

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan prepared in accordance with the requirements of Government Code Section 67675, et seq.
- B. Section 67675, et seq., of the Government Code, provide that, after FORA has adopted a reuse plan, each county or city within the territory occupied by Fort Ord is required to submit to FORA its general plan or amended general plan and zoning ordinances satisfying the requirements of said statutes.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures that address how the Authority Board will implement the provisions of the Government Code referenced in Paragraph B.
- D. The City of Seaside is a member agency of FORA and has property that falls within the territory occupied by Fort Ord and falls within the jurisdiction of FORA.
- E. After conducting a duly noticed public meeting in April of 2002, the City Council of the City of Seaside (the "City"), approved the City's Redevelopment Plan for Fort Ord which is consistent with land use designations in the City's General Plan, and which adopted policies and programs, for all of the territory of the City within the jurisdiction of FORA. A copy of the City's Redevelopment Plan is attached as Exhibit A and made a part of this Resolution.
- F. The City made findings that the Fort Ord Base Reuse Plan Final Environmental Impact Report, certified by the Board on June 13, 1997, and the Environmental Documentation prepared by the City for its General Plan, previously approved by the FORA Board, adequately studied the potential environmental impacts of the project and were prepared in compliance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The City adopted and imposed mitigation measures and a mitigation monitoring program for identified potential significant environmental impacts; with respect to environmental impacts that could not be reduced to less than significant level, the City determined that overriding considerations justified approval. The City's Redevelopment Plan is submitted as consistent with the Plan.
- G. The City made findings that the project is consistent with the Fort Ord Base Reuse Plan, are consistent with FORA's plans and policies and are otherwise consistent with the Fort Ord Reuse Authority Act. Further, the City considered the Fort Ord Base Reuse Plan EIR and adopted Addenda to the EIR, and other evidence supporting the findings.

- H. On April 16, 2002 the City provided FORA with a complete copy of the Redevelopment Plan for Fort Ord, the resolutions and ordinance approving it, a staff report and materials relating to the Plan, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Plan is consistent with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). The City requested that FORA certify the Plan as being consistent with the Fort Ord Base Reuse Plan for those portions of the City that lie within the jurisdiction of the Fort Ord Reuse Authority.
- I. The Executive Officer of FORA has reviewed the Plan and Supporting Materials with the Administrative Committee of FORA and has submitted a report recommending that the Board find that the City's Redevelopment Plan for those portions of the City that lie within the jurisdiction of the Fort Ord Reuse Authority, are consistent with the Fort Ord Base Reuse Plan.
- J. Chapter 8, Section 8.02.010(a)(4) guides the determination of use consistency and reads: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land uses decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."
- K. Planning determinations of land use consistency with planning documents do not require a perfect match within the State of California. For example, the State Office of Planning and Research definition in the General Plan Guidelines cited with approval by courts states: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."
- L. FORA needs to determine consistency based upon the overall plan submittal and a fuller variety of review factors, not predicated on precise matches or failure of one or two possible areas of concern.

NOW THEREFORE the Board hereby resolves as follows:

1. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and the City's Environmental Material Addendum (collectively, the "Environmental Documentation") and finds that in the independent judgment of the Board, the Environmental Documentation are adequate and in compliance with the California Environmental Quality Act and the same documents are hereby determined sufficient for purposes of FORA's determination of consistency of City's Redevelopment Plan.
2. The Board has considered the City's Redevelopment Plan and Supporting Material provided by the City of Seaside and the recommendation of the Executive Officer and Administrative Committee.
3. The Board finds that, in regard to the City's Redevelopment Plan, the City has followed the procedures and fulfilled the requirements of the Implementation Process and

Procedures of the Fort Ord Base Reuse Plan and the Master Resolution and has met the requirements of Government Code section 67675, and following.

4. The Board finds that the City has provided substantial evidence that the Plan is consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made hereto has been based in part upon the substantial evidence submitted regarding allowable land uses, a weighing of the Base Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in the City's General Plan and Redevelopment Plan are not more intense or dense than those contained in the Base Reuse Plan.
5. The City's Redevelopment Plan will, considering all its aspects, further the objectives and policies of the Final Base Reuse Plan and is hereby approved and certified as meeting the requirements of Title 7.85 of the Government Code and the Fort Ord Base Reuse Plan.
6. The Board acknowledges citizen concern over the effect of the City's Redevelopment Plan on housing opportunities. The Board finds that the City's Redevelopment Plan enables affordable housing units to be constructed and offers other compensating opportunities for persons of color in and around the former Fort Ord.

Upon motion of Council Member Mancini, seconded by Vice Mayor Gustafson, the foregoing resolution was passed on this 10th day of May 2002, by the following vote:

AYES: 12 (Mayors Barlich, McCloud, Pendergrass, Albert, Smith, Koffman, and Perrine; Supervisors Johnsen and Calcagno; Vice Mayor Gustafson, and Council Members Mancini and Barnes)

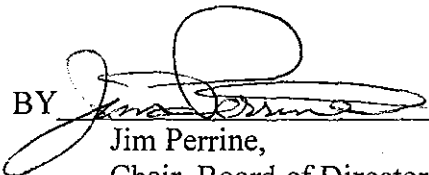
NOES: 0

ABSENT: 1 (Supervisor Potter)

ABSTENTIONS: 0

I, JIM PERRINE, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item 6d, page 4, in the minutes of the board meeting of May 10, 2002, thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED May 10, 2002

BY 
Jim Perrine,
Chair, Board of Directors
Fort Ord Reuse Authority

Joseph F. Pitta
Monterey County Recorder
Recorded at the request of
City of Seaside

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4/24/2002
11:48:19

Recording Requested by:

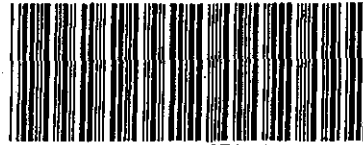
Redevelopment Agency of the City of Seaside

When Recorded Return to:

City of Seaside
440 Harcourt Avenue
Seaside, California 93955
Attn: Joyce E. Newsome, City Clerk

DOCUMENT: **2002039232**

Titles: 1 / Pages: 13



Fees....
Taxes....
Other....
AMT PAID

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

ORDINANCE NO. 901

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE
ADOPTING THE REDEVELOPMENT PLAN FOR THE SEASIDE-FORT ORD
REDEVELOPMENT PROJECT PURSUANT TO THE COMMUNITY
REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA**

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

Section 1. Recitals and Background Information. Pursuant to the California Community Redevelopment Law (Health & Safety Code Section 33000 et seq.) (the "Redevelopment Law"), the Redevelopment Agency of the City of Seaside (the "Agency") has prepared and submitted to the City Council for review and adoption the Redevelopment Plan for the Seaside-Fort Ord Redevelopment Project Area (the "Plan"). The Plan consists of forty-four (44) pages and four (4) exhibits. A copy of the Plan is on file with the City Clerk of the City of Seaside (the "City Clerk") and is incorporated in this Ordinance by this reference. The Plan proposes a program of actions and accompanying legal authority to enable the Agency to rebuild the former Fort Ord military base into an integral part of the community, to eliminate existing blighting conditions by the removal of existing vacant, abandoned, obsolete, and/or deteriorated sites and buildings; assembly and subdivision of land into parcel suitable for modern residential, commercial, office, retail and visitor-serving development with improved vehicular and pedestrian circulation; by providing financial assistance to property owners and developers, including removal of hazardous materials and assembly of land into parcels more suitable for modern, integrated development; by providing installation of needed public improvements; by strengthening the economic base of the former Fort Ord area covered by the Plan (the "Project Area"); by expanding employment opportunities; and by expanding and improving housing for very low, low - and moderate-income persons.

The Project Area is situated in the City of Seaside, County of Monterey, State of California, and is shown on Exhibit A and more particularly described in Exhibit B, both attached hereto and by this reference incorporate herein.

The Agency has made studies of the impact of the Plan on the physical condition of structures, environmental influences, land use, and social, economic, and cultural conditions in the Project Area, and has determined that the program of redevelopment to be undertaken pursuant to the Plan will promote the proper redevelopment of the Project Area in accordance with the goals, objectives and policies of the City of Seaside General Plan, as amended (the "General Plan"), the Fort Ord Reuse Authority Base Reuse Plan (the "Reuse Plan"), the Implementation Agreement (the "Implementation Agreement") dated May 8, 2001 between the City and the Fort Ord Reuse Authority ("FORA"), any applicable area plans, the Plan, and the Redevelopment Law.

The Planning Commission of the City of Seaside, which is the duly designated and acting official planning body of the City of Seaside, has submitted to the City Council its report and recommendation for approval and adoption of the Plan and has certified that the Plan conforms to the General Plan.

Once adopted, the Plan will be submitted to FORA for it to make its determination regarding the Plan's consistency with the Reuse Plan and the Implementation Agreement.

The Plan incorporates the land uses for the Project Area which are determined by the City's General Plan. Implementation of the Plan may require, among other things, the vacating and removal of streets of record and other public rights of way, and the establishment of new street patterns, the location of sewers, water mains, lighting and utility lines and other public facilities.

The Agency has prepared and submitted and the City Council has reviewed and considered the Report to City Council on the Plan (the "Report to Council") pursuant to Health and Safety Code Section 33352, a copy of which is on file with the City Clerk. The Report to Council is hereby incorporated in this Ordinance by this reference.

As a part of the Report to Council, the Agency has prepared and submitted to the City Council a program for the relocation of individuals and families that may be displaced as a result of implementing the Plan.

As a part of the Report to Council, the Agency has prepared and submitted to the City Council a program for implementation of the projects contemplated to be undertaken pursuant to the Plan.

The City Council is cognizant of the conditions that are imposed in the undertaking and implementation of redevelopment projects under State law, including those prohibiting discrimination because of race, color, creed, religion, sex, sexual orientation, marital status, national origin, or ancestry.

On April 4, 2002, the City Council and the Agency conducted a joint public hearing which was duly noticed in accordance with the requirements of the Redevelopment Law.

The City of Seaside has prepared an Environmental Initial Study, pursuant to the requirements of the California Environmental Quality Act, as amended ("CEQA"), for the purpose of evaluation the environmental impacts associated with the adoption of the

"Redevelopment Plan for the Seaside-Fort Ord Redevelopment Project" for lands located within the City of Seaside in the area of the former military base of Fort Ord. The City intends to rely on the Fort Ord Reuse Plan Final Program Environmental Impact Report ("EIR") certified on June 13, 1997 by FORA and the EIR Addendum ("EIR Addendum") adopted by the City of Seaside on August 12, 1998, in connection with the City of Seaside General Plan Amendment, for the project. (Collectively, the EIR and the EIR Addendum shall be referred to as the "Environmental Documentation".) The Initial Study has determined that the Environmental Documentation, including the mitigation measures, adequately addresses the environmental impacts associated with the project. The Initial Study, any written comments received on the Initial Study and responses to such comments, and the Environmental Documentation are available for review at the City of Seaside, 440 Harcourt Avenue, Seaside, California 93955.

By resolution adopted on April 4, 2002, and prior to introduction to this Ordinance, the City Council and the Agency have adopted mitigation measures and related monitoring programs, and made certain findings and statements in compliance with Sections 15091 and 15168 of the State EIR Guidelines.

At or prior to the joint public hearing on the Plan, the City Council and Agency received certain written comments on the Plan. Prior to the introduction of this Ordinance, by City Council resolution dated April 18, 2002, and pursuant to Health & Safety Code Section 33363, the City Council prepared and adopted its responses and findings (the "Findings") in writing to all written comments it received in connection with consideration of adoption of the Plan.

