmental Impacts

All new development and rehabilitation projects within the Project Area will be processed in accordance with the California Environmental Quality Act and the City of San Jose environmental regulations. Environmental impacts determined to be significant or potentially significant will be mitigated using methods appropriate to negate or reduce the impacts.

In order to ensure protection of existing cultural resources, review of all new development in the Project Area shall include a site specific archaeological reconnaissance which recommends appropriate mitigation measures.

300. PROJECT PROPOSALS

301. Opportunities for Owners and Tenants

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

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

302. Rules for Participation Opportunities, Priorities and Preferences

In order to provide opportunities to owners and tenants to participate in the redevelopment of the Project Area, the Agency shall promulgate rules for owner participation and the extension of preferences for business re-entry within the redeveloped Project Area. If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area, accommodation of as many participants as possible, similarity of land use, the necessity to assemble sites for integrated, modern development and conformity of a participant's proposal with the intent and objectives of this Plan.

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

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

303. Participation Agreements

The Agency may require that, as a condition to participation in redevelopment, each participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop and use and maintain the property in conformance with this Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to evidence that the provisions of this Plan and the participation agreement are 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.

304. Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency, at the Agency's option, to enter into a participation agreement with the Agency in the event that such owner desires to: (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area.

305. Cooperation with Public Bodies

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

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures or other improvements (within or without the Project Area) which land, buildings, facilities, structures or other improvements are or would be of benefit to the Project.

306. Land Acquisition

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

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area which cannot be acquired by gift, devise, exchange, purchase or any other lawful method; provided, however, that commencing with the Sixteenth Amended Plan, the Agency may not employ eminent domain power over property in the Project Area on which any persons reside.

Eminent domain proceedings, if used, must be commenced prior to December 15, 2010

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of this Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

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

307. Rehabilitation and Conservation

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

by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

308. Moving of Structures

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

309. Assistance in Finding Other Locations

The Agency shall assist all persons (including individuals and families), business concerns and others displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to any displacees the Agency shall assist such displacees in finding new locations that are decent, safe, sanitary, within the financial means of the displacees, in reasonably convenient locations and otherwise suitable to their respective needs. The Agency may also provide housing inside or outside the Project Area for displaced persons.

310. Relocation Payments

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

311. Replacement Housing

In accordance with Section 33334.5 of the Community Redevelopment Law, whenever the dwelling units of 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, cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low-or-moderate income

an equal number of replacement dwelling units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency in accordance with all of the provisions of Sections 33413 and 33413.5 of said Community Redevelopment Law.

312. Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 402 of this Plan shall be used by the Agency for the purposes of increasing and improving the City's supply of housing for persons and families of very low, low- or moderate-income.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions in Section 311 above. These funds may be used inside or outside the Project Area provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community Redevelopment Law.

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

313. Clearance of Property

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

314. Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared, for building any real property in the Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for or undertake the installation or construction of streets, utilities, parks, playgrounds and other public improvements necessary to carry out this Plan. The Agency is also authorized to construct foundations, platforms and other structural forms necessary for the provision or utilization of air right sites for buildings to be used for

residential, commercial, public and other uses provided in this Plan.

315. Property Management

Property acquired by the Agency in the Project shall be under the management and control of the Agency during its ownership of such property. Such property may be rented or leased by the Agency pending its conveyance for redevelopment.

316. Real Property Disposition and Development

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale or transfer without public bidding. Property acquired by the Agency for rehabilitation and resale shall be offered for resale within one (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

Real property acquired by the Agency may be conveyed by the Agency without charge to the City and, where beneficial to the Project Area, without charge to any public body. All real property acquired by the Agency in the Project Area shall be sold or leased by the Agency, except property conveyed by it to a public body.

All purchasers or lessees of property acquired from the Agency 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 establishes as reasonable and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

317. Disposition and Development Agreements

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

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

Leases, deeds, contracts, agreements and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the County Recorder.

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

318. Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any publicly-owned building, facility, structure or other improvement either within or without the Project Area, for itself or for any public body or entity, which buildings, facilities, structures or other improvements are or would be of benefit to the Project Area, or the immediate neighborhood. Specifically, the Agency may pay for, install or construct buildings, facilities, structures and other improvements and may acquire or pay for the land required therefore.

In addition to the public improvements authorized under this Section 318, the Agency is authorized to install and construct, or to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public utilities, including, but not limited to, the following: (1) over and underpasses; (2)

sewers; (3) natural gas distribution systems; (4) water distribution systems; (5) parks, plazas and pedestrian paths; (6) playgrounds; (7) parking facilities; (8) landscaped areas; and (9) street improvements.

The Agency may enter into contracts, leases and agreements with the City or other public body or entity pursuant to this Section 318, and the obligation of the Agency under such contract, lease or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 402 of this Plan or out of any other available funds.

