

REDEVELOPMENT PLAN CHRONOLOGY: PARK CENTER (continued)

Sixth Amendment

Adopted December 18, 1986
City Ordinance No. 22412
Agency Resolution No. 2598
(Financial)
(Appears as Chapter 11)

Seventh Amendment

Adopted December 13, 1994
City Council Ordinance No. 24762
(Financing Limitations and Technical Amendments)

Eighth Amendment

Adopted June 25, 1996
City Council Ordinance No. 25111
(Extension of Eminent Domain)

Ninth Amendment

Adopted June 25, 1996
City Council Ordinance No. 25112
(Merger)

Tenth Amendment

Adopted January 26, 1999
City Ordinance No. 25766
(Extend date to incur debt)

Eleventh Amendment

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

Twelfth Amendment

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

REDEVELOPMENT PLAN CHRONOLOGY: PARK CENTER (continued)

Thirteenth Amendment

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

Fourteenth Amendment

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

Fifteenth Amendment

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

Sixteenth Amendment

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

Seventeenth Amendment

Adopted April 5, 2005
City Ordinance No. 27388
(SB 1096 – Extend date of plan effectiveness,
date to incur debt and receive property taxes)

ELEVENTH AMENDED
PARK CENTER
REDEVELOPMENT PLAN

THE REDEVELOPMENT AGENCY OF THE
CITY OF SAN JOSE

June 15, 1999

CITY COUNCIL AND REDEVELOPMENT AGENCY

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

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William Ress	Jay Ross
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Debra Figone, Acting City Manager

Frank M. Taylor, Executive Director
The Redevelopment Agency of the City of San Jose

Eleventh Amended Park Center Redevelopment Plan
Adopted June 15, 1999
City Council Ordinance No. 25888

REDEVELOPMENT PLAN CHRONOLOGY: PARK CENTER

Adopted July 24, 1961

(Original Plan)

City Council Ordinance No. 9104 and 9150

Agency Resolution No. 168

First Amendment

Adopted September 20, 1965

City Council Ordinance No. 12912

Agency Resolution No. 455

(Financial Term)

Second Amendment

Adopted January 30, 1967

City Council Ordinance No. 13555

Agency Resolution No. 536

(Financial)

Third Amendment

Adopted December 11, 1967

City Council Ordinance No. 13895

Agency Resolution No. 588

(Financial)

Fourth Amendment

Adopted April 2, 1973

City Council Ordinance No. 16717

Agency Resolution No. 1258

(Financial)

Fifth Amendment

Adopted May 21, 1974

City Council Ordinance No. 17239

Agency Resolution No. 1456

(Land Use)

Sixth Amendment

Adopted December 18, 1986
City Council Ordinance No. 22412
Agency Resolution No. 2598
(Financial)

Seventh Amendment

Adopted December 13, 1994
City Council Ordinance No. 24762
(Financing Limitations and Technical Amendments)

Eighth Amendment

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City Council Ordinance No. 25111
(Extension of Eminent Domain)

Ninth Amendment

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City Council Ordinance No. 25112
(MERGER)

Tenth Amendment

Adopted January 26, 1999
City Council Ordinance No. 25766
(Extend date to incur debt)

Eleventh Amendment

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

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CHAPTER 1

DESCRIPTION OF PROJECT

101 Boundaries and Legal Description

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

BEGINNING at the intersection of the center line of the Guadalupe River with the center line of Santa Clara Street; thence easterly along the center line of Santa Clara Street to its intersection with the center line of Almaden Boulevard; thence southerly along the center line of Almaden Boulevard to its intersection with the center line of San Fernando Street; thence easterly along the center line of San Fernando Street to its intersection with the center line of Market Street; thence southerly along the center line of Market Street and along the center line of that portion of Market Street which lies westerly of the City Plaza to its intersection with the center line of San Carlos Street; thence westerly along the center line of the Guadalupe River; thence northerly along the center line of the Guadalupe River to its intersection with the southerly right of way line of Park Avenue, 130' wide; thence westerly along said right of way line, 80 feet; thence northerly along a line parallel to and 80 feet distant from the center line of the Guadalupe River to the intersection of the northerly right of way line of Park Avenue; thence easterly along said right of way line to its intersection with the center line of the Guadalupe River; thence northerly along the center line of the Guadalupe River to its intersection with the southerly right of way line of San Fernando Street, 105' wide; thence westerly along said right of way line, 80 feet; thence northerly along a line parallel to and 80 feet distant from the center line of the Guadalupe River to the intersection of the northerly right of way line of San Fernando Street, thence easterly along said right of way line to its intersection with the center line of the Guadalupe River; thence northerly along the center line of the Guadalupe River to the point of BEGINNING.

102 Scope of Local Objectives and Conditions Requiring Redevelopment Treatment

The Redevelopment Agency of the City of San Jose proposes to redevelop the Park Center Project Area which comprises thirteen blocks. The area lies generally on the western side of San Jose's downtown district. The Redevelopment Plan was prepared in accordance with the California Community Redevelopment Law, and Title I of the Federal Housing Act of 1949, as amended. Conformity of the Redevelopment Plan to (1) "SAN JOSE GENERAL PLAN 1966-2010", a physical

development policy statement adopted by the City Council on March 7, 1966, as amended, and (2) "THE PRELIMINARY PLAN - PARK CENTER PROJECT", as adopted by the City Planning Commission on January 6, 1961, was achieved by consultation with the City Planning Commission through its Director of Planning and his staff during the formulation of the above mentioned plans and the Redevelopment Plan. The Park Center Project has been found and determined by the Redevelopment Agency and other local agencies to be a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law. This plan is a determination that a redevelopment project for this area is feasible.

The Redevelopment Plan states in general what is to be done to redevelop the proposed Project Area and how the Agency proposes to go about it in accordance with State and Federal Law.