Section 1. Findings and Determinations. In accordance with California Health and Safety Code Sections 33367, and based upon the evidence contained in the Report to Council, the Environmental Documentation, the Initial Study, the Findings and other documents prepared in the Plan adoption process and on evidence presented at the public hearing, it is hereby found and determined that:

- a. The above recitals and background information are true and correct.
- b. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in, and it qualifies as an eligible area under, the Redevelopment Law (see particularly Sections II, III and IX of the Report to Council regarding evidence with respect to this finding).
- c. The time limitations that are contained in the Plan are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight within the Project Area (see particularly Sections II, III IV and IX of the Report to Council regarding evidence with respect to this finding). As indicated in Sections III, V and IX of the Report to Council and accompanying tax increment projections, it will require a lengthy period to generate sufficient funds to pay for the identified programs and activities to alleviate blight in the Project Area, so that it will be necessary for the Agency to have twenty years from the date that the County Auditor certifies pursuant in Section 33492.9 of the Redevelopment Law that \$100,000 or more of tax increment funds from the Project Area has been paid to the Agency to incur debt to pay for the necessary programs and activities, thirty years from the date that the County Auditor certifies pursuant in Section 33492.9 of the

Redevelopment Law that \$100,000 or more of tax increment funds from the Project Area has been paid to the Agency for the Plan to be effective, and forty-five years from the date that the County Auditor certifies pursuant in Section 33492.9 of the Redevelopment Law that \$100,000 or more of tax increment funds from the Project Area has been paid to the Agency to receive tax increment revenue in order to repay the debt incurred for the necessary programs and activities.

d. The Plan would redevelop the Project Area in conformity with the Redevelopment Law and would be in the interest of the public peace, health, safety, and welfare; and the implementation of the Plan would promote the public peace, health, safety and welfare of the City of Seaside and would effectuate the purposes and policy of the Redevelopment Law (see particularly Sections II, III, IV, V, VI, VII, VIII and IX of the Report to Council regarding evidence with respect to this finding).

e. The Plan conforms to the City of Seaside General Plan including, but not limited to, the Housing Element of the General Plan, which Housing Element substantially complies with the requirements of Article 10.6 (commencing with Section 65580 of Chapter 3 of Division 1 of Title 7 of the Government Code) (see particularly Part V of the Plan and Section II of the Report to Council regarding evidence with respect to this finding).

f. The adoption and implementation of the Plan is economically sound and feasible (see particularly Sections III and IX of the Report to Council regarding evidence with respect to this finding).

g. The Plan will afford maximum opportunity, consistent with the sound needs of the City of Seaside, as a whole, for the redevelopment of the Project Area by private enterprise (see particularly Part VI.D. of the Plan and the Agency's adopted Rules for Owner Participation and Business Tenant Preference regarding evidence with respect to this finding).

h. The Agency has a feasible method or plan for the relocation of families and persons which may be displaced from the Project Area if the Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area (see particularly Section XI the Report to Council and the Agency's adopted Relocation Guidelines regarding evidence with respect to this finding).

i. There are, or shall be provided, outside the Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of, and available to, such displaced families and persons and reasonably accessible to their places of employment. Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 the Redevelopment Law. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the Redevelopment Law (see particularly Section XI of the Report to Council regarding evidence with respect to this finding).

j. Pursuant to Health and Safety Code Section 33367(e), the City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area, if any, are displaced and that pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement (see particularly Sections II, III, IV and XI of the Report to Council regarding evidence with respect to this finding).

k. The Project Area contains approximately 3,937 acres. All areas of the Project Area are blighted or necessary for effective redevelopment, and are not included in the Project Area for the purpose of obtaining tax increment revenues from the area pursuant to Health and Safety Section 33670 without substantial justification for their inclusion. The Project Area does not contain any noncontiguous areas; therefore, the finding that all noncontiguous areas of the Project Area are blighted or necessary for effective redevelopment, and are not included in the Project Area for the purpose of obtaining tax increment revenues from the area pursuant to Health and Safety Section 33670, is not relevant (see particularly Sections II, III, IV and IX of the Report to Council regarding evidence with respect to this finding).

l. The inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the Project Area of which they are a part; and these lands, buildings or improvements are not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Health and Safety Code Section 33670 without other substantial justification for their inclusion (see particularly Sections II, III and IX of the Report to Council regarding evidence with respect to this finding).

m. In order to implement and facilitate the effectuation of the Plan hereby approved and adopted, certain official action must be taken by this City Council with reference to, among other things, the establishment of new street patterns, the location of sewer and water mains, lighting and utility lines and other public facilities and other public action, and accordingly, this Council hereby (i) pledges its cooperation in helping to implement the Plan; (ii) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Plan; (iii) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan; and (iv) intends to undertake and complete any proceedings necessary to be implemented by the community under the provisions of the Plan.

n. The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency (see particularly Sections II, III and IV of the Report to Council regarding evidence with the respect to this finding).

o. The condemnation of real property (other than any residential property which is expressly excluded from the area in which the Agency has eminent domain power), if any, is necessary to the execution of the Plan and adequate provisions have been made for payment of property to be acquired as provided by law (see particularly Sections II, III, IV and

IX of the Report to Council regarding evidence with respect to this finding). As indicated in Section II of the Report to City Council, the Project Area is characterized by parcels for which the Agency's land assembly authority is needed to facilitate such reuse. As indicated in Sections IV and V of the Report to Council and Part VI.B. of the Plan, the Agency will have and can commit the resources necessary to provide full compensation for any land acquisition in accordance with the requirements of law.

p. The development of the public improvements set forth in the Plan are of benefit to the Project Area and to the immediate neighborhood in which the Project is located; no other reasonable means of financing such improvements are available to the community; and the payment of funds for the acquisition of land for and the cost of such improvements will assist in eliminating one or more blighting conditions in the Project Area or provide housing for low- or moderate-income persons, and is consistent with the Agency's five-year implementation plan adopted pursuant to Health and Safety Code Section 33352(c) and 333490. Based on these findings, the Agency is authorized to pay all or a part of the value of the land for and the cost of the installation and construction of the public improvements set forth in the Plan, as permitted by Health and Safety Code Section 33445 (see particularly Sections II, III, IV and V of the Report to Council regarding evidence with respect to this finding).

q. The Project Area is predominantly urbanized as defined by subdivision (b) of Section 33320.1 of the in the Redevelopment Law (see particularly Section II of the Report to Council regarding evidence with respect to this finding).

r. The Project Area does not include agricultural land or open space land that is enforceable restricted as defined in Health & Safety Code Section 33321.5(a). (See Chapter 4 of the Draft EIR and Section II of the Report to Council regarding evidence with respect to this finding.)

Section 2. Approval of Redevelopment Plan. The Plan for the Project Area, having been duly received and considered, is approved and adopted, and the City Clerk is hereby directed to file a copy of the Plan with the minutes of this meeting. The Plan, which contains, among other elements, the statement of the purpose and intent of the City Council with respect to the Project Area, is incorporated in this Ordinance by reference. The Plan is hereby designated as the official Redevelopment Plan for the Project Area. It is the purpose and intent of this City Council that the Plan be implemented in the Project Area. A copy of this Ordinance shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Plan.

Section 3. Specific Purposes of City Council. It is the specific purpose and intent of the City Council that the Plan be implemented in order to:

- a. Eliminate the conditions of blight in the Project Area;
- b. Ensure, as far as possible, that the causes of the blighting conditions will be either eliminated or protected against;
- c. Encourage and ensure the appropriate development of the Project Area; and

d. Encourage and foster the economic revitalization of the former Fort Ord military base, consistent with the General Plan, Reuse Plan and the Implementation Agreement.

Neither the list of purposes set forth above nor the lists of goals and objectives set forth in the Plan and the Report to Council are intended to reflect a particular priority order. Rather, it is the intention of the City Council that the Plan be implemented in a manner that will achieve an appropriate balance of the listed purposes, goals, and objectives taking into account redevelopment needs and opportunities that arise from time to time.

Section 4. Severability. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or 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 Ordinance or the Plan. In the event that any portion of the Project Area shall be determined to have been invalidly or incorrectly included in the Project Area, such invalidly or incorrectly included portion of the Project Area shall be deemed severable from the remainder of the Project Area, and the remainder of the Project Area shall remain fully subject to the provisions of the Plan.

Section 5. Recordation. The Executive Director of the Agency is hereby directed to record the Plan in compliance with the provisions of Health & Safety Code Section 33373 and Government Code Section 27295.

Section 6. Publication: Effectiveness. This Ordinance shall be published once in, a newspaper of general circulation printed and published in Monterey County and circulated in the City of Seaside, within fifteen (15) days from and after its adoption, and shall take effect and be enforced upon the later of (i) thirty (30) after its adoption, or (ii) certification by FORA that the Plan is consistent with the Reuse Plan, pursuant to Health & Safety Code Section 33492.73.

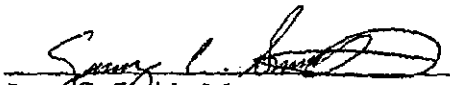
The foregoing Ordinance was duly introduced and finally adopted before the City Council of the City of Seaside, County of Monterey, at a regular meeting of the City Council held on the 18th day of April 2002, by the following vote:

AYES: COUNCIL MEMBERS: Choates, Mancini, Rubio, Bloomer, Smith

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None


Jerry C. Smith, Mayor
City of Seaside

ATTEST:

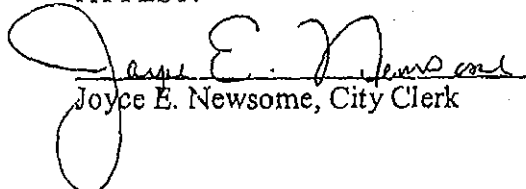

Joyce E. Newsome, City Clerk

EXHIBIT "A"

LEGEND

--- PROPOSED BOUNDARY

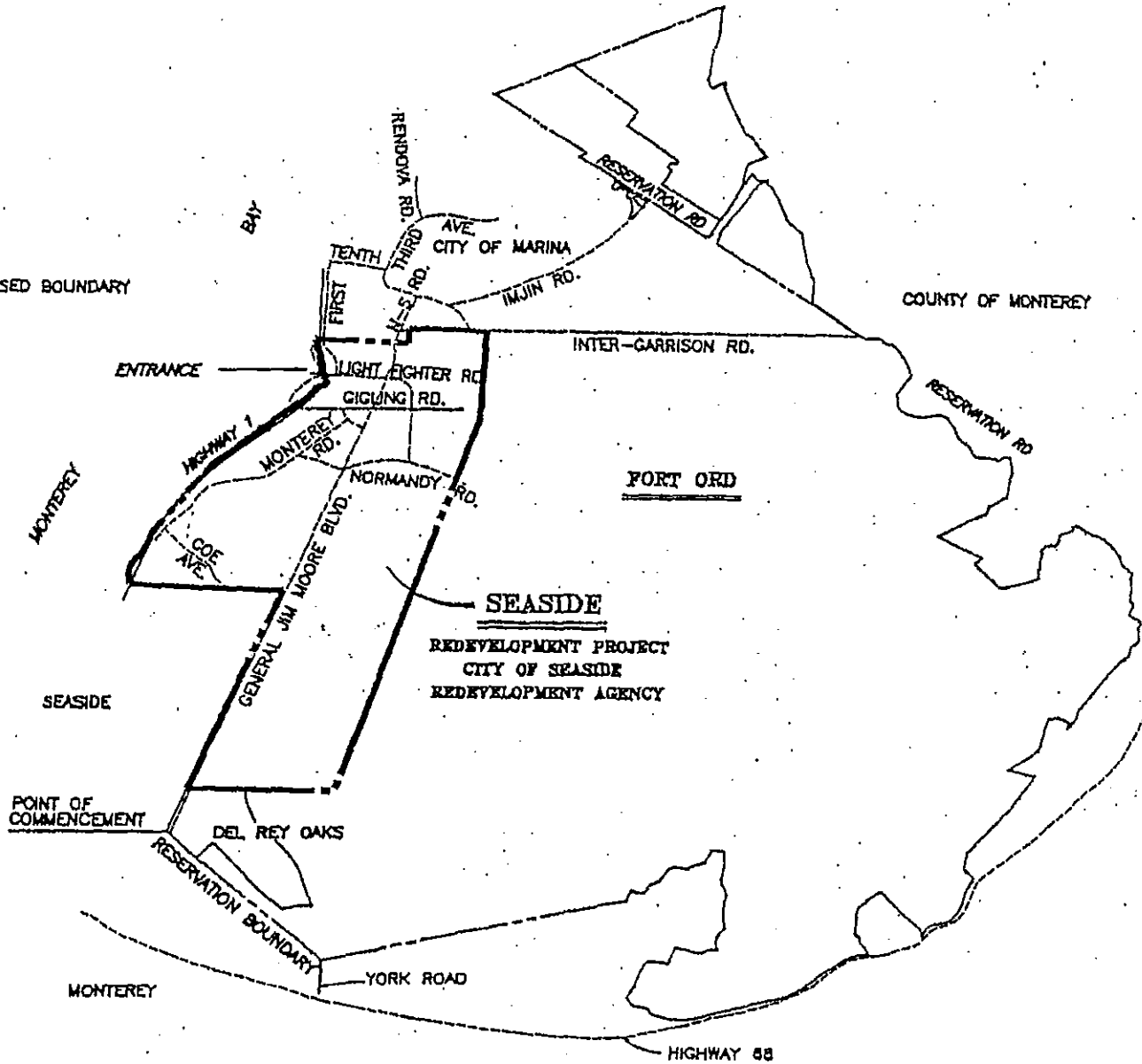


EXHIBIT "B"

GEOGRAPHIC DESCRIPTION FORT ORD REDEVELOPMENT THE CITY OF SEASIDE

CERTAIN real property situated in Monterey City Lands Tract No. 1 and Rancho Noche Buena, County of Monterey, State of California, particularly described as follows:


BEGINNING at found 6"x 6" concrete monument with copper pin marked "C" on side, as said monument is shown and so designated (corner numbered "325") in that certain "Record of Survey Map showing the Parameter Boundary of the Fort Ord Military Reservation, etc..." filed in Volume 19 of Survey Maps at Page 1, Records of Monterey County, California on September 7, 1997, said monument also being on the northerly boundary of the City of Seaside and the easterly State Highway Right of Way; thence leaving said boundary and running along said right of way.

