

**REDEVELOPMENT PLAN
FOR THE
ROSELAND REDEVELOPMENT PROJECT**

SONOMA COUNTY

**Adopted by Ordinance Number 3327
November 27, 1984**



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PART I. INTRODUCTION

The Redevelopment Plan for the Roseland Redevelopment Project consists of text, two maps and the legal description of the Project Area (Exhibit A). This Plan has been prepared to be accompanied by the Report on the Plan, as called for in the California Community Redevelopment Law.

The Plan has been prepared by the Sonoma County Community Redevelopment Agency staff pursuant to the Constitution of the State of California, the Community Redevelopment Law of the State of California, and all applicable laws and local ordinances.

PART II. GENERAL DEFINITIONS

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

A. "Activity Area" means a subarea within the Project Area shown on Map 2 in which the Agency is authorized to exercise certain powers as more fully set forth in Parts IV and VI of this Plan.

B. "Agency" means the Sonoma County Community Redevelopment Agency, Sonoma County, California.

C. "Commission" means the Sonoma County Community Development Commission serving in its capacity as the governing body of the Sonoma County Community Redevelopment Agency pursuant to Health and Safety Code Section 34100 et. seq.

D. "City" means the City of Santa Rosa, California.

E. "City General Plan" means the City of Santa Rosa General Plan, as it now exists or may be amended in the future.

F. "City Zoning Ordinance" means the Zoning Ordinance of the City of Santa Rosa as it now exists or may be amended in the future.

G. "County" means the County of Sonoma, California.

H. "County General Plan" or "General Plan" means the Sonoma County General Plan, as it now exists or may be amended in the future.

I. "County Zoning Ordinance" or "Zoning Ordinance" means the Zoning Ordinance of the County of Sonoma, as it now exists or may be amended in the future.

J. "Map" means the Project Area Boundary and Land Use Map for the Roseland Redevelopment Project.

K. "Owner" means any individual or entity owning real property.

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

M. "Personal Property" means moveable property, chattels, and other property not part of real property.

N. "Plan" means the Redevelopment Plan for the Roseland Redevelopment Project prepared under the Redevelopment Law.

O. "Project" means the Roseland Redevelopment Project.

P. "Project Area" means the area included within the boundaries of the Roseland Redevelopment Project.

Q. "Real Property" means land, including land under water and waterfront property; buildings, structures, fixtures, and improvements on the land; property appurtenant to or used in connection with the land; and every estate, interest, privilege, easement, franchise, and right in land, including but not limited to rights-of-way, terms of years, and liens, charges or

encumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

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

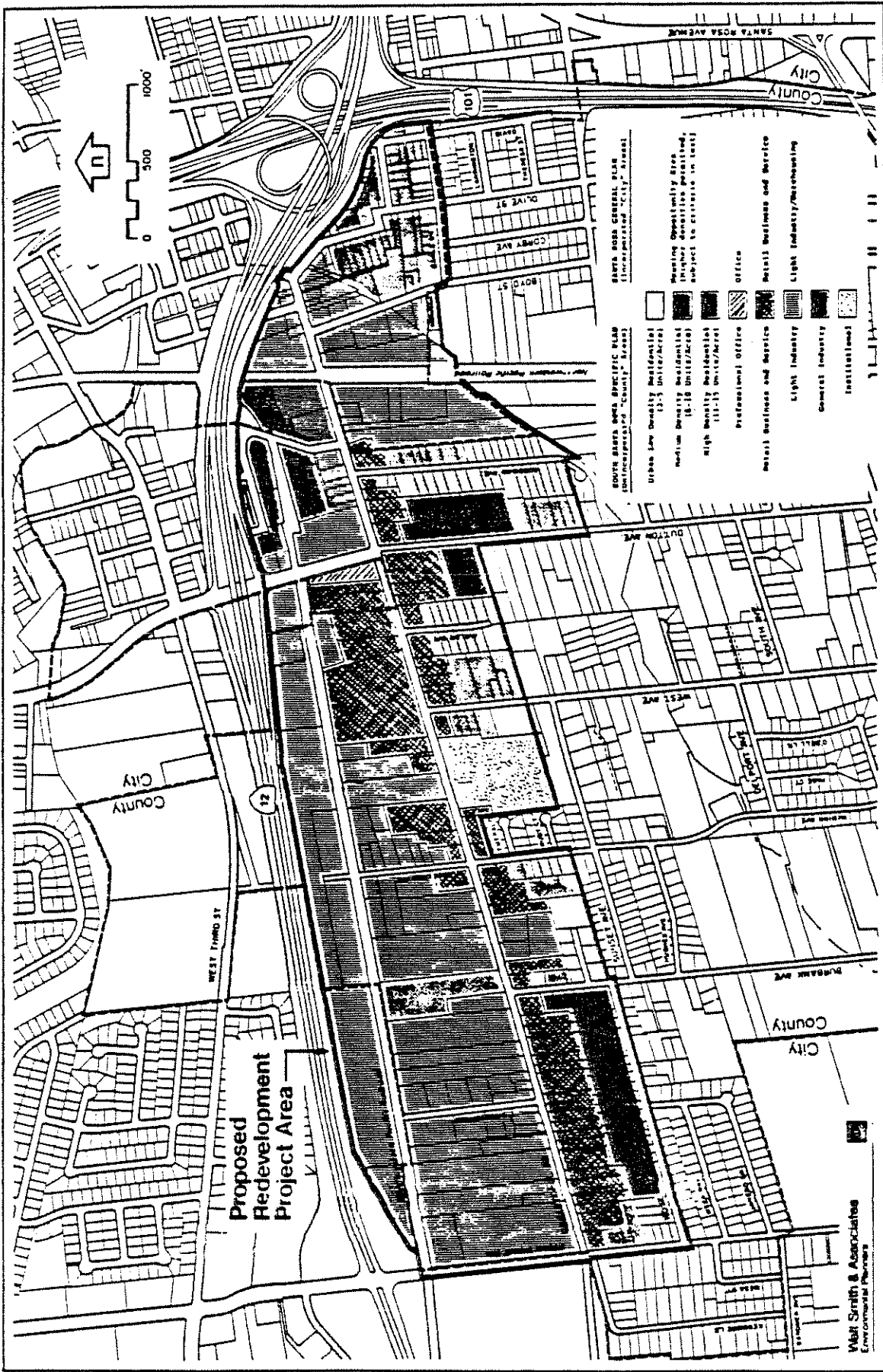
S. "State" means the State of California.

T. "Specific Plan" means the South Santa Rosa Specific Plan adopted by the County of Sonoma, as it now exists or may be amended in the future.

PART III. PROJECT AREA BOUNDARIES

The Project Area is designated on the Project Area Boundary and Land Use Map (Map 1). Following the text of the Plan is Exhibit A, the legal description of the Project Area, which is incorporated in the Plan by this reference.

The Project Area is located primarily within the unincorporated area of the County of Sonoma adjacent to the southwest portion of the City of Santa Rosa. Two small parts of the Project Area are actually within the city limits of the City of Santa Rosa. These parts are the area north of the Petaluma and Santa Rosa Railroad branch line and the area east of the



Northwestern Pacific Railroad branch line. They are contiguous to the portions of the Project Area within the unincorporated area of the County.

By ordinance, the Santa Rosa City Council has authorized the Agency to undertake the redevelopment of those portions of the Project Area within the city limits, as permitted by Health and Safety Code Section 33213.

PART IV. REDEVELOPMENT GOALS AND OBJECTIVES

A. Plan Goals

The Roseland Redevelopment Plan is designed to achieve two central community goals. First, the Plan seeks to revitalize the Sebastopol Road commercial corridor so that it may capture a reasonable share of the market for retail, office, other commercial and light industrial activities that may be generated by the greater Roseland community and the expanding industrial base in the southwest Santa Rosa area. Second, the Plan is intended to strengthen existing residential neighborhoods and expand the stock of affordable housing within the Project Area and the greater Roseland area.

These Redevelopment Plan goals are consistent with and support the goals of the Sonoma County General Plan (1978), the

Sonoma County Commercial Industrial Study (1980), the South Santa Rosa Specific Plan (1982), and the City General Plan.

The County General Plan is based on a "community-centered concept", in which future growth is directed toward existing communities and is encouraged to take place in compact urban centers. Such focused growth is envisioned by the General Plan to achieve additional goals of preserving the identity and function of present communities and preserving agricultural land in outlying areas. The Roseland area is specifically identified in the General Plan as an urban expansion area in which these goals should be stressed.