103 Summary of Proposed Actions

In order to carry out the intent and purpose of the California Community Redevelopment Law and the redevelopment methods broadly defined therein, generally the procedures will be as follows:

- (a) Acquisition of real property by purchase, gift, devise, or by exercise of the power of eminent domain, where necessary, to carry out the Redevelopment Plan;
- (b) Relocation of occupants in structures acquired and displaced because of the Redevelopment program;
- (c) Demolition or removal of certain existing structures on land acquired by the Redevelopment Agency;
- (d) Removal, rehabilitation, alteration, modernization, general improvement or any combination thereof, of existing structures in the Project Area where such are permitted or required under the Redevelopment Plan;
- (e) The vacation or closing of certain street areas and dedication of other areas for public street purposes;
- (f) The preparation by the Redevelopment Agency of acquired land for building sites. In connection therewith, the Agency may cause streets and pedestrian ways to be designed, graded and paved; sidewalks, curbs and public utilities to be constructed and installed;

- (g) The lease or sale of land at its fair market value for reuse in accordance with the Redevelopment Plan and under all the conditions contained in the Plan and certain additional conditions will be made as covenants running with the land.

The Redevelopment Plan under the California Community Redevelopment Law provides for participation in the redevelopment of property in the Project Area by owners of property in said area if owners agree to participate in redevelopment in conformity with the Redevelopment Plan.

State and Federal statutory requirements regarding relocation of residents of the Project Area to assure that their interests will be protected. Approval of this Plan by the City Council of the City of San Jose requires a finding that adequate, permanent housing facilities are, or will be made, available in the community for displaced occupants at rents comparable to those in the community at the time of their displacement.

Relocation will be accomplished on an individual case basis by the staff of the Agency with the active cooperation of all other affected agencies and organizations in the community.

Covenants will be included in all agreements for the disposition of land and also must be accepted by owners who participate in redevelopment, which covenants will generally assure the establishment and maintenance of the safe, healthful and well-planned pattern of community development, and which will carry out the purposes of the California Community Redevelopment Law.

The development of new structures, buildings, parking areas and landscaping will be the responsibility of the appropriate public body, person, redeveloper or redevelopers so obligated under the terms of agreements entered into by them with the Redevelopment Agency.

Public redevelopment actions in the Park Center Project Area will be principally financed by a loan and grant from the Federal Government under Title I of the Housing Act of 1949, as amended. Local public agencies and other non-federal sources will provide other necessary local grants-in-aid subject to all applicable charter provisions, and the laws and constitution of the State of California. This shall be a part of the local responsibility required to give effect to the Redevelopment Plan, and also a condition to receiving Federal loans and grants with respect to the undertaking and completion of the Park Center Project.

Estimates of increases in tax revenues from redeveloped properties indicate a very favorable ratio of economic benefits attributable to redevelopment in the Project Area to the estimated net cost of the Project.

CHAPTER 2

LAND USE PLAN

The generalized land uses at the time of the adoption of the Fifth Amended Plan are shown on Figure A, Map 1A, Land Use Plan, attached hereto and incorporated herein by this reference. The circulation plan at the time of the adoption of the Fifth Amended Plan including proposed street changes is shown on Figure B, Map 1B, Street Adjustment Plan, attached hereto and incorporated herein by this reference.

Map 1A, Land Use Plan, shows the generalized land use for the redevelopment area at the time of the adoption of the Fifth Amended Plan. Parcels A, B, C and E were designated to be devoted to high-density commercial use as outlined under Section 301 of this plan. Parcels D and L were designated to be devoted to public facilities as outlined in Section 303A. Parcels F and H were designated for public park purposes in accordance with Section 303 B.

Parcel G was designated to be used for a freeway in accordance with the State Route 87, the Guadalupe Freeway.

Parcel J, originally devoted to institutional use, was designated to be commercial use, an alternate use provided under this Plan.

In addition to the above land use and traffic circulation plan, the development of the area shall provide for suitable pedestrian circulation throughout the project which will reflect the long range planning proposal of the Guadalupe River Park and the San Antonio Plaza Project which are both adjacent to the Park Center Project Area. The pedestrian circulation in the project area shall include improvements to Park Avenue between Market Street and Almaden Boulevard with the addition of wider sidewalks, landscaping, and four lanes of traffic to serve the adjacent properties.



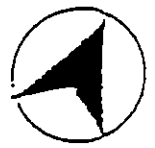
PARK CENTER PROJECT

LAND USE PLAN -- 1974

- | | |
|------------------------|----------------------|
| 1. COMMERCIAL | F. PUBLIC PARK |
| 2. COMMERCIAL | G. FREEWAY |
| 3. COMMERCIAL | H. PUBLIC PARK |
| 4. PUBLIC FACILITIES | I. INSTITUTIONAL |
| 5. COMMERCIAL | L. PUBLIC FACILITIES |
| ----- PROJECT BOUNDARY | |

NOTES
 1. THE EXACT DIMENSIONS AND ALIGNMENTS OF PARCEL LINES WILL BE DETERMINED BEFORE THE TIME OF DEPOSITION OF LIND.
 2. ALTERNATE USES: SUBJECT TO AGENCY APPROVAL, PARCEL 'F' MAY BE USED FOR EITHER RESIDENTIAL OR COMMERCIAL.