- (1) N 05° 56' 44" E, 364.36 feet; thence
- (2) N 03° 01' 44" E, 367.64 feet; thence
- (3) N 26° 15' 46" E, 187.90 feet; thence
- (4) Northeasterly, 255.41 feet along the arc of a tangent curve to the right having a radius of 820.05 feet, through a central angle of 17° 50' 43"; thence tangentially
- (5) N 44° 06' 29" E, 255.19 feet; thence
- (6) Northeasterly, 213.21 feet along the arc of a tangent curve to the left having a radius of 680.04 feet, through a central angle of 17° 57' 48"; thence tangentially
- (7) N 26° 08' 41" E, 1035.15 feet; thence
- (8) N 04° 07' 13" E, 16.00 feet; thence
- (9) N 48° 10' 09" E, 16.00 feet; thence
- (10) Northeasterly, 235.98 feet along the arc of a non-tangent curve to the right having a radius of 620.04 feet whose center bears S 63° 51' 19" E, through a central angle of 21° 48' 23"; thence non-tangentially
- (11) N 39° 02' 05" E, 169.08 feet; thence
- (12) N 45° 32' 23" E, 88.00 feet; thence
- (13) N 39° 00' 45" E, 1055.72 feet; thence
- (14) N 45° 32' 23" E, 348.53 feet; thence
- (15) Northeasterly, 103.62 feet along the arc of a tangent curve to the left having a radius of 1482.70 feet, through a central angle of 04° 00' 15"; thence tangentially
- (16) Northeasterly, 308.05 feet along the arc of a compound curve to the left having a radius of 766.78 feet, through a central angle of 23° 01' 06"; thence tangentially

- (17) N 39° 00' 12" E, 367.50 feet; thence
- (18) N 50° 19' 23" E, 50.99 feet; thence
- (19) N 39° 00' 45" E, 300.02 feet; thence
- (20) N 47° 43' 17" E, 350.06 feet; thence
- (21) N 31° 39' 28" E, 189.42 feet; thence
- (22) N 23° 09' 43" E, 138.18 feet; thence
- (23) N 46° 39' 34" E, 218.63 feet; thence
- (24) N 52° 39' 53" E, 390.67 feet; thence
- (25) N 52° 03' 31" E, 1298.08 feet; thence
- (26) N 50° 20' 24" E, 200.10 feet; thence
- (27) N 52° 03' 39" E, 10.00 feet; thence
- (28) N 53° 46' 37" E, 200.10 feet; thence
- (29) N 52° 03' 30" E, 442.02 feet; thence
- (30) N 48° 03' 15" E, 100.26 feet; thence
- (31) N 52° 03' 31" E, 103.01 feet; thence
- (32) N 56° 03' 47" E, 100.25 feet; thence
- (33) N 52° 03' 31" E, 247.02 feet; thence
- (34) N 56° 37' 58" E, 125.41 feet; thence
- (35) N 48° 47' 17" E, 175.30 feet; thence
- (36) N 52° 03' 31" E, 1200.08 feet; thence
- (37) N 62° 43' 35" E, 265.06 feet; thence
- (38) N 50° 58' 17" E, 219.32 feet; thence
- (39) N 38° 29' 43" E, 210.01 feet; thence
- (40) N 47° 58' 54" E, 424.03 feet; thence
- (41) N 77° 02' 14" E, 471.87 feet; thence
- (42) N 01° 59' 56" W, 200.01 feet; thence
- (43) N 58° 26' 34" W, 302.00 feet; thence

- (44) N 24° 11' 05" W, 198.78 feet; thence
- (45) N 00° 57' 02" W, 357.11 feet; thence
- (46) N 06° 18' 30" W, 510.74 feet; thence
- (47) N 18° 30' 23" W, 284.42 feet; thence
- (48) N 46° 04' 58" E, 8.00 feet; thence
- (49) N 65° 23' 03" W, 9.90 feet; thence
- (50) N 18° 30' 23" W, 368.86 feet; thence leaving said State Highway right of way
- (51) S 87° 45' 00" E, 4100.00 feet along the southerly line of First Street and the westerly prolongation thereof; thence
- (52) N 02° 15' 00" E, 699.00 feet along the easterly line of Fourth Avenue; thence
- (53) S 87° 45' 00" E, 3356.81 feet along the southerly line of Third Street; thence
- (54) S 02° 15' 00" W, 3932.64 feet along the westerly line of Seventh Avenue to a point, as said point being the intersection of the centerline of Gigling Road and above said westerly line of Seventh Avenue; thence
- (55) S 18° 57' 02" W, 17935.32 feet; thence
- (56) N 88° 47' 40" W, 6392.13 feet to a point on the easterly boundary of said City of Seaside; thence along said boundary
- (57) N 23° 14' 55" E, 9773.36 feet to a granite monument marked "N.B. 4A", as shown and so designated on said map; thence along the northerly boundary of said City of Seaside
- (58) N 87° 38' 15" W, 6748.65 feet to the Point of Beginning.

The area contains 3937.27 acres, more or less.


John M. Van Zander
Registered Civil Engineer #15310
State of California
Expires: 31 March 2005

**CITY OF SEASIDE
Staff Report**

TO: Honorable Mayor and City Council

FROM: Director of Community Development

DATE: April 18, 2002

ITEM: **ACTION:** Adoption of Ordinance No. 901 of the City Council of the City of Seaside adopting the Redevelopment Plan for the Seaside-Fort Ord Redevelopment Project pursuant to the Community Redevelopment Law of the State of California. (Second Reading)

Objective:

Adoption of the Redevelopment Plan for the Seaside-Fort Ord Redevelopment Project.

Recommendation:

Adopt Ordinance No. 901 (attached as Exhibit "A").

Background:

The City Council introduced this Ordinance at the meeting held April 4, 2002.

The Redevelopment Agency of the City of Seaside (the "Agency") has prepared and submitted to the City Council for review and adoption the Redevelopment Plan for the Seaside-Fort Ord Redevelopment Project Area (the "Plan") along with supporting documents related to the formation of the redevelopment project area. These materials were transmitted to the City Council and the Agency on March 22, 2002 in preparation for this public hearing.

The City Council began the redevelopment project area formation on August 12, 1998 by designating the Fort Ord Redevelopment Survey Area with the adoption of Resolution 98-81. On March 28, 2001, the Planning Commission unanimously adopted Resolution No. 4280, which approved the Preliminary Redevelopment Plan for the former Fort Ord. On November 15, 2001, the Agency received the Preliminary Report on the Redevelopment Plan, authorized its transmittal to the affected taxing entities, and adopted Owner Participation Rules. On February 13, 2002, the Planning Commission considered the Redevelopment Plan, including supporting documents, and adopted Resolution No. 02-08 that recommended to the City Council adoption of the Redevelopment Plan.

The primary purpose of the Redevelopment Plan is to facilitate reuse of the former military base through the elimination of blight and blighting influences, that currently impact the area, and prevent effective use and development of the project area by the private market.

The Redevelopment Plan has been prepared to facilitate the development and redevelopment envisioned in the adopted Fort Ord Reuse Plan and the existing Seaside General Plan.

The Redevelopment Plan includes a variety of activities that may be undertaken to achieve the goals of effective reuse of the project area such as land acquisition, mapping, demolition, rehabilitation and construction of buildings and infrastructure, and disposition of land and buildings. The Redevelopment Plan also includes proposed financing methods and limitations on indebtedness secured by future tax increment and bonding.

The Report to the Seaside City Council provides information to the Council Members, other governmental agencies, affected taxing entities, and the public on the Redevelopment Plan. It also documents the blighting conditions, describes the proposed actions that will alleviate blight, and includes an assessment of the financial feasibility of the Redevelopment Plan. The financial feasibility assessment is a comparative analysis of the anticipated costs for the implementation of the Redevelopment Plan to revenues expected to be generated.

The Fort Ord Reuse Plan Environmental Impact Report (the "EIR") and related documents underwent extensive public review. An Environmental Initial Study (the "Initial Study") was prepared for the Redevelopment Plan. On December 14, 2001, a Notice of Intent to utilize a previously certified EIR was circulated for a 45-day public review period. The Initial Study and the response to the comments received were part of the package transmitted to the City Council previously. The Fort Ord EIR will need to be re-certified as part of the adoption of the Redevelopment Plan.

FORA must also find the Redevelopment Plan consistent with the adopted Fort Ord Reuse Plan, after it is adopted by the City Council. Copies of the draft Redevelopment Plan and supporting documents were made available for public review at the Office of the City Clerk, Redevelopment Agency office, FORA office, and Seaside Library. In addition, a public notice of the Joint Public Hearing and the availability of the documents were sent to interested and affected agencies, property owners, tenants, and residents located in the project area.

Cost/Funding Source:

The cost of processing the formation of the Fort Ord Redevelopment Plan will be reimbursed upon receipt of tax increment generated in the Project Area.

Prepared by:

Louis Dell'Angela
Director of Community Development/
Redevelopment

Reviewed for Submission to the
City Council


Daniel E. Keen, City Manager

END OF DOCUMENT

Joseph F. Pitta
Monterey County Recorder
Recorded at the request of
City of Seaside

CRCARMEN
4/24/2002
11:48:19

DOCUMENT: **2002039231**

Titles: 1/ Pages: 5



Fees....
Taxes....
Other....
AMT PAID

Recording Requested by:

Redevelopment Agency of the City of Seaside

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Redevelopment Agency of the
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955
Attn: Joyce Newsome, City Clerk

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

STATEMENT OF INSTITUTION OF REDEVELOPMENT PROCEEDINGS

PLEASE TAKE NOTICE that proceedings for the redevelopment of the Seaside-Fort Ord Redevelopment Project (the "Project Area") have been instituted under California Community Redevelopment Law, Health and Safety Code Sections 33000 et seq.

The Project Area is situated in the County of Monterey, State of California, and is more particularly described on Exhibit "B" to the Redevelopment Plan for the Seaside-Fort Ord Redevelopment Project attached hereto and by this reference made a part hereof.

This Statement is made and filed pursuant to Health and Safety Code Section 33373.

Dated: April 23, 2002

Redevelopment Agency of the City of Seaside

By:

Daniel E. Keen
Executive Director

SEASIDE-FORT ORD

REDEVELOPMENT

PROJECT AREA

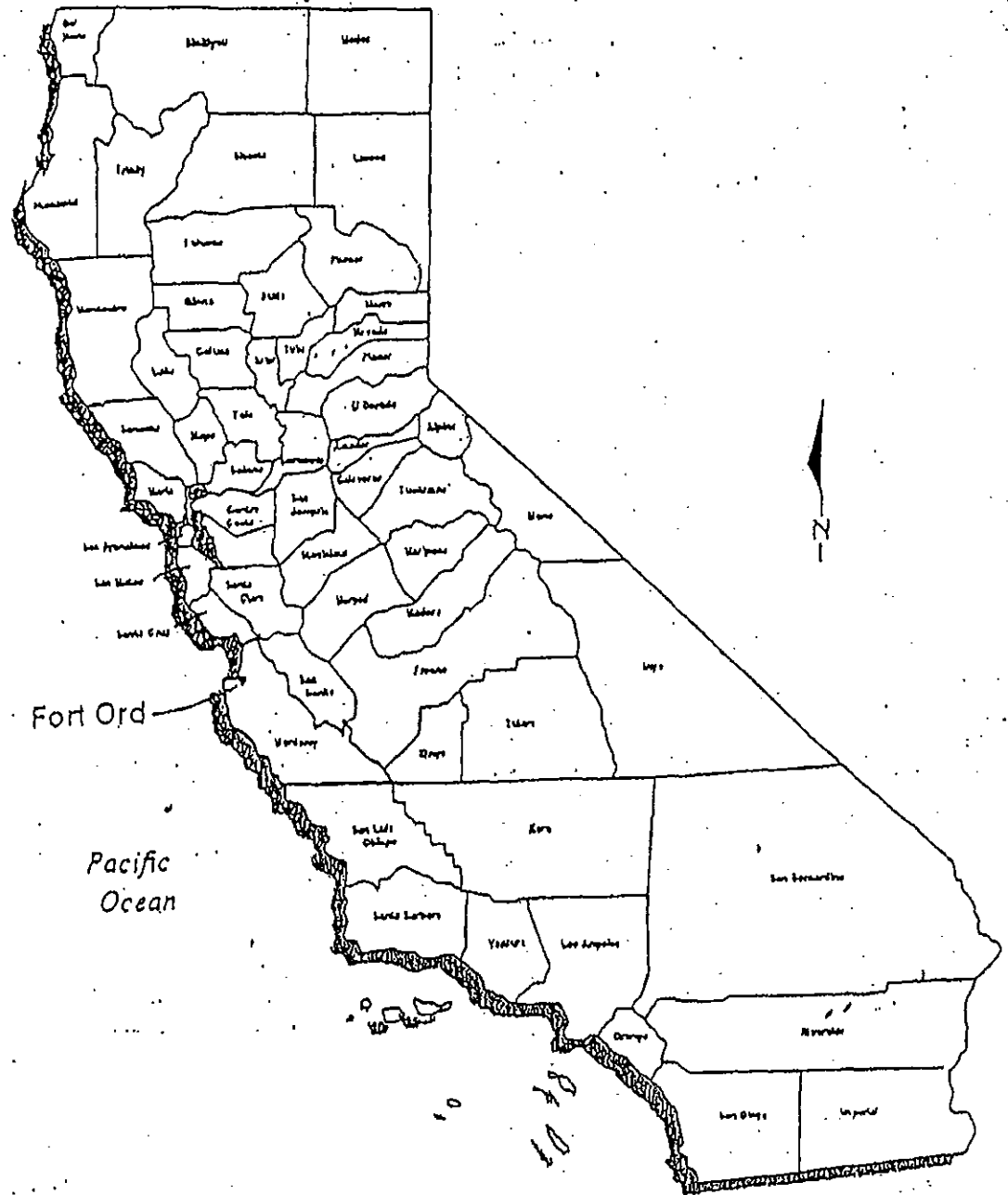
REDEVELOPMENT PLAN

REDEVELOPMENT AGENCY

OF THE

CITY OF SEASIDE

Adopted by the City Council of the City of Seaside, Ordinance No. 901,
on April 18, 2002