The County General Plan further recognizes that, due to existing development patterns and small parcel sizes, the full development of Roseland faces serious constraints. Consequently, the General Plan recommends that studies be undertaken to overcome these physical problems. The Redevelopment Plan and the planning effort leading to its adoption are a direct response to this County General Plan recommendation.

With respect to commercial revitalization, the Commercial Industrial Study reemphasizes the recommendation that strip commercial and industrial facilities should be encouraged to develop and expand along Sebastopol Road. The Specific Plan establishes detailed land use patterns and development standards

for Sebastopol Road to achieve the goal of commercial revitalization. As more fully set forth in Part V, the Specific Plan land use patterns and development standards form the basis for the land use controls of this Redevelopment Plan.

Residential revitalization and expansion of the housing stock are likewise key goals of the County General Plan and Specific Plan that will be supported and implemented by the activities envisioned in this Redevelopment Plan. For instance, the General Plan identifies South Santa Rosa, of which the Roseland community is an important part, as one of five target areas within the County for concentrated housing assistance.

In summary, the Redevelopment Plan and the ensuing redevelopment process may best be viewed as a valuable mechanism available to the County and the Roseland community to implement the goals of the County General Plan, the Specific Plan and the City General Plan.

B. Plan Constraints: Blighting Conditions

As an established commercial district, the Sebastopol Road area enjoys a good opportunity to become a primary service center for new businesses that will locate in the developing business parks of southwest Santa Rosa. Development of several business parks is underway or planned in the Air Center area to the west

of the Project Area. The firms locating in these parks will require numerous services such as office supplies, equipment sales and service, and restaurant and lodging facilities. The Project Area is well located and possesses the proper zoning, availability of sites and structures for new commercial uses and the critical mass of existing commercial and light industrial uses to accommodate these growing service needs. For similar reasons, the Sebastopol Road district also has the potential to continue and expand its role as the neighborhood commercial center for the surrounding residential areas.

Unfortunately, the Project Area's ability to meet its potential is impaired by several blighting conditions. At present, the Sebastopol Road area contains an inefficient and unsightly mix of conflicting and nonconforming uses. Commercial uses are interspersed with inappropriate residential uses. A number of commercial structures have been abandoned or allowed to deteriorate. Off-street parking facilities are generally inadequate. Design standards were not adequately imposed in the past, so that the district lacks a coherent attractive character. Aboveground utilities along Sebastopol Road add to the sense of visual chaos.

Many of the parcels along Sebastopol Road are of inadequate size and improper configuration to support the modern commercial facilities that will be necessary to tap the market potential

described above. It is unlikely that parcels of sufficient size and shape can be routinely assembled by private parties without redevelopment assistance.

The public infrastructure serving the Project Area imposes an additional blighting condition. Sebastopol Road varies considerably in width and curb conditions along its length within the Project Area and storm drainage is inadequate. These problems will be exacerbated as business park development takes place in surrounding areas. This development will impose a greater traffic burden on Sebastopol Road which is a primary arterial in the southwest Santa Rosa area. Without road widening and realignment and other traffic flow improvements, traffic congestion will significantly detract from the desired business environment along Sebastopol Road. While adjacent property owners may be able to participate in a portion of the cost of road improvements through an assessment district, such improvements will be too costly to be financed exclusively through this mechanism. Further, it would be inequitable for the property owners alone to pay for arterial improvement that will benefit a much larger area.

As a result of these conditions in the Sebastopol Road commercial district, few property sales have occurred in recent years despite the availability for sale of several parcels.

The residential portions of the Project Area are experiencing early signs of decline that could be arrested and reversed with timely redevelopment assistance. Certain structures are in need of rehabilitation and various residential streets lack curbs, gutters and sidewalks. The residential areas are subject to periodic flooding. There is a lack of adequate public open space. Similar conditions prevail in the residential areas of Roseland beyond the Project Area boundaries. In short, the residential neighborhoods, like the commercial portion of the Project Area, have been developed at urban intensities without the appropriate urban development standards. The results of this historic development pattern may lead to continued disinvestment, if redevelopment assistance is not provided to alleviate the emerging signs of blight.

The objectives of the Plan, outlined in the following subsection, are expressly designed to overcome these blighting conditions so that the broad goals of the Plan can be achieved in a timely manner.