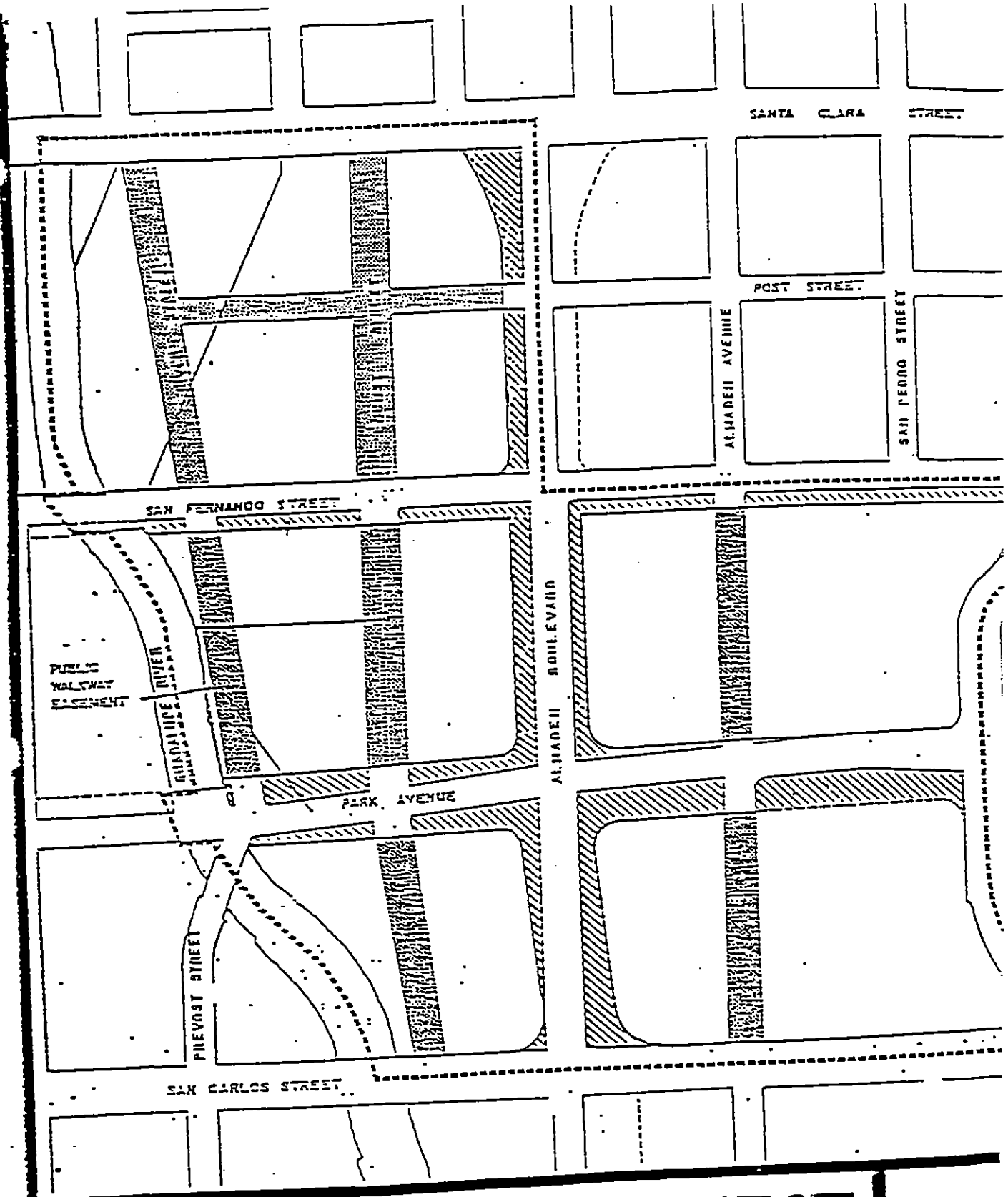
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 MAY 1953



REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE, CALIFORNIA





MAP 1A

EXHIB.



PARK CENTER PROJECT

STREET ADJUSTMENT PLAN - - 1974

-  TO BE AMENDED
-  LANE FOR STREET WIDENING
-  STREET WIDENING OUTSIDE PROJECT AREA
-  PROJECT BOUNDARY

OTHER STREETS TO BE AMENDED MAY REQUIRE UTILITY RECONSTRUCTION OR EASEMENTS WHICH WILL BE DETERMINED AT THE TIME OF STREET AMENDMENT PROCEEDINGS

- REVISED 7-72
- REVISED 8-72
- REVISED 7-73
- REVISED 7-74
- REVISED 11-74
- REVISED 7-76
- MAY 1977

CHAPTER 3

LAND USE PROVISIONS AND BUILDING REQUIREMENTS

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

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

The use of all land in the Project Area shall be subject to the regulations and controls specified in this Chapter 3 and other provisions of the Plan, but only to the extent such specifications conform to the General Plan.

301 Commercial Area

The following regulations shall apply to Parcels A, B, and C as designated on Map 1A, Land Use Plan.

A. Permitted Uses

1. Stores and shops for retail sales, especially those designed to serve primarily a City-wide or regional market.
2. Office and banks.
3. Hotels and motels.
4. Personal and business services.
5. Restaurants (other than drive-in types).
6. Entertainment use such as movie theatre, nightclub, or other similar use, subject to all applicable permits required by law.
7. Off-street parking facilities.
8. Any other compatible use subject to approval of the Agency.

No provision of this Plan shall be deemed to include or permit industrial uses of any kind in the commercial area.

B. Types of Buildings

Store buildings, office buildings, hotel buildings, or parking structures shall be permitted.

C. Limitation on Number of Buildings

None.

D. Limitation on Size of Buildings

See Building Requirements below.

E. Height

No building or structure shall be erected, altered or enlarged to a height greater than 200 feet, including elevator shafts, water tanks, and other appurtenances.

F. Land Coverage

The maximum coverage of the reuse parcel by buildings or structures (including, but not limited to those below grade) shall not exceed 80 percent provided that the portion of a building or structure which does not exceed 20 feet in height is devoted exclusively to off-street parking use and has a roof which is landscaped in a manner satisfactory to the Agency shall be excluded in the computation for land coverage.

G. Bulk

The Floor Area Ratio shall not exceed 4 to 1 except for each one percent of land coverage less than 80 percent, the allowable Floor Area Ratio may, at the sole discretion of the Agency, be increased by an increment of .05 to 1, except that in no event shall the Floor Area Ratio be more than 5 to 1.

H. Setbacks

There shall be a minimum setback of 20 feet from the property line of Almaden Boulevard for all principle buildings. However, underground parking structures may extend to the property line.

The Agency may modify this requirement at such time as it approves preliminary plans for the development if such plans provide for adequate open space, and the creation of a proper setting for the individual buildings as determined by the Agency.