Regional Context Map

Source: U.S. Army Corps of Engineers, 1993

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Exhibits

- A. Boundary Map
- B. Legal Description
- C. Land Use Map
- D. Land Use Intensity Table

Attachments

- One List of Public Improvements
- Two Buildout Transportation Network

November, 2001

**CITY OF SEASIDE
REDEVELOPMENT PLAN
For The
Seaside - Fort Ord
Redevelopment Project**

PART I INTRODUCTION

This Redevelopment Plan for the Seaside Fort Ord Redevelopment Project (Plan) has been prepared by the Redevelopment Agency of the City of Seaside, pursuant to the Community Redevelopment Law of the State of California, the California Constitution, and all applicable local laws and ordinances. This is Volume One of three volumes and this Plan consists of the text including: Exhibits A. (Project Area Boundary Map); B. (Project Boundary Legal Description); C. (Land Use Map); D. (Land Use Intensity Table); Attachment 1. (List of Public Improvements), and Attachment 2. (Illustrative Transportation Network Map). Volume Two is the 33352 Report to the City Council and Volume Three is the Appendix to the 33352 Report.

The proposed Redevelopment Plan is consistent with the General Plan for the City of Seaside, as amended and adopted by Resolution 98-81 of the City Council on August 12, 1998; the Fort Ord Reuse Plan adopted June 1997 by the Fort Ord Reuse Authority; and the Implementation Agreement between the City of Seaside and the Fort Ord Reuse Authority, dated May 31, 2001.

This Plan is based on a Preliminary Plan approved by Resolution 4280 of the Seaside Planning Commission on March 28, 2001.

This Plan sets forth the powers, duties, and obligations of the Agency to implement the program generally formulated herein, in order to accomplish the redevelopment and revitalization of the area within the boundaries of the Project. This Plan describes a process and basic

framework within which specific activities will be presented, evaluated, and taken to achieve the objectives of the Plan.

The Plan is based on statutory provisions in effect at the time of adoption of this Plan. Such provisions may be amended or changed from time to time. In the event that such changes may affect this Plan's terms, and are applicable to the Agency, the Redevelopment Project, or this Plan, the terms of this Plan (if affected) shall be automatically superseded by such statutory changes, to the extent required to comply with the law. All other terms of the Plan shall remain in full force and effect.

The proposed redevelopment area shall be known as the **SEASIDE-FORT ORD REDEVELOPMENT PROJECT AREA** and this Plan shall be titled the: **"SEASIDE-FORT ORD REDEVELOPMENT PROJECT."**

PART II GENERAL DEFINITIONS

The definitions of general terms, which are contained in the California Community Redevelopment Law, govern the construction of this Plan, unless more specific terms and definitions are specified in this Plan. The term "**Council**" means the City Council of the City of Seaside which is the elected legislative body of the City, and the term "**Agency**" means the Redevelopment Agency of the City of Seaside.

- A. **Affected Taxing Agency:** any taxing entity (sometimes referred to as "Taxing Agency") that levied property taxes within the Project area prior to the adoption of this Plan.
- B. **Agency:** the Redevelopment Agency of the City of Seaside.
- C. **City:** The City of Seaside, California.
- D. **County:** the County of Monterey, California.
- E. **CSUMB:** California State University at Monterey Bay.
- F. **FORA:** the Fort Ord Reuse Authority.
- F. **General Plan:** the City of Seaside General Plan as now exists, or may hereafter be amended, including any specific plan applicable to the Project Area that may be in effect from time to time.
- G. **Implementation Agreement:** Between the City and the Fort Ord Reuse Authority regarding transfer of property, financial arrangements and land use obligations.
- G. **Land Use Plan:** the map setting forth the permitted land uses in the Project Area.
- H: **MBEST:** Monterey Bay Educational, Science, and Technology Center.
- I. **Owner Participation Rules:** the Rules for Business Tenant Preference and Owner Participation as adopted by the Agency pursuant to law, as such rules now exist or may hereafter be amended.
- J. **Person:** Any individual, or private or public entity.

- K. **Plan:** this Redevelopment Plan for the portion of the former Fort Ord, which lies within the City of Seaside.
- L. **Planning Commission:** the Planning Commission of the City of Seaside.
- M. **Project Area:** the area included within the boundaries of the Redevelopment Project as shown on the Boundary Map (Exhibit A) and as described in the Legal Description (Exhibit B).
- N. **Project:** The Project Area and the related redevelopment activities undertaken pursuant to this Plan.
- O. **Real Property:** Land, structures, buildings, structures, fixtures, and improvements on the land and all rights in land including, but not limited to terms of years and liens, encumbrances, including indebtedness, on the land.
- P. **Redevelopment Law:** The Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000, et. seq.), including Chapter 4.5, Article 4, Sections 33492.70 through and including 33492.78 (Redevelopment Agency of Fort Ord)
- Q. **State:** the State of California.
- R. **UC:** University of California.
- S. **Zoning Ordinance:** the Zoning Ordinance of the City of Seaside.

PART III PROJET AREA BOUNDARIES

The boundaries of the entire Project Area are shown on the Redevelopment Project Area Boundary Map attached hereto as Exhibit A and made by reference a part hereof, and are described in the Legal Description attached hereto as Exhibit B and made by reference a part hereof. The Project Area contains approximately 3,937 acres.

PART IV GENERAL GOALS AND OBJECTIVES

The Redevelopment Plan is proposed to achieve the following goals and objectives in compliance with the General Plan and the FORA Reuse Plan:

- A. Provide an effective set of legal and financial tools and programs that will enable the Agency to rebuild the former Fort Ord into a integral part of the community of Seaside.
- B. Removal of existing vacant, abandoned, obsolete, and/or deteriorated sites and buildings.
- C. Mitigate the economic and social degradation caused by the closure or realignment of military bases.
- D. Eliminate the physical and economic blight conditions existing in the Project Area.
- E. Assembly and subdivision of land into parcels suitable for modern residential, commercial, office, retail, and visitor-serving development with proper vehicular and pedestrian circulation.
- F. Eliminate buildings and roadways for recycling of land where economics do not support the investment to upgrade deteriorated, dilapidate, or obsolete facilities.
- G. Participate in the revitalization and redevelopment of properties by members of the community and the private sector.
- H. Improve the infrastructure of the proposed Project Area, including but not limited to development of sanitary and storm drain systems; water, gas and electrical improvements; streets, curbs, and gutters; sidewalks, signing, street lighting, signalization, telecommunications, public facilities, recreation facilities and preservation of open space.

- I. Increase and improve the supply of affordable housing for very low, low-and moderate-income persons and families by assisting in the development rehabilitation of housing meeting all income needs.
- J. Develop new employment opportunities.
- K. Ameliorate the current housing-jobs imbalance by the creation of additional and varied housing opportunities, along with appropriate recreation opportunities and expansion of small businesses.
- L. Cooperate and assist in the elimination of soil and ground water contamination, including the removal and elimination of hazardous and dangerous material.
- M. Protect endangered species consistent with the FORA Reuse Plan and appropriate state and federal regulations.

The Agency in cooperation with other public agencies will, through the redevelopment process, remove the blighted conditions; install needed public improvements; and provide the catalyst to achieve the desired improvement and revitalization of the Project Area. All development in the Project Area will be done in accordance with the provisions of this Plan, applicable City codes, ordinances and/or development agreements that control building construction, as well as limit the type, size, height, and use of buildings in the City, and all other appropriate elements of the General Plan.

PART V LAND USE REGULATIONS

A. OVERVIEW

The General Plan is in full compliance with the State of California General Plan requirements and the FORA Reuse Plan. The land uses, development standards, goals, objectives, policies, and other evaluation guidelines of the Plan shall be as set forth in the General Plan, together with the goals and objectives contained in this Plan. The Zoning Ordinance, as it currently exists or as amended in the future shall be applicable to developments in the Project Area. All development in the Project Area shall comply with all applicable state and local laws, codes and ordinances in effect from time to time in the City, in addition to any requirements of the Agency imposed to carry out this Plan. The City's zoning and planning processes shall continue to have full effect and continue to serve as the primary decision authority for land use decisions within the Project Area. City departments, boards, and commissions shall perform the same role and function for processing development applications, permits, and other entitlement actions for properties within the Project Area that are subject to this Plan, as for properties outside the Project Area that are not subject to this Redevelopment Plan.

Any future amendments to the City's planning, building codes and standards shall apply to the processing of development applications in the Project Area, providing such future amendments are found to remain in compliance with the FORA Reuse Plan.

B. LAND USE AND PUBLIC RIGHTS OF WAY MAPS

1. Land Use Map

The Land Use Map (Exhibit C) sets forth the land uses permitted in the Project Area. All development will conform to the requirements of the Redevelopment Plan and to the

requirements of applicable State statutes and local codes as they now exist or are hereafter amended.

The Land Use Intensity Table (Exhibit D) provides additional land use information. Specific zoning and land use regulations including densities allowance, lot coverage, property line set backs, height restrictions, open space, and other requirements and regulations will be prepared by the City and/or the Agency prior to disposition of any property to private or public parties.

2. Public Rights of Way

Major public rights of way are shown and described on the proposed List of Public Improvements (Attachment 1) and the Transportation Network Map (Attachment 2). Public rights of way may be used for vehicular (including bicycles) and/or pedestrian traffic and may be utilized for public and private utilities.

All streets, roads, and alleys may be widened, altered, realigned, abandoned, depressed, decked, or closed as necessary for the proper development of the project area. Additional public and private streets, right-of-ways, and easements may be created for appropriate development purposes.

The Agency may participate with other governmental bodies in improving existing roadway deficiencies (both within and outside of the Project Area) if the Agency determines such improvements are necessary to serve the project area and to meet environmental mitigations.

C. GENERAL CONTROLS AND LIMITATIONS

All real property within the boundaries of the Project Area is subject to the goals, objectives, policies, requirements, and regulations of this Plan (which incorporates the goals,

objectives, policies, requirements, and regulations of the City's General Plan and Zoning Ordinance). No real property shall be developed after the adoption of this Plan except in conformance with all the provisions and conditions of this Plan, the General Plan, the Zoning Ordinance, and all other applicable State and local laws and standards in effect from time to time.

1. New Construction

New construction shall comply with all applicable State and local laws and regulations in effect from time to time including without limitation, this Plan, any Agency adopted design for development guidelines, and all applicable City codes and zoning regulations.

2. Rehabilitation

Structures which may be retained as part of this Plan, are subject to approval by the Agency and may not be altered, constructed, or rehabilitated unless found to be in conformance with the General Plan, Zoning Ordinance, and any design guidelines adopted by the Agency.

3. Non-Conforming Uses

Non-conforming uses may be allowed within the Project Area and are subject to approval by the Agency. Non-conforming uses shall be governed by the applicable City land use regulations in effect at the time of application.

4. Open Space

The standards for open space to be provided within the Project Area are set forth in the General Plan and the Zoning Ordinance, as they now exist or as amended in the future and are included as part of the goals and objectives of this Plan. The amount of open space to be

provided for individual developments, exclusive of public rights of way, will not be less than that found sufficient to meet set back, parking, and loading space requirements. Landscaping shall be developed in the Project Area to ensure the optimum use of living plant material. In all areas, sufficient space shall be maintained between buildings to provide adequate light, air, and privacy. The amount of open space in specific developments will be determined by the requirements of local codes, ordinances, adopted guidelines for development, and other applicable planning documents. Development plans will be required to be submitted by private developers for approval by the Agency, City and FORA.