C. Plan Objectives and Activities

The specific objectives of the Plan, together with particular activities that the Agency may undertake to accomplish these objectives, are set forth below. The objectives and activities are not listed in priority order. Rather, it is

intended that the Agency's annual budget process shall be used to determine short and long-range priorities in accordance with evolving market and community needs and opportunities.

Objective 1. Infrastructure Improvements: The Agency will work to modernize and upgrade the road and drainage system in the Project Area in order to establish an efficient, attractive physical environment that will stimulate and support private redevelopment of the Project Area.

To accomplish this objective, the Agency may:

a. Assist the County in widening and realigning Sebastopol Road throughout the Project Area, in the manner set forth in the Specific Plan. The Specific Plan calls for development of a 64 foot wide road within an 84 foot right-of-way. The road will consist of four travel lanes, one continuous left turn lane and bike lanes. The improvements will include street trees and landscaping, textured walkways at key intersections, upgrading of street lighting, and bus transit shelters and other improvements to facilitate public transit use. Consideration will be given to the undergrounding of utilities along Sebastopol Road as funds permit. In addition to provision of sidewalks, curbs and gutters, as needed, along Sebastopol Road within the Project Area, the Agency may also assist the County and the City of Santa Rosa in the construction of sidewalks, curbs and gutters along

the south side of Sebastopol Road to the west of Stony Point Road to improve access through the Project Area for school children at Cook Junior High School.

b. Assist in the construction of sidewalks, curbs, gutters, pedestrian walkways, landscaping, transit shelters and other street amenities, as appropriate along the two major north/south gateways to the Project Area along Stony Point Road north of Sebastopol Road and along Dutton Avenue north of Sebastopol Road.

c. Assist the Water Agency in the construction of needed interceptor storm drainage lines that will feed into Roseland Creek and alleviate the drainage problems of the entire Project Area. Required improvements include interceptor storm drainage lines along McMinn Avenue, Burbank Road, Sebastopol Road west of Hampton Avenue, and Stony Point Road north of Sebastopol Road. A portion of the drainage improvements necessary to Project Area development may take place outside the Project Area.

d. Assist the County in the provision of curbs, sidewalks and gutters on streets in and adjacent to the Project Area, including without limitation, Boyd Street, Earle Street, Olive Street, Burnett Street, South Davis Street, Goodman Avenue, West Avenue, McMinn Avenue, Roseland Avenue, Burbank Avenue and Dutton Avenue.

Objective 2. Private Development Assistance. The Agency will assist current property owners and businesses and new developers to intensify appropriate commercial, light industrial and related activities along Sebastopol Road through new construction and rehabilitation of existing facilities.

To accomplish this objective, the Agency may:

a. Acquire, assemble, prepare and dispose of parcels for modern commercial, light industrial and related uses through owner participation agreements and development agreements.

b. Acquire, prepare and dispose of non-conforming residential structures along Sebastopol Road to the west of Burbank Avenue and in the vicinity of Goodman Avenue.

c. Provide financial assistance, as permitted by law, and work with other financing sources (Small Business Administration, County Industrial Development Bonds, private lenders, etc.) to make available assistance for rehabilitation of existing structures and construction of modern commercial facilities.

d. Assist owners of vacant and underutilized properties between Highway 12 and the Petaluma and Santa Rosa Railroad to

improve accessibility of those parcels so that they may be properly developed.

e. Implement and enforce the detailed development standards for the Sebastopol Road corridor as set forth in the South Santa Rosa Specific Plan.

Objective 3. Residential Neighborhood Assistance. The Agency will work to strengthen the quality of the housing stock and neighborhood environment in the residential areas of the Project Area and the greater Roseland community, to alleviate early signs of physical deterioration in such neighborhoods, and to expand the supply of affordable housing for low- and moderate-income households.

To accomplish this objective, the Agency may:

a. Provide rehabilitation loans for owners of low- and moderate-income housing, using the portion of tax increment revenues earmarked for housing, Redevelopment Construction Loan Act financing, and other resources available to the Agency.

b. Promote and assist in financing in-fill housing, where appropriate, using the portion of tax increment revenues set aside for housing, Redevelopment Construction Loan Act financing, and other resources available to the Agency.

c. Provide suitable and affordable replacement housing for any households that may be displaced in the achievement of Objective 2 above (Private Development Assistance).

d. Assist in the construction of curbs, sidewalks and gutters to upgrade residential streets to modern urban standards, as more fully described in Objective 1 above (Infrastructure Improvements).

e. Assist in construction of storm drainage lines to alleviate flooding conditions in residential areas, as more fully described in Objective 1 above (Infrastructure Improvements).

f. Assist the County in providing suitable park and open space facilities for the community. Consideration is being given to upgrading of recreation facilities of the Roseland School District, creation of a park along Roseland Creek at Dutton Avenue, at the edge of the Project Area, and development of a bike trail along the abandoned right-of-way of the Petaluma and Santa Rosa Railroad.