319. Personal Property Disposition

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

400. PROJECT FINANCING

401. Proposed Financing Method

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

The Agency is also authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds and indebtedness may be paid from tax increments or any other funds available to the Agency. Advances and loans for survey and planning and for the operating capital for nominal administration of this Project may be provided by the City until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances and loans and to permit borrowing adequate working capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

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

402. Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Santa Clara, the City of San Jose, and any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance initially approving this Plan, shall be divided and allocated to produce tax increments to the Agency as provided by Section 33670 of the Community Redevelopment Law. That portion of taxes allocated to the Agency pursuant thereto are hereby irrevocably pledged for the payment of the principal of the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized

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

403. Bonds

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

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so State on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

404. Agreement With Other Taxing Agencies

The Agency may enter into contracts, leases and agreements with the City or other public body or entity pursuant to this Section 404, and the obligation of the Agency under such contract, lease or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 402 of this Plan or out of any other available funds.

The Agency may enter into an agreement with the City or other governmental entity to effectuate the creation of a Joint Powers Authority for any purposes effectuating any part of this Plan as permitted by law.

405. Payments to Taxing Agencies

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

406. Merger

- A. Pursuant to Section 33486 of the California Health and Safety Code, this project has been merged with the Olinder Redevelopment Project, the San Antonio Redevelopment Project, the Rincon de Los Esteros Redevelopment Project (exclusive of the property added to the Rincon de los Esteros Redevelopment Project on November 5, 1991, which was not merged), the Alum Rock Avenue Redevelopment Project, the Edenvale Redevelopment Project, the Guadalupe-Auzerais Redevelopment Project, the Century Center Redevelopment Project, the Market Gateway Redevelopment Project, the East Santa Clara Street Redevelopment Project, the Almaden Gateway Redevelopment Project, The Alameda Redevelopment Project, West San Carlos Redevelopment Project, Story Road Redevelopment Project, Japantown Redevelopment Project, Monterey Corridor Redevelopment Project, Park Center Redevelopment Project and Civic Plaza Redevelopment Project to permit for the allocation of taxes from each of the Project Areas to the entire Merged Project Area for the purpose of paying the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Redevelopment Agency to finance or refinance, in whole or in part, such merged redevelopment project except as provided in Sections B and C below.
- B. Taxes attributable to the aforementioned Project Areas which are allocated to the Redevelopment Agency pursuant to Section 33670 shall be first used to comply with the terms of any bond resolution or other agreement pledging such taxes from such Project Areas.
- C. Except as provided in Section B above, not less than twenty percent (20%) of all taxes which are allocated to the Redevelopment Agency pursuant to Section 33670 shall be used for the purposes set forth in California Health and Safety Code Section 33334.2.

407. Financing Limitations.

1. Any loans, advances or indebtedness to finance this Project Area in whole or in part shall be established on or before

January 1, 2004, provided that repayment of such loans, advances or indebtedness may extend beyond this date.

2. Pursuant to Sections 33333.6(b) and (d) of the Health and Safety Code, the effectiveness of this Plan shall terminate on July 15, 2016. After such date, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness, to enforce existing covenants, contracts or other obligations, and to take any other action that may otherwise be permitted by law.
3. Pursuant to Sections 33333.6(c) and (d) of the Health and Safety Code, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 15, 2026, unless otherwise permitted by law.
4. Pursuant to Section 33486 of the Health and Safety Code, there shall be divided and allocated to the Agency under Sections 33670 and 33333.4 of the Health and Safety Code of the State of California, an amount no greater than Seven Billion Six Hundred Million Dollars (\$7,600,000,000), for the Merged Redevelopment Project Area.

500. ACTIONS BY THE CITY

501. Actions by the City

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

- A. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way and for other necessary modifications of the streets, the street layout and other public rights-of-way in the Project Area. Such action by the City shall include the requirement of abandonment, removal and relocation by the public utility companies of their operations of public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal and relocation to be borne by others than those legally required to bear such costs.
- B. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned public utilities within or affecting the Project Area.
- C. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- D. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- E. Performance of the above actions and of all other functions and services relating to public peace, health, safety and physical development normally rendered in accordance with

a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

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

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

600. OTHER PROVISIONS

601. Nondiscrimination Clauses

All deeds, leases or contracts, which the Agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of any land in the Project Area shall contain the nondiscrimination clauses prescribed in Section 33436 of the California Community Redevelopment Law as amended, which provides that any lessee, grantee, or other contracting party, by and for itself, its heirs, executors, administrators, assigns, and all persons claiming through any of them, shall covenant that there shall be no discrimination against or segregation of any person or groups of persons on account of race, color, creed, sex, religion, and national origin in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises.

602. Equal Employment Opportunity

It is the policy of the Agency to eliminate employment discrimination against any person or groups of persons because of race, color, marital status, religion, age, sex, physical or mental disability, medical condition, sexual orientation, national origin, or ancestry.

603. Enforcement of Plan

The provisions of the Plan and other documents formulated pursuant thereto may be enforced by the Agency in any manner authorized by law. Remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions or any other remedies, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

604. Duration of Plan

The duration of this Plan is set forth in Section 407. Any declaration of restrictions formulated pursuant to this Plan may contain provisions for the extension of such Declaration of Restrictions for successive periods. Any contract or agreement for rehabilitation, owner participation, or redevelopment of property

within the Project Area may require that the property will be devoted to the uses specified in the Plan for the duration of the Plan.

605. Severability

If any provision, section, subsection, subdivision, sentence, clause, or phrase of the 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 the Plan.

606. Procedure for Amendment

This Plan may be amended in any manner as is now or hereafter may be permitted by law.