5. Height, Bulk and Density

The height and bulk of structures shall be as provided in the current General Plan, and the Zoning Ordinance as they now exist or as amended in the future. Additional design standards may be adopted by the Agency. The maximum permitted density of development shall be governed by the requirements of the General Plan and Zoning Ordinance as currently exist or as amended in the future.

6. Variances

A variance granted by the City for property within the Project Area may be deemed to constitute a comparable variance from the land use standards of this Plan without action by the Agency. The Agency is authorized to grant variances from any Agency adopted standards or regulations provided said variance is warranted after the required findings have been made and such variance would prevent hardship to the property owner, would not conflict with City land use regulations, and would not be in conflict with the goals and objectives of this Plan. In granting a variance, the Agency shall place conditions necessary to protect the public health, safety, and welfare. Owners of property requesting a variance must be willing to enter into a participation agreement with the Agency to protect the development and use of the Project Area.

7. Continued Use of Existing Buildings

The Agency is authorized to permit an existing use to remain if an existing building is in good condition, which use may not conform to this Plan, but is found to be in general compliance with this Plan, provided that such use is generally compatible with the development and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement 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, but are found to be in general compliance with the Redevelopment Plan, where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and developments.

In approving of any implementing agreement, plans, or other documents, the Agency may require that all utilities be placed underground when physically and economically feasible, as determined by the Agency.

8. Extractions

Within the Project Area, except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration for any purpose connected there within 500 feet of the surface of any property in the Project Area.

D. GUIDELINES FOR DEVELOPMENT

Within the limits, restrictions and controls established in this Plan, the Agency is authorized to develop criteria for heights of buildings, land coverage, setback requirements, landscaping requirements, design criteria, architectural character, signage, traffic circulation,

traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. No new development shall be constructed and no existing improvements shall be substantially modified or rehabilitated except in accordance with Agency adopted guidelines for development. The Agency shall not approve plans which do not adhere to such adopted guidelines for development.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated in the case of property which is the subject of an implementing agreement, plan, or other document, except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency.

E. BUILDING AND OTHER PERMITS

No zoning variance, conditional use permit, building permit, demolition permit, or other land development entitlement shall be issued for the construction of any new building or any addition to an existing building in the Project Area from the date of adoption of this Plan until the application for such permits has been made and processed in a manner consistent with all City requirements.

The Agency is authorized to establish permit procedures and approvals where required to carry out the purposes of this Plan. If additional procedures are established by the Agency, a permit shall be issued only after the applicant for the permit has been granted all approvals required by the City and the Agency. Any permit that is issued hereunder must be in conformance with the provision and intent of this Plan and applicable guidelines for development. The Agency may adopt specific guidelines to implement this requirement, including but not limited to, establishing criteria as to the type and extent of entitlements or development for which review may be required.

No new improvement shall be constructed and no existing improvements shall be substantially modified, altered, or rehabilitated except in accordance with architectural, landscape, and site plans, submitted to and approved in writing by the Agency.

F. MAXIMUM NUMBER OF DWELLING UNITS

In compliance with the California Community Redevelopment Law (Health and Safety Section 33333 (c)), it is estimated that a maximum of 6,703 dwelling units may be located within the Project Area and shall be as regulated by the City's General Plan and Zoning Ordinance, as they now exist or as amended in the future.

G. MITIGATION MEASURES

The City/Agency have adopted environmental mitigation measures in connection with the Environmental Impact Report certified by FORA along with the Base Reuse Plan, and which the City adopted in connection with the addendum to the EIR prepared with the amendment to the General Plan adopted in 1998. Such measures will be implemented as part of this Plan to avoid and/or minimize potential adverse environmental impacts. The mitigation measures are incorporated in this Plan by this reference and shall be implemented by the Agency, City, individual property owners and/or developers as necessary to carry out this Plan.

Within the Project Area, individual public or private development activity will require approval by the City and/or Agency and be subject to review as required under the California Environmental Quality Act (CEQA) to determine the need to require preparation of a negative declaration, a mitigated negative declaration, or preparation of a subsequent or supplemental environmental impact report

PART VI PROPOSED REDEVELOPMENT ACTIVITIES

The Agency proposes to eliminate and prevent the spread of blight and blight causing factors, to strengthen the economic base of the Project Area; and to obtain the goals and objectives of this Plan through the following implementing actions:

- A. Acquisition of property.
- B. Surveying, mapping and creation of parcels for subsequent disposal to public and private parties.
- C. Demolition, clearance, moving of structures, site preparation, construction of buildings and public improvements.
- D. Disposition of land, buildings, and facilities, to private parties and public agencies for uses in accordance with this Plan.
- E. Relocation assistance to displaced occupants.
- F. Development of transportation concepts and related facilities.
- G. Participation by owners and businesses.
- H. Rehabilitation and/or moving of structures.
- I. Other actions as appropriate.

In order to accomplish these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law, which are not expressly limited by this Plan.

A. DEVELOPMENT OF PUBLIC IMPROVEMENTS

The Agency, in cooperation with the City, and (as appropriate) with other entities, may explore concepts and develop facilities to increase transportation efficiency and encourage alternative means of transportation. Possible concepts are: creation of new streets; bridging, decking or depression of streets; realignment of streets; widening of streets; creation of

pedestrian bridges; improvements to state highways, including on - and - off-ramps and bypasses; bike paths; and mass transit improvements.

To the extent now or hereafter permitted by law, the Agency may, with the consent of the City Council and subject to certain findings being made, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without the Project Area, if the City Council determines: (1) that such buildings, facilities, structures, or other improvements, are of benefit to the Project or the immediate neighborhood in which the Project is located, regardless of whether such improvements are within another project area or in the case of a project area in which substantially all of the land is publicly owned, that such improvements are of benefit to an adjacent project of the Agency; (2) that no other reasonable means of financing such buildings, facilities, structures, or other improvements are available to the community; and (3) that the payment of funds for acquisition of land or the cost of buildings, facilities, structures, or other improvements will assist in the elimination of one or more blighting conditions inside the project area or provide housing for low or moderate income persons, and is consistent with the implementation plan adopted pursuant to California Community Redevelopment Law. Such determinations by the Agency and the City Council shall be final and conclusive.

The Agency is authorized to install and construct or to cause to be installed and/or constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements may include, but are not limited to, over- and under-passes, bridges, light rail, streets, roads, curbs, gutters; sidewalks, street lights, sanitary and storm sewers, traffic signals, signage, electrical distribution systems, natural gas distribution systems, water distribution systems, parks, telecommunication systems, off-street parking facilities, pedestrian walks, bicycle paths, plazas, schools or school-related facilities, libraries, permitted government buildings, playgrounds, and landscaped areas.

B. ACQUISITION OF PROPERTY

The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, purchase, eminent domain, and other lawful methods whatsoever in order to implement this Plan, however, the Agency shall not exercise the powers of eminent domain to acquire any single family residential units located within the Project Area.

The Agency may also acquire, but is not required to acquire, any real property located outside of the Project Area if necessary to carry out the objectives of this Plan.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute the Plan, for the power of eminent domain to be employed by the Agency to acquire real property, except for single family residential units, located in the Project Area. The Agency shall not exercise the power of eminent domain to acquire any parcel of real property for which proceedings in eminent domain have not commenced within twelve (12) years after the effective date of the ordinance approving and adopting this Plan, unless this Plan is amended to extend such period.

The Agency may acquire, but is not required to acquire, interests in oil, gas, or other mineral substances within the Project Area.

The Agency is not authorized by law to acquire real property owned by public bodies which do not consent to such acquisition.

The Agency is authorized to acquire personal property in the Project Area by any lawful means where necessary in the execution of this Plan.

The Agency is authorized to acquire structures and/or improvements to real property without acquiring the land upon which those structures are located. The Agency is further authorized to acquire any other interest in real property that is less than a fee interest.

The Agency shall not acquire any real property which an existing building is to be continued on its present site, in its present form and use, without the consent of the owner, unless such building requires structural alteration, improvements, modernization or rehabilitation, or the buildings site or lot requires modification in size, shape, or use, or it is necessary to impose the standards, restrictions, and controls of this plan and the owner fails or refuses to participate in the redevelopment plan.

C. REHABILITATION AND MOVING OF STRUCTURES

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

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

D. RE-ENTRY BY BUSINESSES AND PARTICIPATION BY OWNERS

1. Property Owners and Business Tenants Participation

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to re-enter in business within the redeveloped area if they otherwise

meet the requirements and rules adopted pursuant to this Plan.

Persons who are owners of real property in the Project Area shall be given the opportunity to participate in redevelopment if they otherwise meet the requirements prescribed by this Plan and the rules, adopted pursuant to this of Plan, by rehabilitation, by retention of improvements, or by new development, by retaining all or a portion of their properties, by acquiring and developing adjacent or other properties in the Project Area, or by selling their properties to the Agency and purchasing and developing other properties in the Project Area.

Except in the residential structures which are not subject to eminent domain, in the event an owner participant fails or refuses to maintain, rehabilitate or newly develop his or her real property pursuant to this Plan and a participation agreement (as defined below), the real property or any interest therein may be acquired by the Agency.

If conflicts develop between the desires of potential participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among them.

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

2. Owner Participation

The Agency shall promulgate and, as appropriate, amend rules for owner participation and preferences for businesses to reenter into the Project Area.

Participation opportunities are necessarily subject to and limited by factors such as the following:

- a. Changes in land uses in the area and elimination of land uses inimical to the redevelopment of the Project Area;
- b. Availability, capacity, removal, relocation, or installation of public utilities, infrastructure, and facilities;
- c. Market conditions and project feasibility;
- d. Necessity for reduction in the number of parcels in the Project Area, land assembly, and the possibility of subdivisions or re-subdivision of land area;
- e. Long term land planning and Agency resources;
- f. Allocation and application of Agency funds and staff;
- g. Ability of community resources to support an activity;
- h. The impact of a proposed development on the community and its environment;
- i. Conformance to the Redevelopment Plan and the implementation plans of the Agency;
- j. The relationship of a proposed development to the surrounding community, its quality, configuration, appearance and service of community needs;
- k. The contribution of the proposed development to the tax base of the community; and
- l. The experience and financial capability of the participant.

Each potential participant who has submitted an acceptable proposal to the Agency shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, or use and maintain the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

Whether or not a person, firm, or institution 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.

E. COOPERATION WITH OTHER PUBLIC BODIES

1. Agency Pledge

The Agency will work cooperatively with other public entities regarding the implementation of this Redevelopment Plan. By law, the Agency is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of public bodies, which own or intend to acquire property in the Project Area. The Agency shall have the right to ensure that future development by other public bodies conform to the requirements of this Plan.

2. Agency Assistance

To the extent and in the manner now or hereafter permitted by law, the Agency is authorized to pay for and may undertake, cause, provide, or make provision with other agencies for the installation, construction, expansion, rehabilitation, or modernization of any building, facility, or structure, which is publicly owned, is of benefit for carrying out this Redevelopment Plan, and/or located within or outside the Project Area and for which no other reasonable means of financing is available. The Agency may enter into contracts, leases, and agreements with the City or other public body or entity pursuant to this Plan 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 Section 33670 of the Redevelopment Law and under this Plan or out of any other available

funds. Such public improvements, facilities, and utilities are described in Attachment Number One (Public Improvements).

3. Other Appropriate Actions

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.

The Agency is authorized, but not required to, in any year during which it owns property in the Project Area, make payments from tax increments, actually received by the Agency (in lieu of property taxes), to taxing agencies for whose benefit a tax would have been levied upon such property had it not been exempt by reason of the Agency's ownership. Health and Safety Code Section 33401, states the following:

"The agency may, in any year during which it owns property in a redevelopment project that is tax exempt, pay directly to any city county, city and county district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon the property had it not been exempt, an amount of money in lieu of taxes that may not exceed the amount of money the public entity would have received if the property had not been tax exempt."

F. PROPERTY MANAGEMENT

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management, maintenance, and control of the Agency. Such property

may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

G. RELOCATION ASSISTANCE TO DISPLACED OCCUPANTS

1. Assistance in Finding New Locations

The Agency shall assist all persons (including individuals and families), business concerns, and others displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons (including individuals and families), if any, displaced from their respective places of residence by the Project, the Agency shall assist such persons in finding new locations that are decent, safe, and sanitary, in reasonably convenient locations, and otherwise suitable to their respective needs.

No persons or families of low- and moderate-income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by the displaced person or family at rents comparable to those at the time of their displacement. The housing units shall be suitable to the needs of the displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwellings. The Agency shall not displace such person or family until such housing units are available and ready for occupancy.