D. Implementation Guidelines

Redevelopment of the Project Area will require a long-term effort and will involve many activities, both public and private.

Specific Agency activities must be tailored to best take advantage of market conditions and development opportunities as they evolve over the life of the Plan. Flexibility will be essential in designing and implementing each Agency action.

While flexibility of action is critical, it is possible to set forth the major principles that will guide every Agency activity undertaken to implement the goals and objectives of the Plan. These implementation guidelines include the following:

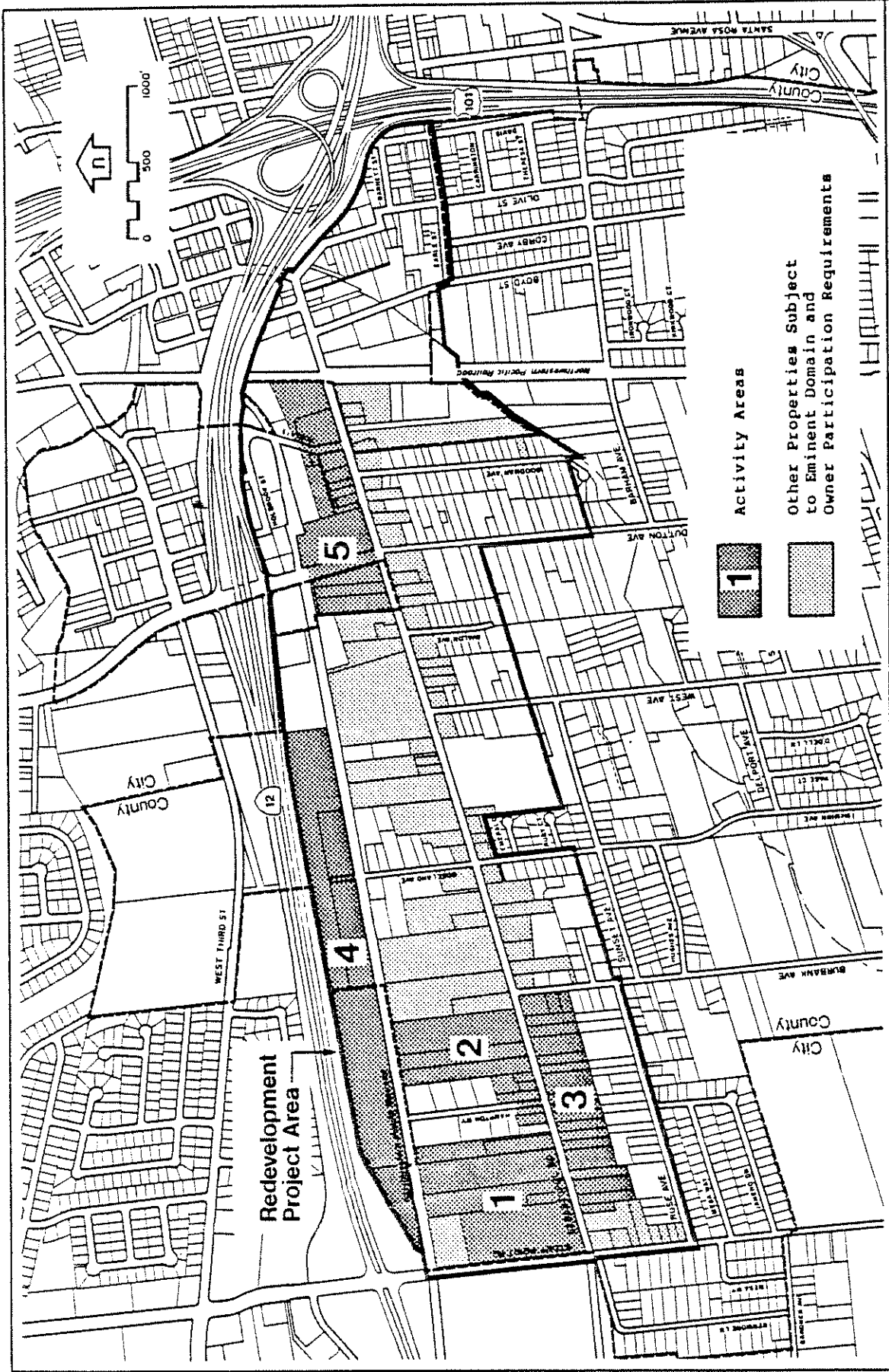
1. Redevelopment assistance must be applied judiciously as a catalyst for private development in accordance with the General Plan and Specific Plan. From this principle, flow two major guidelines. First, redevelopment assistance should be provided only as a last resort, when it is clear that the private sector and other governmental resources are insufficient to achieve the desired level and quality of development. Second, redevelopment activities must be carefully prioritized, so that those activities with the greatest impact on inducing private development will receive funding preference.