I. Off-Street Parking

1. Minimum off-street parking requirements shall be:
 - (a) Retail stores and shops, personal and business service establishments; restaurants and entertainment facilities; one space for every 200 sq. ft. of gross floor area, excluding basement storage areas from such gross floor areas.
 - (b) Office and banks; one space for every 750 sq. ft. of gross floor area, excluding basements from such gross floor areas.
 - (c) Hotels and motels; one space for every guest room, plus one space for each three employees.
 - (d) Other approved uses; require off-street parking such as required for a most nearly similar use as determined by the Agency.
2. These required minimum off-street parking spaces shall be located on the same reuse parcel which established the requirement, except as stated below in paragraph 3.
3. Subject to Agency approval, these minimum off-street parking spaces may be approved in whole or in part by the Developer, City, Public Agency, or non-profit corporation. Such facility shall be located within 500 feet of the parcel to be served. In any case, any such alternate parking solution shall provide, in total, not less than the required minimum off-street parking spaces; however, such a solution may allow for the sharing of spaces where the demand for such spaces are not in conflict with each other.

J. Off-Street Loading

1. Minimum off-street loading requirements shall be:

- (a) Any building(s) containing a use or combination of uses having an aggregate gross floor area of ten thousand (10,000) sq. ft. or more occupied by retail stores or shops, personal and business service establishments, restaurants, hotels, motels, or other similar use or uses normally requiring the receipt or distribution by vehicles or trucks or material or merchandise; the following: one off-street loading berth, plus one additional such berth for each twenty thousand (20,000) sq. ft. of gross floor area per reuse parcel if such serve all. For all other uses not covered by this provision, adequate service facilities should be provided for each reuse parcel if such facility serves the entire parcel to be so developed.

302 Residential Area

The following regulations shall apply to the alternate use of Parcel J as designated on Map 1A, Land Use Plan.

A. Permitted Uses

1. Apartments and townhouses.
2. Other similar multi-family type dwellings.
3. Parking facilities designed to serve the residential uses. These facilities may be located in structures in the open or in combination. (See Section 403)
4. Any accessory use normally associated with multi-family uses such as swimming pools and recreation facilities.
5. Accessory retail and personal service establishments, including required parking facilities, which supply new commodities or offer personal services primarily to residents in the immediate vicinity. These uses shall be subject to Agency approval and shall be limited to the ground floor of not more than one building per reuse parcel. Possible uses include but are not limited to food and drug stores, barber or beauty shops, laundry or dry cleaning facilities, medical or dental offices, branch banks and other similar uses.

B. Type of Building

Apartment and townhouse buildings and related parking structures and recreational buildings. Non-residential uses shall be within the residential or parking structures.

C. Density and Number of Dwelling Units

Minimum and maximum density of residential units shall be in the range of 35 to 75 dwelling units per acre of each reuse parcel.

D. Limitations on Number of Buildings

None.

E. Limitations on Size of Buildings

See Building Requirements below.

F. Height

No building or structure shall be erected, altered or enlarged to a height greater than 200 feet including elevator shafts, water tanks, and other appurtenances.

G. Land Coverage

The maximum coverage of the reuse parcel by buildings or structures (including, but not limited to those below grade) shall not exceed 30 percent provided that the portion of a building or structure which does not exceed 20 feet in height is devoted exclusively to off-street parking use and has a roof which is landscaped in a manner satisfactory to the Agency shall be excluded in the computation for land coverage.

H. Setbacks

There shall be a minimum setback of 20 feet from all property lines of the residential reuse parcels.

I. Usable Open Space

A minimum of 250 square feet of reuse parcel area per dwelling unit shall be provided for outdoor living purposes such as lawns, gardens, play areas, walks, and benches. Usable space provided

by roof decks or terraces may be substituted at the discretion of the Agency for usable space at ground level.

J. Play Lots

All residential buildings shall be provided with play lots for preschool children. Such play lots shall not be located more than 350 feet from each such building. Each play lot shall have a total area equal to 12 square feet for each dwelling unit served. Space for such play lots will be counted as part of the required usable open space (Section 302I). Play lots shall be adequately equipped and fenced or otherwise protected.

K. Minimum Spacing

The distance between opposing parallel or nearly parallel walls of two buildings (or elements of the same building) but not less than 40 feet in any case.

L. Off-Street Parking

1. Minimum off-street parking requirements shall be:
 - (a) Residential: one and one-half space per each dwelling unit.
 - (b) Other permitted uses: one space for every 200 square feet of gross floor area excluding basement storage area from such gross floor area.
2. These required minimum off-street parking spaces shall be located on the same reuse parcel which established the requirements.
3. The Agency will review the parking proposals for this area with a view of adequately separating the parking provided for residential uses and the parking provided for the other permitted uses.

M. Off-Street Loading

1. Minimum off-street loading requirements shall be:
 - (a) Any building(s) containing a use or combination of uses having an aggregate gross floor area of ten

thousand (10,000) square feet or more occupied by retail stores or shops, personal and business service establishment, restaurants, hotels, motels, or other similar uses or normally requiring the receipt or distribution by vehicles or trucks of material or merchandise; the following: one off-street loading berth, plus one additional such berth for each twenty thousand (20,000) square feet of gross floor area used for such non-residential purposes.

303 Public Facility Areas

The following regulations shall apply to reuse Parcels D, F, H, and L as designated on Map 1A, Land Use Plan.

A. PUBLIC FACILITIES - Parcels D and L

1. Permitted Uses

In areas designed for public buildings on Map 1A, the permitted uses shall be public buildings, facilities or structures (including related walkways, terraces, landscaping, off-street parking, and loading installations) for uses including but not limited to the following: City Hall offices, library, art gallery, museum, concert hall, convention facilities, theater and off-street parking facilities. Note: off-street parking facilities may be either the primary or ancillary use. Any such building or facility may be owned, leased or operated by a public entity. Any off-street parking facilities shall be subject to Agency review and approval as being compatible with the overall development and shall be designated and landscaped in such a manner as to reduce or minimize the predominance of such a facility.

2. Types of Buildings

Public buildings, facilities or structures for any of the permitted uses under A above.

3. Limitations on Number of Buildings

None.

4. Limitations on Size of Buildings

See Building Requirements below.

5. Height

No building or structure shall be erected, altered or enlarged to a height greater than 200 feet including elevator shafts, water tanks, and other appurtenances.