2. 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, for which reimbursement or compensation is not otherwise made, and shall make such additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the Agency rules and regulations, the California Relocation Assistance Law (Government Code Sections 7260, et seq.) and the Relocation Assistance and

Real Property Acquisition Guidelines adopted and promulgated pursuant thereto (California Code of Regulations Sections 6000-6198). The Agency may make such other payments as may be appropriate and for which funds are available.

H. PROVISION FOR RELACEMENT HOUSING

Whenever the Project affects existing housing or whenever new housing is undertaken, the Agency shall comply with all applicable provisions of the Redevelopment Law with respect to low - and moderate-income housing.

Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low - and moderate-income housing market as a part of the redevelopment of the Project Area which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, or construct; or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units at affordable housing cost within the territorial jurisdiction of the Agency in accordance with the provisions of applicable law, including the preparation of required replacement housing plans. One hundred percent (100%) of such replacement dwelling units shall replace dwelling units available at affordable housing cost in the same income level of very low-income households, low-income households, and persons and families of low and moderate income, as persons displaced from those units destroyed or removed.

I. CREATION OF PARCELS FOR DISPOSITION

The Agency is authorized to prepare as development sites any real property in the Project Area owned or acquired by the Agency. The Agency also may require others to plan, survey,

subdivide, and record property parcel maps for property owned by the Agency in preparation to the conveyance of property to private and public parties.

J. REHABILITATION AND MOVING OF STRUCTURES

To the extent appropriate in carrying out the objectives of this Plan, the Agency is authorized to rehabilitate or cause to be rehabilitated any building or structure in the Project Area that is owned by the Agency and move or cause to be moved any building or structure to a location within or outside the Project Area.

The Agency may, but is not required to, assist in financing facilities or capital equipment, including, but not limited to, such items as pollution control devices and seismic retrofits, for properties being developed or rehabilitated for industrial or manufacturing uses with the Project Area pursuant to Health and Safety Code Section 33444.6 and any successor statute.

K. DEMOLITION, CLEARANCE, AND SITE PREPARATION

The Agency is authorized to, and may cause or may require to be caused, the demolition; clearance; moving of certain buildings, structures, and other improvements; site preparation and construction of buildings, and improvements as necessary to carry out the goals and objectives of this Plan.

L. HAZARDOUS WASTE REMEDY AND REMOVAL

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

M. DISPOSITION AND DEVELOPMENT OF PROPERTY

1. General

The Agency may dispose of both real and personal property for uses in accordance with this Plan. The Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber by mortgage, or deed of trust, or otherwise dispose of any interest in real or personal property.

To the extent and in the manner permitted by law and upon compliance with the public notice and hearing requirements of the Redevelopment Law, the Agency is authorized to dispose of real or personal property by negotiated lease or sale or transfer without public bidding.

All real property acquired by the Agency in the Project Area shall be sold or leased for development for prices that shall not be less than fair value for the uses in accordance with this Plan. Property acquired by the Agency may be conveyed by the Agency without charge to the City of Seaside or any other public body. Property acquired by the Agency for rehabilitation and resale shall be offered for resale within one year after completion of rehabilitation, or an annual report concerning such property shall be published by the Agency as required under law.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes, and to ensure that developments are carried out pursuant to this Plan, any adopted Guidelines for Development, and the Redevelopment Law.

All purchasers or lessees of property acquired from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of

the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

2. Purchase and Development Agreements

To provide adequate safeguards that the work of redevelopment will be carried out in compliance with this Plan and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan and appropriate documentation including, but not limited to, deeds, contracts, agreements, leases, declarations of restrictions and provisions of the City's Zoning Ordinance, as it now exists or hereafter be amended. As determined by the Agency, documents or portions thereof may be recorded in the office of the County Recorder.

The deeds, contracts, agreements, leases, and declarations of restrictions may contain restrictions, covenants, conditions, rights of reversion, and any other provisions required by the Agency to carry out this Plan and to assure that development in the Project area is in accordance with said documents.

The Agency may require that development plans be submitted for Agency review and approval. All development will conform to this Plan as well as all applicable Federal, State, and local laws.

3. Developer Obligations

During the period of redevelopment in the Project Area, the Agency shall ensure that the provisions of this Plan and of documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with disposition and development documents and time schedules.

The Agency shall have the right to withhold transfer of title to the purchaser or developer of said property in order to assure compliance to this Plan. All architectural, grading, parking, landscaping, site, and other property related plans shall, unless waived by the Agency, be submitted for review and approval by the Agency. Agency approval shall be in writing. The Agency reserves the right to refuse approval, if the Agency finds the plans and specifications do not conform with the conditions of the disposition documents, guidelines for development and/or the objectives of this Plan.

The Agency shall not allow the purchaser of Agency owned property to resell, lease, sublease, or dispose of said property until construction has been completed, except with prior written consent of the Agency.

All development must abide by the Fort Ord Habitat Management Plan as adopted by the City. Compliance language shall be included in all Agency disposition agreements, leases, and/or participation documents.

4. Personal Property

The Agency is authorized to sell, lease, transfer, assign, exchange, pledge, encumber, or otherwise dispose of personal property.

N. NON DISCRIMINATION

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

non-discrimination and non-segregation clauses as are required by law under Health and Safety Code Section 33435 and 33436. The non-discrimination covenants contained in Agency agreements shall remain in effect in perpetuity.

PART VII

GENERAL CONDITIONS

All real property in the Project Area is hereby made subject to redevelopment pursuant to the controls and requirements of this Plan and any adopted Design for Development requirements. No real property shall be developed, rehabilitated or otherwise changed after the date of the adoption of the Plan, contrary to the provisions of any implementing agreements, plans or other documents pertaining to such property.

All new construction and/or rehabilitation of existing structures within the Project Area shall comply with all applicable State and local laws in effect from time to time including, without limitation, this Plan, any adopted Design for Development requirements, and all applicable codes and zoning regulations of the City of Seaside.

PART VIII

METHODS FOR FINANCING THE PROJECT

A. GENERAL DESCRIPTION OF THE PROPOSED FINANCING METHODS

The Agency is authorized to finance this Project with financial assistance from the City, County, State, and Federal governments; property tax increments; special assessment districts; donations; interest income; Agency bonds; loans from private financial institutions; the lease of Agency owned property; sale of Agency owned property; and/or any other available source. The Agency is 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 planning and for administration of this Project may be provided by the City. Additional funds may be obtained from any of the sources identified above until adequate tax increments or other funds are available or sufficiently assured to permit the borrowing of adequate working capital and to repay the loans. The City may supply additional assistance by obtaining loans and grants for various public facilities.

As available, gas tax funds from the State, County, and City may be used for street improvements and public transit facilities. A portion of transit and/or public parking facilities may be installed through a parking or transit authority or other public or private entities.

Any other loans, grants, or financial assistance from the government, or any other public or private source, will be utilized as available.

B. AFFORDABLE HOUSING REQUIREMENTS

In accordance with the Redevelopment Law (Health and Safety Code Section 33334.2), a

minimum of twenty percent (20%) of all tax increment allocated to the Agency shall be used for purposes of improving and increasing the community's supply of affordable housing unless the Agency makes one or more of the findings as specified in Health and Safety Code Section 33334.2(a). It shall be the intent of this Plan that the Agency use the twenty percent housing set aside to fund existing and new programs for affordable housing development and rehabilitation in conformance with City housing programs, as they now exist or may be amended. Affordable housing is a permitted use in the Project Area.

C. TAX INCREMENTS

The Project assessed valuation base will be established in accordance with State law as described herein. Any tax increments will be used to defray Project expenses to the extent allowable from the increment itself or from the sale of tax allocation bonds.

Pursuant to Health & Safety Code Section 33492.75 (d), the Fort Ord Reuse Plan adopted by FORA on June 13, 1997, is deemed to be a redevelopment plan for the area of the former Fort Ord base. Accordingly, all taxes levied upon taxable property within the Project each year by or for the benefit of the State, County, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the date on which FORA adopted the Fort Ord Reuse Plan shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year, by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of that property by such taxing agency, last equalized prior to the effective date of the Fort Ord Reuse Plan, shall be allocated to and, when collected, shall be paid to the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid. For the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of the Fort Ord Reuse Plan but, to which that

territory has been annexed or otherwise included after that effective date, the assessment roll of the county last equalized on the effective date of said Fort Ord Reuse Plan shall be used in determining the assessed valuation of the taxable property in the Project on the effective date; and

2. Except as provided for in paragraph 3 hereof, that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in that Project as shown by the last equalized assessment roll referred to in paragraph A hereof, all the taxes levied and collected upon the taxable property in the Project shall be paid to the respective taxing agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. That portion of taxes in excess of the amount identified in paragraph 1 hereof which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected, shall be paid to the fund of that taxing agency. This paragraph shall only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989.

4. The portion of taxes mentioned in paragraph 2 above are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of

loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

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

6. No tax increment, generated pursuant to Health & Safety Code Section 33670, may be allocated to and received by the Agency more than forty five (45) years from the date the County auditor certifies to the Director of Finance, pursuant to Health & Safety Code Section 33492.9, the date of the final day of the first fiscal year in which one hundred thousand dollars (\$100,000) or more of tax increment funds from the Project area are paid to the Agency.

7. The total number of dollars of taxes, which may be divided and allocated to the Agency for the Project pursuant to Section 33492.13 shall not exceed the amount of one billion, sixty five million dollars (\$1,065,000,000), except by amendment of this Plan.

D. TIME LIMITS ON FINANCING THE PROJECT

No loan, advance, or other indebtedness to finance the Project and to be repaid from the division and allocation of taxes to the Agency pursuant to Section C.2 shall be established or incurred by the Agency after twenty (20) years from the date the County Auditor certifies to the Director of Finance, pursuant to Health & Safety Code Section 33492.9, the date of the final day of the first fiscal year in which One Hundred Thousand Dollars (\$100,000) or more of tax increment funds from the Project Area is paid to the Agency. However such loans, advances, or other indebtedness may be repaid over a period of time, which extends beyond such date. This time limitation may be extended only by amendment of this Plan.

E. AGENCY BONDS, ADVANCES, AND INDEBTEDNESS

The Agency is authorized to issue bonds for any corporate purposes or for the purpose of refunding bonds it has previously issued. The principal and interest payable on such bonds may be paid from the income and revenue from the Project, tax increment funds, Agency revenues, financial assistance from federal, state, or local governments, repayment of loans or indebtedness to the Agency, private parties, any other source permitted by law, or any combination of the above.

The Agency is authorized to issue bonds or other debt instruments if appropriate and feasible in an amount sufficient to finance all or any part of the Project. Bonded indebtedness secured by a pledge of tax increments from the Project shall not exceed one hundred and twenty one million (\$121,000,000) in principal amount outstanding at any one time without an amendment to this Plan.

Neither the members of the Agency nor any persons executing the bonds are personally liable for 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. In no event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. The Agency shall not issue any bonds without the express approval of the City Council.

To the extent provided by law, the time limits on the establishment of indebtedness shall not prevent the Agency from refinancing, refunding, or reconstructing indebtedness after these time limits if no increase in indebtedness is involved and the time to repay such indebtedness is

not increased. These time limits shall not prevent the Agency from incurring debt to be paid from the Agency's low and moderate-income housing trust fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law.

F. OTHER LOANS, GRANTS, AND ADVANCES

1. Sources of Agency borrowing

The Agency is authorized to utilize any other available loans, grants, or financial assistance from any other private or public source for purposes of carrying out the Project.

The Agency is authorized to form or to assist in the forming and financing of community development financing institutions and land trusts that may become involved in redevelopment activities within the Project Area.

2. Economic Development Loans

The Agency is authorized to establish and implement loan programs to assist owners or tenants in the rehabilitation of commercial buildings or structures located within the Project Area.

To the extent and manner permitted by law, the Agency is authorized to establish and implement loan programs to assist in financing facilities or capital equipment including, but not limited to, pollution control devices, and removal of dangerous or hazardous material.

PART IX ACTIONS BY THE CITY

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

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

B. Institution and completion of proceedings for opening, closing, vacating, or 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 ways in the Project. Such action by the City may include the requirement of abandonment and relocation by the public utility companies of their operations in public rights of way as appropriate to carry out this Plan.

C. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities or facilities within or affecting the Project.

D. Revision of zoning within the Project to permit the land uses and development authorized by this Plan.

E. Imposition wherever necessary (by covenant or restrictions, conditional use permits, zoning 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.

F. Provisions for administrative enforcement of this Plan shall be made by the City after development.

G. Performance of the above, and all other functions and services relating to public health, safety, and physical development which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

PART X ADMINISTRATION AND IMPLEMENTATION OF THE PLAN

The Agency shall perform the administration and implementation of this Plan or other documents implementing the Plan. The provisions of this Plan or other documents formulated pursuant to this Plan may also be enforced by court litigation instituted by the Agency. Such remedies may include, but are not limited to specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

PART XI TIME LIMITS OF THE PLAN

The following time limits may be extended by future Redevelopment Law and if granted shall be incorporated into the provisions of this Plan by this reference.