2. Since redevelopment resources are limited, they must be carefully coordinated with other public and private resources to maximize the "leverage" or impact of redevelopment funds on private development. Several implementation guidelines follow from this principle of coordination. First, the Agency must

implement its program through the greatest possible utilization of the existing County government organization and expertise, including the Housing Authority, Planning Commission, Public Works Department, Water Agency and other departments. Second, the Agency must promote involvement of existing business and residents in rehabilitation and new development activities to the greatest extent possible consistent with the goals and objectives of the Plan. Third, the Agency must attract and involve experienced private developers and lending institutions in Plan implementation through continual information exchange and timely coordination of Agency activities with those of the private sector in the community.

3. The Agency's activities should be clearly focused within the Project Area so as to maximize their positive impact while minimizing any disruption to the normal activities of property owners. Consequently, use of Agency powers will be guided as follows:

a. As more fully set forth in Part VI of the Plan, the Agency's authority to acquire property by eminent domain (with the resulting obligation to provide relocation assistance) shall be limited to the five Activity Areas outlined on Map 2 and to any property whose owner fails or refuses to rehabilitate or develop such property as required by the terms of Part VI, Subsection C of this Plan (Participation By Owners and Business



MAP 2: ACTIVITY AREAS AND OTHER PROPERTIES SUBJECT TO EMINENT DOMAIN AND OWNER PARTICIPATION

Tenants). The Activity Areas represent the parcels within the Project Area which are characterized by vacancy and abandonment, obsolete and dilapidated facilities, and nonconforming uses and which present the greatest opportunity for assembly and Agency financial assistance to enable private redevelopment to succeed.

b. As more fully set forth in Part VI of the Plan, the Agency's authority to require an owner to enter into an owner participation agreement in the event the owner's property contains a nonconforming use or if the owner intends to improve his/her property shall be limited to those properties that are either within an Activity Area or that possess frontage on Sebastopol Road or Stony Point Road. (Such properties with frontage on Sebastopol Road or Stony Point Road are also shown on Map 2). All other property owners (primarily those in the residential areas) may be required to enter into owner participation agreements only if they elect to receive rehabilitation or new construction assistance from the Agency.

4. The Agency will provide assistance in improving the Project Area's housing stock and residential neighborhood quality in a manner that will reinforce other County housing efforts and that will serve, among others, the following housing goals and policies of the General Plan:

a) To actively support the public and private sectors in exploring options for providing low- and moderate-income housing;

b) To provide for an adequate mix of residential opportunities, as to both cost and type and to encourage maximum home ownership of all housing types and costs;

c) To encourage new and innovative methods of residential development that minimize orientation to the automobile and that respect the unique characteristics and potential of the community;

d) To encourage energy and water conservation;

e) To encourage rehabilitation or replacement of substandard housing; and

f) To eliminate racial, ethnic, sex and age discrimination from the housing market.

5. The Agency may, and expects to, use a portion of the tax increment revenue earmarked for housing assistance in the residential neighborhoods of Roseland outside the Project Area boundaries (consisting of the neighborhoods within the area bounded by Highway 101 to the east, Stony Point Road to the west, Highway 12 to the north, and Hearn Avenue to the south, including properties on both sides of Stony Point Road and Hearn Avenue).