6. Land Coverage

The maximum coverage of the reuse parcel by buildings shall not exceed 75 percent, excluding off-street parking structures, terraces, and underground structures.

B. Public Park - Parcels F and H

1. Permitted Uses

In areas designated for Public Park, on Map 1A, the permitted uses shall be public parks, play areas, and any structures or facilities incidental to such park use.

2. Type of Buildings

Buildings and structures normally associated with a public park.

3. Limitations on Number of Buildings

None.

4. Limitations on Size of Buildings

See Building Requirements below.

5. Height

The maximum building height shall be 15 feet. Such limitation shall not include landscaping features such as fountains.

6. Land Coverage

The maximum coverage of the reuse parcel by enclosed buildings shall not exceed two (2) percent of the parcel.

7. Setbacks

All buildings shall be set back at least 20 feet from all property lines.

304 Institutional Area

The following regulations shall apply to reuse parcel J as designated on Map 1A, Land Use Plan.

A. Permitted Uses

Buildings, grounds and parking and service areas related to the operation of a school, or residential facilities related thereto.

B. Alternate Use

Parcel J shall be residential and in such case, the provisions under Section 302 shall apply. However, the Agency may permit a commercial reuse; in such case the provisions under Section 301 shall apply.

C. Type of Buildings

School building and related facilities, residential halls and parking structures.

D. Limitation on Number of Buildings

None.

E. Limitation on Size of Buildings

See Building Requirements below.

F. Height

No building or structure shall be erect, altered or enlarged to a height greater than 80 feet including elevator shafts, water tanks and other appurtenances.

G. Land Coverage

The maximum coverage of the reuse parcel by buildings shall not exceed 75 percent.

H. Setbacks

There shall be a minimum front setback of 20 feet and a minimum side and rear setback of 10 feet from all other property lines of the reuse parcel.

I. Off-Street Parking

1. Minimum off-street parking requirements shall be:
 - (a) School: One space for every teacher and employee.
 - (b) Related Residential: no additional needed.
 - (c) These requirements shall apply to both existing construction and any future construction.

CHAPTER 4

GENERAL PROVISIONS AND DEFINITIONS

401 Heights - How Measured

All heights shall be measured from the average finished grade at the fronting street property line of the reuse parcel to the top of the building or structure.

402 Treatment of Setback and Yard Areas

All setback or yard areas shall be landscaped, unless paved for access. Landscaping may include paved recreation or sitting areas, pool, fountains or walks. A landscaped buffer acceptable to the Agency shall be installed and maintained in the setback area adjacent to the Guadalupe Freeway and also in the setback area along the Guadalupe River if requested by the Agency.

403 Treatment of Off-Street Parking Areas

Required parking area shall be devoted only to parking and limited building services if such are not in conflict with the parking use and shall not be used for the sale of merchandise or for other use. Parking area shall not be located in required setback or yard areas unless specific designs for such an arrangement are approved by the Agency. Parking areas shall be adequately paved and drained so that storm and surface waters will not cross public sidewalks or pedestrian ways. Open parking areas shall be landscaped sufficiently to prevent an unsightly or barren appearance. Lighting for parking areas shall be adequately shielded from residential building. If the number of required off-street spaces contains a fraction, such number shall be changed to the nearest higher whole number.

404 Treatment of Off-Street Loading and Service Areas

Access to loading berths shall be provided in a manner acceptable to the Agency so as to eliminate interference with public use of sidewalks and streets by vehicles loading or unloading. Each loading berth shall contain a minimum of 400 square feet of area and 15 feet of height and shall be adequately paved and drained so that storm and surface waters will not cross public sidewalks.

405 Treatment of Signs

All signs on development subject to a disposition and development agreement or a participation agreement must be designed to correspond with scale and location of architectural and landscaping features. Design standards for signs shall comply with applicable zoning provisions. It is intended that such signs will promote the public health, safety, and general welfare, and improve the character and image of downtown San Jose.

406 Nondiscrimination

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

407 Prevention of Speculation

All contracts whereby the Agency agrees to convey title to Project land to a redeveloper there will include the following:

- A. A stipulation on the part of the redeveloper that his purchase of the property is for the purpose of redevelopment and not for speculation.
- B. A stipulation that reconveyances, leases and resubdivisions, among other matters, will be subject to specific regulations to be prescribed by the Agency.

408 Public Improvements

Streets and sewer improvements as further described in the Plan shall be provided to effectuate this Redevelopment Plan. All utility installations shall be provided below ground.

409 Agency - Defined

Agency shall mean the Redevelopment Agency of the City of San Jose.

410 Variations

Where, owing to unusual and special conditions, enforcement of the restrictions and requirements of this Plan (other than those relating to land uses) would result in undue hardship or would constitute an unreasonable limitation beyond the intent and purposes of such restrictions and requirements, the Agency may authorize such variation or modification as will not be contrary to the public interest and intent and purposes of this Plan, so long as such variation or modification is allowed under the General Plan.

411 Resale of Project Land After Completion of Redevelopment

Nothing herein stated or implied shall be construed as to prevent the resale of individual parcels of land so long as such resale is carried out according to all federal, state and local laws, and further that appropriate interests in any commonly used or required off-street parking, loading, service areas, open space, recreation or other similar facility remain with the building or buildings.

412 Duration of Plan

The duration of this Plan is as set forth in Section 905. Any declaration of restrictions formulated pursuant to this Plan may contain provisions for the extension of such Declaration of Restrictions for successive periods. Any contract or agreement for rehabilitation, owner participation, or redevelopment of property within the Project Area may require that the property will be devoted to the uses specified in the Plan for the duration of the Plan.

413 Floor Area Ratio - Defined

Floor area ratio shall mean the ratio of the total gross floor area of all floors of a building, excluding floors devoted to parking and basements, to the reuse parcel area.

414 Rehabilitation Standards of Property Not to be Acquired

The certain institutional buildings and grounds which are not acquired shall be maintained in an acceptable condition in accordance with Section 304 of this Redevelopment Plan and all applicable codes and ordinances

of the City of San Jose; and parking and service areas arranged in such a manner that such uses will be beneficial to surrounding uses, will not interfere with traffic movements and will generally be adaptable to plans for redevelopment of adjoining property.