A. The Agency is not authorized to establish or incur loans, advances, or indebtedness to finance in whole or in part the Project beyond twenty (20) years from the date that the County Auditor verifies that \$100,000 or more of tax increment funds from the project area has been paid to the Agency. Loans, advances or indebtedness may be repaid over a period time beyond this time limit, subject to provisions of paragraph C below. The time limit set forth in this paragraph may be extended by amendment to this Plan. The limit set forth in this paragraph shall not prevent the Agency from incurring debt to be paid from the Housing fund established pursuant to Health and Safety Code Section 33334.2 and 33334.3 or from establishing more debt in order to carry out the Agency's housing obligations under Health and Safety Code Section 33413.

B. This Plan (including, without limitation, the Agency's land use controls for the Project Area) shall terminate on the date which is thirty (30) years after the date that the County Auditor verifies that \$100,000 or more of tax increment funds from the project area has been paid to the Agency. After expiration of the time limit, the Agency shall have no authority to act pursuant to the Plan, except to pay already incurred indebtedness; to enforce existing covenants, contracts, and other obligations; and to complete any unfulfilled obligations under Health and Safety Code Section 33413.

C. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 beyond forty-five (45) years from the date that the County Auditor verifies that \$100,000 or more of tax increment funds from the project area has been paid to the Agency.

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

PART XII PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedures established under the Redevelopment law, or by any other procedures hereafter established by law.

PART XIII

SEVERABILITY

If any provision, section, subsection, subdivision, sentence, clause or phrase of the Plan is for any reason held to be invalid, unenforceable, or unconstitutional, such decision shall not affect the validity and effectiveness of the remaining portion or portions of the Plan.

PART XIV AUTHORITY OF THE AGENCY

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

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EXHIBITS

- A. BOUNDARY MAP
- B. LEGAL DESCRIPTION
- C. LAND USE MAP
- D. LAND DEVELOPMENT INTENSITY

EXHIBIT "A"

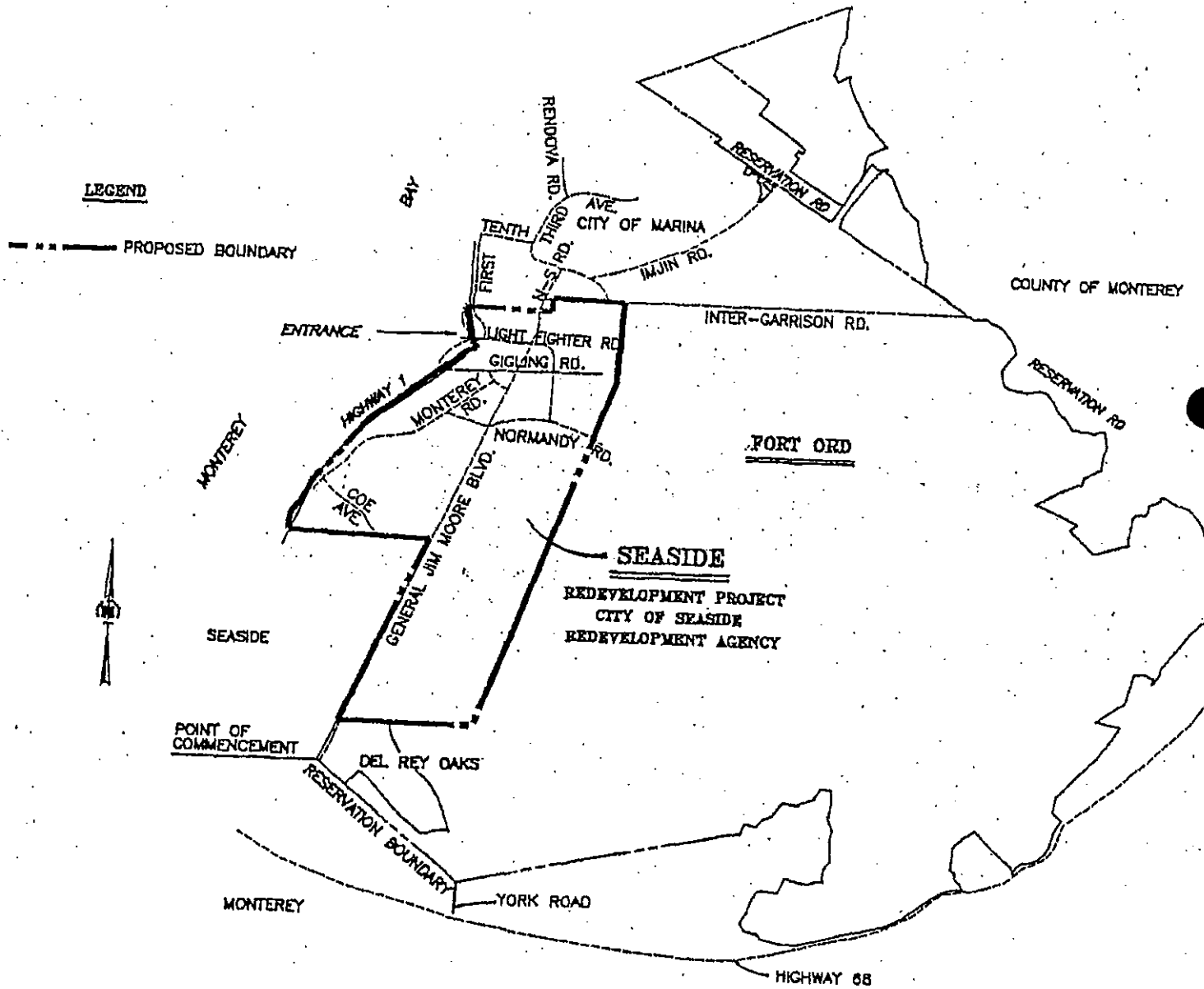


EXHIBIT "B"

GEOGRAPHIC DESCRIPTION FORT ORD REDEVELOPMENT THE CITY OF SEASIDE

CERTAIN real property situated in Monterey City Lands Tract No. 1 and Rancho Noche Buena, County of Monterey, State of California, particularly described as follows:

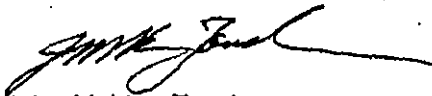
BEGINNING at found 6"x 6" concrete monument with copper pin marked "C" on side, as said monument is shown and so designated (corner numbered "325") in that certain "Record of Survey Map showing the Parameter Boundary of the Fort Ord Military Reservation, etc..." filed in Volume 19 of Survey Maps at Page 1, Records of Monterey County, California on September 7, 1997, said monument also being on the northerly boundary of the City of Seaside and the easterly State Highway Right of Way; thence leaving said boundary and running along said right of way.

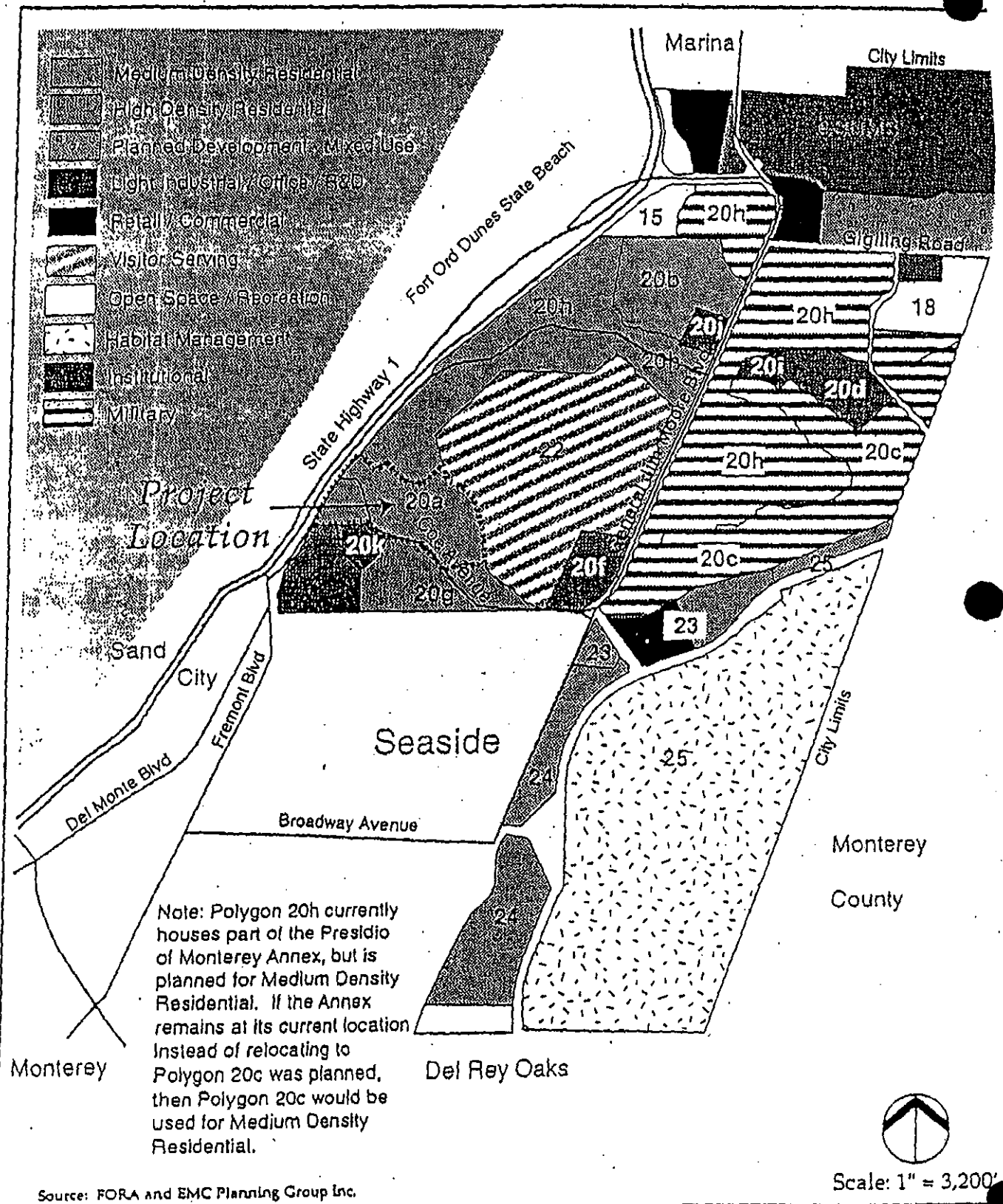
- (1) N 05° 56' 44" E, 364.36 feet; thence
- (2) N 03° 01' 44" E, 367.64 feet; thence
- (3) N 26° 15' 46" E, 187.90 feet; thence
- (4) Northeasterly, 255.41 feet along the arc of a tangent curve to the right having a radius of 820.05 feet, through a central angle of 17° 50' 43"; thence tangentially
- (5) N 44° 06' 29" E, 255.19 feet; thence
- (6) Northeasterly, 213.21 feet along the arc of a tangent curve to the left having a radius of 680.04 feet, through a central angle of 17° 57' 48"; thence tangentially
- (7) N 26° 08' 41" E, 1035.15 feet; thence
- (8) N 04° 07' 13" E, 16.00 feet; thence
- (9) N 48° 10' 09" E, 16.00 feet; thence
- (10) Northeasterly, 235.98 feet along the arc of a non-tangent curve to the right having a radius of 620.04 feet whose center bears S 63° 51' 19" E, through a central angle of 21° 48' 23"; thence non-tangentially
- (11) N 39° 02' 05" E, 169.08 feet; thence
- (12) N 45° 32' 23" E, 88.00 feet; thence
- (13) N 39° 00' 45" E, 1055.72 feet; thence
- (14) N 45° 32' 23" E, 348.53 feet; thence
- (15) Northeasterly, 103.62 feet along the arc of a tangent curve to the left having a radius of 1482.70 feet, through a central angle of 04° 00' 15"; thence tangentially
- (16) Northeasterly, 308.05 feet along the arc of a compound curve to the left having a radius of 766.78 feet, through a central angle of 23° 01' 06"; thence tangentially