The Project Area size has been limited in order to minimize the Project's fiscal impact on affected taxing agencies. However, the need for housing assistance in Roseland stretches beyond the limited Project Area boundaries. Housing assistance in nearby areas will directly support the Agency's goals of revitalizing the commercial and residential facilities within the Project Area by creating a sound community-wide environment.

6. The Agency will focus its housing assistance activities, to the greatest extent feasible, on rehabilitation of existing housing rather than new construction. This focus will enable the Agency to use its limited resources to assist the greatest possible number of households and create the greatest possible physical improvement in the community while minimizing the impact of the Agency's programs on school districts and other affected taxing agencies.

7. The Agency will seek to complete its activities in a manner that will minimize service and fiscal impacts on taxing agencies while achieving the goals and objectives of the Plan.

8. The Agency may undertake other activities not expressly mentioned above, as permitted by the Plan, if such activities will support the goals and objectives of the Plan.

PART V. LAND USE REGULATIONS

Development of the Project Area is controlled by plans adopted by the County and the City.

In 1978, the County adopted a General Plan which is in full conformance with the State requirements for general plans. In 1982, the County adopted the South Santa Rosa Specific Plan, which encompasses the unincorporated portions of the Project Area. The Specific Plan specifies the permitted land uses and land use standards for the unincorporated portions of the Project Area and includes detailed Urban Street Corridor Design Guidelines for the Sebastopol Road corridor within the Project Area.

In 1984, the City adopted an amended General Plan which is in full conformance with the State requirements for general plans. The City General Plan specifies the permitted land uses and land use standards for the portions of the Project Area within the City limits. The City, by resolution, has also stated that the South Santa Rosa Specific Plan constitutes the development standards by which the City will evaluate development proposals within its sphere of interest beyond the City limits.

Thus, the Specific Plan controls the permitted land uses and land use standards for those portions of the Project Area within the unincorporated area of the County, and the City General Plan

controls the permitted land uses and land use standards for those portions of the Project Area within the City limits.

Consequently, the permitted land uses, land use standards and other evaluation guidelines of this Redevelopment Plan shall be those set forth in the County General Plan, the Specific Plan and the City General Plan, as those documents are controlling within various portions of the Project Area. It is further intended that all provisions of the County Zoning Ordinance and the City Zoning Ordinance shall be applicable, as those documents are controlling within various portions of the Project Area.

To the extent the County General Plan, the Specific Plan, the City General Plan, the County Zoning Ordinance or the City Zoning Ordinance are amended during the life of this Plan, it is intended that this Plan is automatically amended to conform to the requirements of the amended County General Plan, Specific Plan, City General Plan, County Zoning Ordinance or City Zoning Ordinance.

Finally, the applicable County and City zoning and planning processes will continue to have full effect and shall continue to serve as the primary determinant for land use decisions in the Project Area. Specifically, for those portions of the Project Area within the City limits, the normal City zoning and planning process will continue to operate. For those portions of the Project Area within the unincorporated area of the County, the

separate and combined zoning and planning processes of the County and the City will continue to operate, including without limitation, the joint design review process established by the County and the City.

A. Land Use Map

The Project Area Boundary and Land Use Map (Map 1) shows the permitted land uses and major circulation routes within the Project Area. The permitted land uses are drawn from the Specific Plan and the City General Plan, as those documents are controlling within various portions of the Project Area.

B. Permitted Land Uses

As noted in the introduction to this Part, the Redevelopment Plan adopts the uses set forth in the Specific Plan and the City General Plan as the permitted uses within the Project Area. The definitions that follow for each land use type are drawn primarily from the Specific Plan with notations as to any differences in nomenclature and basic definition that may exist for the land use categories used in the City General Plan.

The permitted land uses identified on the Project Area Boundary and Land Use Map are grouped into:

URBAN LOW DENSITY RESIDENTIAL

The Urban Low Density Residential category represents a density of two to five dwellings per acre and is typical of the densities found in existing single family subdivisions in an urban setting with a full range of urban services.

MEDIUM DENSITY RESIDENTIAL

The Medium Density Residential category provides a basic density range of six to ten dwellings per gross acre. Use of this Land Use category is intended to accommodate either existing or potential mobile home parks at six or seven dwelling units per acre or multi-residential units ranging from duplexes to multiple units generally at a density of 10 units per acre. Where this land use category has been applied to contiguous large parcels (over 10 acres), it's intended that they should be developed in such a way that local government can secure dedications for needed park sites and major street improvements.