415 Treatment of Parcel G

Parcel G (Guadalupe Freeway) as shown on Map No. 1A shall be used for freeway purposes or landscaped in a manner acceptable to the Agency and shall be maintained and kept free of advertising signs and anything else which would adversely affect any uses within the Project.

416 Occupancy and Use of Residential Buildings

No building shall be subsequently altered so as to accommodate more families or units than the number for which it was designed and approved. Furthermore, residential units may be used for rental and/or cooperative or condominium apartment purposes at the discretion of the redeveloper.

417 Reuse Parcel - Defined

Reuse Parcel means each of those parcels shown on Map No. 1A, Land Use Plan, included as part of this Plan.

418 Drive-In Restaurant - Defined

A restaurant at which any food or refreshments are customarily served to or consumed by any patrons while seated in automobiles, regardless of whether or not, in addition thereto, seats or other accommodations are provided for patrons.

419 Prohibition of On-Street Parking and Loading

On-street parking and loading shall be prohibited within the project area except the Agency may approve specific locations for limited stopping and loading that are desirable to serve the public interest and if such location will not interfere with free movement of traffic. Such locations may necessitate the construction of turnout lanes, the cost of which shall be done at the expense of the adjacent property owner, if such limited stopping and loading zones are designed to serve primarily the adjacent property owner. Nothing in this provision shall prohibit the City and/or Agency from designating bus stops and taxi stands if such use is in the public interest.

CHAPTER 5

REDEVELOPER'S OBLIGATIONS

In order to provide adequate safeguards that the work of redevelopment will be carried out pursuant to the Redevelopment Plan, the disposition of the land by the Agency shall be subject to an Agreement in which the following provisions shall be included:

- A. The purchase of land is for the purpose of redevelopment and not for speculation.
- B. The land shall be built upon and improved in conformity with the provisions of the Redevelopment Plan and the requirements of a Declaration of Restrictions, both of which shall be made a part of the aforesaid Agreement.
- C. Preliminary architectural and site plans and final plans and specifications for the construction of improvements on the land shall be submitted to the Agency for review and approval so that the Agency may determine compliance of such plans and specifications with the Redevelopment Plan, the Declaration of Restrictions, and the terms and conditions of the aforesaid Agreement.
- D. The building of improvements shall be commenced and completed within a reasonable time as affixed by the Agency.
- E. The redeveloper or redevelopers of Project land shall not sell, lease, or otherwise transfer such land at any time prior to the completion of the redevelopment thereof without the prior written consent of the Agency.
- F. No building shall be constructed over an easement in the Project Area without prior written consent of the utility company concerned and the Agency.
- G. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Agency or by a redeveloper or any of his successors or assignees, whereby land in the Project Area is restricted on the basis of race, creed, or color or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants running with the land which will prohibit such restrictions shall be included in the disposition instruments.

- H. Any Declaration of Restrictions to be filed by the Agency with the Recorder of the County of Santa Clara shall be in the form of covenants running with the land and shall be effective for a period as selected by the Agency, except the provisions of paragraph G of this section and Section 406, both concerning nondiscrimination, shall run in perpetuity.

CHAPTER 6

OTHER PROVISIONS OF THE REDEVELOPMENT PLAN

601 Real Property Acquisition

All land and improvements in the Project Area needed in the execution of the Redevelopment Plan, except as provided in Section 605, Condition (1), may be acquired by the Agency by purchase, gift or condemnation; provided, however, that eminent domain proceedings, if used, must be commenced prior to the twelfth anniversary of the effective date of the ordinance adopting the Eighth Amended Plan. The condemnation of all such real property as is not acquired by other means is necessary for the execution of this Plan, and adequate provision for payment for properties so acquired is made in the appropriate Sections below.

602 Real Property Management

All properties acquired in the Project Area will be managed by or under the direction of the Agency until the land is sold or leased.

603 Relocation of Displaced Occupants

The Agency will administer the Relocation Program so as to help occupants move to permanent housing with the least possible hardship, and in accordance with Federal and State legal requirements.

The California Community Redevelopment Law, Section 33714, requires that "The Urban Renewal Agency shall provide a feasible method for the temporary or permanent relocation of persons displaced from the urban renewal area and shall require that there be provided, in the urban renewal 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 displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number available to such displaced persons and reasonably accessible to their places of employment."

Section 33415 of the same law provides that "an Agency may make relocation payments to or with respect to persons (including families, business concerns and others) displaced by a redevelopment project, for moving expenses and losses of property for which reimbursement or

compensation is not otherwise made, including the making of such payments financed by the Federal Government."

Title I of the Housing Act of 1949, as amended, requires that there be a feasible method of relocation and that there are, or are being provided, in "areas not generally less desirable in regard to public utilities and public and commercial facilities and at rent or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and reasonably accessible to their places of employment."

At the time of the original Project Area formation the Agency made a survey of the number and characteristics of site occupants. It was estimated that 470 families, individuals or establishments could be displaced.

168 Families
145 Individuals
104 Commercial business establishments
45 Residential businesses
8 Institutions

470 Total

The Agency will assist residents in locating individual suitable units and will make relocation payments for the cost of moving and/or any direct losses or property as permitted by law. The Agency will assist in the relocation of businesses and institutions in every way possible. Relocation payments will also be made to nonresidents for the cost of moving and/or direct losses of property as permitted by law.

604 Land Disposition

Except for property conveyed by the Agency to the community for public purposes, such as street, flood control works, and other easements and rights-of-way, Project Area land acquired by the Agency for redevelopment purposes will be apportioned into parcels of suitable size, shape and number for reuse and will be sold or leased at no less than fair value, or as otherwise permitted by law, for reuse in accordance with the Redevelopment Plan. The land conveyed may be made subject to deed restrictions or other restrictions to implement the land use controls of the Redevelopment Plan, which restrictions will run with the land as provided in Chapter 5, paragraph H.