- (17) N 39° 00' 12" E, 367.50 feet; thence
- (18) N 50° 19' 23" E, 50.99 feet; thence
- (19) N 39° 00' 45" E, 300.02 feet; thence
- (20) N 47° 43' 17" E, 350.06 feet; thence
- (21) N 31° 39' 28" E, 189.42 feet; thence
- (22) N 23° 09' 43" E, 138.18 feet; thence
- (23) N 46° 39' 34" E, 218.63 feet; thence
- (24) N 52° 39' 53" E, 390.67 feet; thence
- (25) N 52° 03' 31" E, 1298.08 feet; thence
- (26) N 50° 20' 24" E, 200.10 feet; thence
- (27) N 52° 03' 39" E, 10.00 feet; thence
- (28) N 53° 46' 37" E, 200.10 feet; thence
- (29) N 52° 03' 30" E, 442.02 feet; thence
- (30) N 48° 03' 15" E, 100.26 feet; thence
- (31) N 52° 03' 31" E, 103.01 feet; thence
- (32) N 56° 03' 47" E, 100.25 feet; thence
- (33) N 52° 03' 31" E, 247.02 feet; thence
- (34) N 56° 37' 58" E, 125.41 feet; thence
- (35) N 48° 47' 17" E, 175.30 feet; thence
- (36) N 52° 03' 31" E, 1200.08 feet; thence
- (37) N 62° 43' 35" E, 265.06 feet; thence
- (38) N 50° 58' 17" E, 219.32 feet; thence
- (39) N 38° 29' 43" E, 210.01 feet; thence
- (40) N 47° 58' 54" E, 424.03 feet; thence
- (41) N 77° 02' 14" E, 471.87 feet; thence
- (42) N 01° 59' 56" W, 200.01 feet; thence
- (43) N 58° 26' 34" W, 302.00 feet; thence

- (44) N 24° 11' 05" W, 198.78 feet; thence
- (45) N 00° 57' 02" W, 357.11 feet; thence
- (46) N 06° 18' 30" W, 510.74 feet; thence
- (47) N 18° 30' 23" W, 284.42 feet; thence
- (48) N 46° 04' 58" E, 8.00 feet; thence
- (49) N 65° 23' 03" W, 9.90 feet; thence
- (50) N 18° 30' 23" W, 368.86 feet; thence leaving said State Highway right of way
- (51) S 87° 45' 00" E, 4100.00 feet along the southerly line of First Street and the westerly prolongation thereof; thence
- (52) N 02° 15' 00" E, 699.00 feet along the easterly line of Fourth Avenue; thence
- (53) S 87° 45' 00" E, 3356.81 feet along the southerly line of Third Street; thence
- (54) S 02° 15' 00" W, 3932.64 feet along the westerly line of Seventh Avenue to a point, as said point being the intersection of the centerline of Gigling Road and above said westerly line of Seventh Avenue; thence
- (55) S 18° 57' 02" W, 17935.32 feet; thence
- (56) N 88° 47' 40" W, 6392.13 feet to a point on the easterly boundary of said City of Seaside; thence along said boundary.
- (57) N 23° 14' 55" E, 9773.36 feet to a granite monument marked "N.B. 4A", as shown and so designated on said map; thence along the northerly boundary of said City of Seaside
- (58) N 87° 38' 15" W, 6748.65 feet to the Point of Beginning.

The area contains 3937.27 acres, more or less.


John M. Van Zander
Registered Civil Engineer #15310
State of California
Expires: 31 March 2005



Seaside Fort Ord Land Use Designations

Exhibit C

Table 3.9-1
City of Seaside

Land Development Intensity Summary Table

The "Land Use Capacity" is a projected development yield based on anticipated market absorption, land characteristics, and community vision. The capacities indicated are intended to provide a general guide to assist in land resource management and infrastructure commitments and financing. The precise mix of uses is expected to vary in response to market conditions and FORA actions. The aggregate totals provide a "not-to-exceed envelope" of development within the former Fort Ord.

PLANNING AREAS AND DISTRICTS	PLANNED LAND USE & INTENSITY			LAND AREA AND RESERVES							PROJECTED DEVELOPMENT CAPACITY			
	Gross Acreage	Development Intensity	Land Use	ROW (acres)	Park & D.S. Reserve	Hab. Mgt. Reserve	Pub. Fac. Mil. Enclave	Schools	Soft Concess	Net (acres)	Average by land use+	Projected Yield	Units	Net Intensity
UNIVERSITY PLANNING AREA														
Gateway Regional Entertainment	90	.25 FAR	Reg'l Retail	4	42					44	14 acres regional retail	476,764 SF		.25 FAR
University Village (1)	146	up to .25 FAR and 20 DU's/Acre	MX	0	3		49	10		82	50 acres housing	540 DU's	10.8 units/acre	
POM Annex Retail & Services	67	N/A	Mil. Enclave	0			67			0	32 acres retail	346,847 SF		.25 FAR
Community Park	50	N/A	OS/Rec.	0	50					0	67 acres POM Annex PX	0		N/A
CSUMB District (Seaside)(2)	332	N/A	School/Univ.	0				332		0	50 acres community park	0		N/A
											332 acres - CSUMB	12,000 FTE's		N/A
SEASIDE RESIDENTIAL PLANNING AREA														
New Golf Course Community District	853	5 - 10 units/acre 18 - 20 units/acre .25 FAR	SFB-mid MFD	18	10			76		557	531 acres housing	3,068 DU's	5.6 units/acre	
Visitor Serving Hotels, Conf. Center, Golf	375		Visitor Serving	0					350	25	24 acres housing	291 DU's	8.5 units/acre	
Reconfigured POM Annex Community	799	N/A	Mil. Enclave	83			648	83		0	2 acres convenience retail	21,780 SF		.25 FAR
Planned Residential Extension Districts	244	5 - 10 units/acre .25 FAR	SFB-mid	60	7					221	25 acres visitor serving	800 Rooms		
Community Park	25	N/A	OS/Rec.	0	25					0	648 acres military housing	1,590 DU's	2.5 units/acre	
											195 acres housing	1,214 DU's	6.2 units/acre	
											26 acres neighborhood retail	283,685 SF		.25 FAR
												0		N/A
TOTALS				163	139	0	762	487	350	929	6,703 DU's 1,129,076 SF 800 Rooms 12,000 FTE student pop.			

NOTES

(1) Public Facility reserves includes area for DFAS and a 20% internal road reserve.

(2) Includes 50% of projected 25,000 Full-time Student Equivalents, based on coordination with traffic modelling

Exhibit D

ATTACHMENTS

ONE: LIST OF PUBLIC IMPROVEMENTS

TWO: BUILDOUT TRANSPORTATION
NETWORK

PUBLIC IMPROVEMENTS

The Agency will begin a program of public improvements in order to carry out the goals and objectives of the Redevelopment Plan.

The Agency is authorized, but may not be required to, finance and construct the following public improvements. Public Improvements include street lights, traffic signals, landscaping, sidewalks, curbs, gutters, drains, and drainage systems, utility poles or other conduits, public transportation facilities, telecommunication systems, bridges, retaining and sound walls, parks, playgrounds, pedestrian walkways, bicycle lanes and trails, fire prevention systems, fire/public safety stations, libraries and other public facilities and buildings as allowed under redevelopment law. Included in the following list are improvements required as mitigation measures by the FORA certified Environmental Impact Report. The Agency is authorized to pay their fair share portion of the cost of mitigation.

Following are the estimated public improvements to be installed in the Redevelopment Project Area and those improvements required by the FORA Reuse EIR as necessary to serve the former base. Provided the required findings are made, it is assumed that tax increment financing will be used to fund all or a portion of the costs associated with the public improvement program.

A. MAJOR ROADS AND STREETS

- 1) General Jim Moore Boulevard
- 2) Monterey Road
- 3) Broadway Ave
- 4) 2nd Avenue
- 5) 12 Street
- 6) 8th Street/8th Street Cutoff
- 7) Gigling Road
- 8) Lightfighter Drive
- 9) Eucalyptus Road
- 10) Inter-garrison Road
- 11) Coe Ave.
- 12) South Boundary Road
- 13) Imjin Road
- 14) Inter-Garrison Road
- 15) Interior Polygon Roads and Streets *

ATTACHEMENT ONE

- 7) Tennis Courts
- 8) Basketball Courts
- 9) Recreation Centers
- 10) Parking
- 11) Landscaping/irrigation/paved walkways
- 12) Lighting

F. HABITAT MANAGEMENT IMPROVEMENTS

- 1) Restoration/revegetation
- 2) Fencing
- 3) Lighting
- 4) Barriers
- 5) Signage
- 6) Drainage/irrigation

G. FIRE PROTECTION

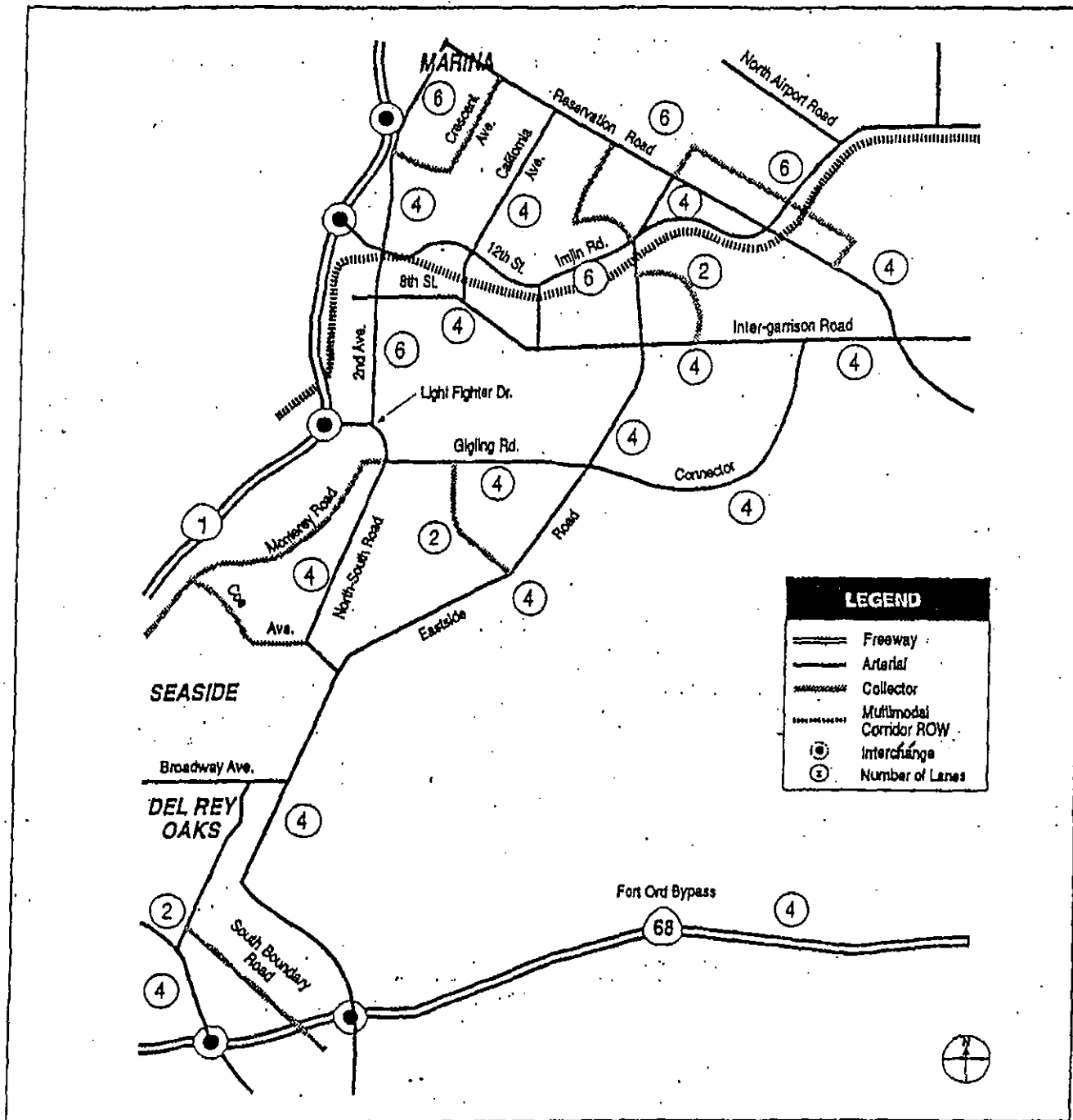
- 1) Facilities
- 2) Hydrants
- 3) Water lines
- 4) Storage

H. COMMUNITY FACILITIES

- 1) Community Center/Library
- 2) Childcare Facilities

* The Agency is authorized, but is not required, to finance and construct interior street improvements.

Streets and roads may be constructed, altered, and improved as traffic conditions warrant. All streets, roads, and alleys may be widened, altered realigned, abandoned, depressed, decked or closed as necessary for the proper development of the project area. Additional public and private streets, right-of-ways, and easements may be created for appropriate development purposes. In addition to surface streets and roads, the Project Area is served by State Highway One, ingress and egress to this highway is inefficient and in need of redesign and improvements made. Highway 68 serves the project area and is inefficient and unsafe and in need of redesign and major improvements. The Highway 68 Bypass is planned to correct Highway 68 safety and overcrowding and the Agency is authorized but is not required to assist in the development of these needed roadways.



Attachment TWO

Buildout Transportation Network

END OF DOCUMENT

Source: JHK, 1996