605 Participation by Property Owners in Redevelopment

An owner or owners of property in the Project Area may participate in the redevelopment of property in the Project Area in accordance with rules adopted by the Agency and on file in the offices of said Agency. In general, the rules adopted by the Agency, hereinafter called "Rules for Owner Participation and Owner Redevelopment," permit owners to participate in redevelopment in either of the two conditions outlined below. In both instances, the owners must submit proof to the Agency of their qualifications, including financial responsibility, to carry out their agreement with the Agency.

Condition (1): Participation by Owners of Buildings to be Retained.

It is proposed that certain buildings in the Project Area that require alteration, improvement, modernization or rehabilitation may be retained provided that the owners enter into an agreement, called an Owner Participation Agreement, with the Redevelopment Agency to comply with the applicable provisions of the Redevelopment Plan, and with specific requirements set forth for each of these properties. Owners of properties with buildings to be retained will be required to acquire sufficient adjoining land within the same use category to comply with all requirements of the Plan.

The Owner Participation Agreement will include requirements as determined by the Agency for that building in addition to the other requirements of the Plan.

The Owner Participation Agreement will provide that, if the owner fails to comply with the terms and conditions of the Owner Participation Agreement within a specified time, the redevelopment of such property shall be accomplished through the acquisition of the property by the Agency at its fair market value, and the disposition of said property to a qualified and financially responsible redeveloper who will agree to comply with the Plan.

The Owner Participation Agreement between each owner and the Agency must be executed in order for the owner to retain title to his property. In the event such owner fails or refuses to enter into such an agreement, the real property may be acquired by the Agency and disposed of for redevelopment in accordance with the Plan.

Condition (2): Opportunities for Former Owners to Reestablish Themselves in the Project Area.

Owners of property within the Project Area whose property is acquired by the Agency will be given preferential consideration to reestablish themselves in the Project Area, if the Agency, in its sole discretion, determines, all other things being equal, that such owners' proposal for redevelopment is in all respects equal to or superior to other proposals.

606 Nondiscrimination Clauses in Deeds, Leases, etc.

All deeds, leases or contracts for the sale, lease sublease, or other transfer of any land in the Project shall contain the nondiscrimination clauses prescribed in Section 33436 of the California Health and Safety Code.

607 Acquisition of Properties Within Reuse Parcel G (Freeway)

Parcel G is to be devoted to the Guadalupe Freeway. Either the Agency or the County of Santa Clara may acquire part of all land in Parcel G. It is the intention of this Plan that ultimately the County of Santa Clara will acquire all land within this Parcel. In any event, all improvements will be removed from Parcel G at a date acceptable to the Agency.

608 Airport Land Use Commission Review

All development plans for property within the project area shall be subject to a review by the Airport Land Use Commission of Santa Clara County and the property may be subject to a perpetual Avigation Easement to the City of San Jose for the Municipal Airport.

CHAPTER 7

OFFICIAL ACTIONS TO IMPLEMENT PLAN

Subject to policies, procedures and restrictions established under its Charter and existing codes, ordinances, and regulations, as they may be amended; and subject to the laws and constitution of the State of California, the City of San Jose will aid and cooperate in the undertaking of the Project by doing the following:

- A. Institute proceedings for opening, closing, widening or changing the grade of streets and alleys, and for other modifications of the street layout in the Project Area, as indicated on the accompanying Map No. 1B, Street Adjustment Plan.
- B. Institute proceedings regarding the changes in zoning to General Commercial District.

CHAPTER 8

CONFORMITY WITH THE GENERAL PLAN

The Redevelopment Plan conforms to General Plan 2020 for the City of San Jose, which was adopted by the City Council in August 1994. The Redevelopment Plan is implementing the general land use categories suggested in the General Plan which is for a commercial-metropolitan center. Such metropolitan center land uses provide for the focusing of offices, businesses, financial institutions, and specialized commercial, cultural, convention and entertainment facilities. It is within this framework and land use restrictions that the Redevelopment Plan has imposed on the Project Area that the Project Area is being developed.

CHAPTER 9

FINANCIAL

901 Summary Proposal

For the purpose of carrying out the Project, the Redevelopment Agency will obtain a Project Temporary Loan from the United States of America (hereinafter called the "Government") in the estimated amount of \$14.0 million. The obligations evidencing the Agency's indebtedness to the Government for the Project Temporary Loan shall be in a form satisfactory to the Government and to the Agency. Said obligation shall not be a debt of the City of San Jose, the County of Santa Clara, the State of California, nor any of its political subdivisions. Such loan from the Government will be repaid from monies derived from the sale of project land estimated at \$7.2 million and from the Project Capital Grant estimated at \$6.6 million. Neither the City of San Jose, the County of Santa Clara, State of California, nor any of its political subdivisions shall be liable for said obligations, nor in any event shall the obligations be paid out of funds, or properties other than those of the Agency. The estimated costs involved in carrying out the Project and the financing thereof are approximately as follows:

1.	Gross Project Cost: This includes the cost of Project planning, property acquisition, demolition, site improvements, administration and relocation costs - other than Federal relocation grant mentioned below.	\$17.7 million
2.	Proceeds from Sale of Land:	\$ 7.2 million
3.	Net Project Cost:	\$10.5 million
4.	Project Capital Grant (Federal)	\$ 6.6 million
5.	Local Non-Cash Grants-in-Aid	\$ 3.7 million
6.	Local Cash Grants-in-Aid	\$.2 million

In addition to the Project Capital Grant of \$6.6 million, the Federal Government pays for the relocation, which amounts to a Grant of \$215,000.

The Project temporary Loan of approximately \$14.0 million is working capital for execution of the Project and, in conjunction with the \$6.6 million Federal Capital Grant and the \$0.22 million relocation grant, constitutes the Government financial participation and will be contained in a Loan and Grant Contract to be executed between the Redevelopment Agency and the Department of Housing and Urban Development.

Maximum Federal grant is ordinarily 2/3 Net Project Cost. In this case, the Federal Grant is reduced by the amount of local credits in excess of the 1/3 minimum required local share.

The Redevelopment Agency will pay the fair market value for all properties acquired. In the condemnation of any real property the Agency will comply with all the provisions of the Statutes and Constitution of the State of California relative to the right of eminent domain.

Local Grants-in-Aid required in the Loan and Grant Contract are expected to be provided in the following manner.

902 Local Non-Cash Grants-in-Aid

The amount of eligible local non-cash grants-in-aid to be provided with respect to the Project Area is presently estimated at approximately \$3.7 million. This will consist of:

- A. The construction of several improvements lying entirely within the project boundaries. These are known as project improvements and are as follows:
 - 1. Widening and boulevarding of Park Avenue and Almaden Boulevard and widening of San Fernando Street.
 - 2. Constructing sanitary and storm sewers, removing and relocating existing fire hydrants, constructing a public park, installing new street lights, fire alarm system and traffic signals.

Currently, the cost of all these improvements is estimated at about \$610,000.

B. The construction of several improvements lying on the boundary or adjacent to, but outside the project boundaries. These are known as supporting facilities and are as follows:

1. Widening and boulevarding of Park Avenue and Almaden Boulevard, widening of San Fernando Street and improvement of the west side of Market Street.
2. Constructing new bridges over the Guadalupe River at San Fernando Street and Park Avenue including demolition of the existing bridges if necessary.
3. Installation of street lights and traffic signals.

Since this work occurs at the edge of the Project or on boundary streets, a maximum of 50% is attributable as local non-cash grant-in-aid credit toward the Project. Currently, the cost of the above items is estimated at about \$1.4 million, and at the 50% maximum allowable, the credit amounts to half of this figure or \$736,000.

C. Construction of a Community Theater, a Main Library, addition to Montgomery Theater, which is part of the Civic Auditorium, all of which are located in or adjacent to the Project Area. These facilities are estimated to cost in excess of \$9.0 million with a 25% credit of \$2.2 million.

D. Furthermore, to receive the maximum above described credits, certain street improvements are anticipated beyond the limit of the project in order to accommodate the new four-lane San Fernando and six-lane Park Avenue and Almaden Boulevard to the existing street patterns.

All costs for site preparation by the Agency or other Governmental Agencies, including demolition and site clearing, are included as project expenditures and not as non-cash local grants-in-aid items as before in the original Plan.

Furthermore, to receive the maximum above described credits, certain street improvements are anticipated beyond the limit of the project in order to accommodate the new 4-lane San Fernando and 6-lane Park Avenue and Almaden Boulevard to the existing street pattern.

903 Local Cash Grants-in-Aid

The amount of the local cash grants-in-aid to be provided with respect to the Project Area is presently estimated at approximately \$0.2 million. This represents tax credits to be claimed pursuant to Section 110(e) of Title I of the Housing Act of 1949, as amended.

904 Tax Allocation Bonds

The Agency may, from time to time, issue bonds, notes, interim certificates, debentures or other obligations for any of its corporate purposes authorized by law. The Agency may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

Taxes, if any, levied upon the taxable property in the Park Center Project each year by or for the benefit of the State of California, the City of San Jose, County of Santa Clara, any district, or other public corporations, after the effective date of the ordinance approving this Plan shall be divided as provided in Article 6, Chapter 6, Part 1 (The Community Redevelopment Law) of the Health and Safety Code of the State of California and Section 19 of Article XIII of the Constitution of the State of California as the same may exist on said effective date or as the same may thereafter be amended.

In the proceeding for the advance of monies, making of loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance, in whole or in part, the Park Center Project, the portion of taxes set forth in said Law and said Constitution (as the same may exist on the date of the making of said advances or loans or the incurring of said indebtedness) as available to the Agency for such purposes may be irrevocably pledged for payment of the principal of and interest on such loans, advances or indebtedness.

The Agency has no taxing power, and its bonds are not a debt of the City of San Jose, the County of Santa Clara, the State of California or any political subdivision of the State other than the Agency, and neither the City, the County, the State or any other political subdivision is liable for them, nor in any event shall the bonds be payable out of any funds or properties other than those of the Agency, and the bonds shall so state on their face.

The Agency will prepare and adopt a resolution authorizing the issuance of the bonds and defining their terms. This resolution must be adopted prior to the sale of the bonds. The bonds will be offered for public sale in accordance with the statute.

Agency will issue Tax Allocation Bonds not only to reimburse the City as above provided but shall issue such Tax Allocation Bonds for the following purposes also:

1. To pay the amount of any deficit which may arise in the minimal one-third local share required by the Loan and Grant Contract, regardless of the cause of such deficit;
2. To pay for all site improvements, project improvements and supporting facilities constructed at Agency's expense and to pay for all other expenditures made by Agency for or in connection with the Project;
3. With the consent of the Legislative Body, to pay all or part of the value of 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, to the extent that such buildings, facilities, structures, or other improvements are of benefit to the Project Area;
4. For any other purposes permitted by law and authorized by the Agency.

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

905 Financing Limitations.

1. Any loans, advances or indebtedness incurred to finance this Project in whole or in part shall be established on or before January 1, 2004, provided that repayment of such loans, advances or indebtedness may extend beyond this date.
2. Pursuant to Section 33333.6(b) of the Health and Safety Code, the effectiveness of this Plan shall terminate on January 1, 2009. After such date, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness, to enforce existing covenants, contracts or other obligations, and to take any other action that may otherwise be permitted by law.
3. Pursuant to Section 33333.6(c) of the Health and Safety Code, the Agency shall not pay indebtedness or receive property taxes

pursuant to Section 33670 after January 1, 2019, unless otherwise permitted by law.

4. Pursuant to the authority of the Merged Area Redevelopment Project, there shall be divided and allocated to the Agency under Section 33670 and 33333.4 of the Health and Safety Code, an amount no greater than Seven Billion Six Hundred Million Dollars (\$7,600,000,000).

906. Merger

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

for the purposes set forth in California Health and Safety Code
Section 33334.2.

CHAPTER 10

CHANGES IN APPROVED PLAN

If at any time after the approval of this Redevelopment Plan by the City Council it becomes necessary or desirable to amend or modify such Plan, said Plan may be amended or modified pursuant to law.