HIGH DENSITY RESIDENTIAL

The High Density Residential category has been applied very sparingly. The basic density range in this category is 11 to 15 units per gross acre. In most instances it is applied to

recognize existing areas of R3 (Garden Apartment) density zoning primarily in the Roseland area.

NEIGHBORHOOD COMMERCIAL

The purpose of the Neighborhood Commercial category is to provide areas for local convenience shopping.

RETAIL BUSINESS & SERVICE

The Retail Business & Service category is intended for general retail sales and service facilities. This category also provides for the highway or tourist commercial services including motels and restaurants.

PROFESSIONAL OFFICE

The Professional Office category has been applied sparingly in the South Santa Rosa Study area. This land use category limits the commercial development opportunities of the designated sites to office uses. The Retail Business and Service land use category also accommodates general and professional offices.

LIGHT INDUSTRY

The Light Industry category is intended to accommodate a

variety of light industrial-heavy commercial land uses including such uses as automobile sales and service establishments, mobile homes sales and service establishments, cabinet shops, welding shops, sheet metal shops, glass manufacturing shops, truck terminals, contractors yards, landscaping materials yards, light assembly plants, and light distributing plants.

GENERAL INDUSTRY

The General Industry category is intended to accommodate heavy industrial land uses, such as manufacturing and processing plants.

INSTITUTIONAL

The Institutional category has been applied to all sites of existing schools and fire stations. It is also applied to certain other publicly owned property.

C. General Controls and Limitations

All real property in the Project Area is hereby subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of adoption of the Plan except in conformance with the

provisions of this Plan and all applicable State and local laws and standards in effect from time to time.

1) New Construction

All new construction shall comply with all applicable State and local laws and standards in effect from time to time. All setback areas from the street curb shall be landscaped and maintained by the owners.

Parking facilities shall be provided in accordance with the criteria set forth in the Specific Plan, City General Plan, County Zoning Ordinance and and City Zoning Ordinance. All parking shall be paved and drained so that storm and surface waters drainage from parcels will not cross public sidewalks, and all parking spaces visible from the street shall be landscaped as necessary to prevent unsightly barren appearances. Off-street loading facilities, trash areas, and any outdoor storage of materials approved by the County or the City shall be adequately enclosed or screened by walls, landscaping, or other such enclosure consistent with the applicable County and City ordinances.

2) Existing Non-Conforming Uses

The Agency is authorized to permit an existing use to remain in an existing building in good physical condition which does not conform to the provisions of this Plan provided that such use is generally compatible with the developements and uses within the Project Area in the discretion and judgment of the Agency.

3) Rehabilitation

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

4) Open Spaces and Landscaping

The standards for open space to be provided within the Project Area are set forth in the Specific Plan and the City General Plan and are included as part of the goals and objectives of this Plan. The precise amount of open space to be provided in the Project Area will depend on the precise plans for development submitted by developers of private property in the Area and approved by the County, the City and the Agency. Landscaping

plans for development projects shall be submitted to the County, the City and the Agency for review and approval.

5) Height and Bulk

On any building site, the height and bulk of structures shall be regulated as provided in the Specific Plan, the City General Plan, the County Zoning Ordinance and the City Zoning Ordinance.

6) Density

The maximum permitted density of development on any building site shall be regulated as provided in the Specific Plan, the City General Plan, the County Zoning Ordinance and the City Zoning Ordinance.

7) Utilities

The Agency shall require that all new utilities be placed underground unless otherwise approved by the County, the City and the Agency. Such utilities include, but are not limited to, the following: transformer vaults or pads, water meters and valves, telephone pull boxes, manhole inlets, drain facilities, and cable television lines.

8) Signs

Exterior signs necessary for the identification of buildings and premises shall be as permitted by the Specific Plan, the City General Plan, the County Zoning Ordinance and the City Zoning Ordinance provided that they comply with any design criteria established for the Project Area. The Agency may require that the complete sign program for a development be reviewed by the Agency staff, as well as the County's Planning Commission and the City's Planning Commission prior to the erection or installation of signs in any part of the Project Area.

9) Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or other similar factors that would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

10) Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based on race, color, creed, religion, sex, marital status, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

11) Resubdivision of Parcels

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

12) Variances

Under exceptional circumstances, the Agency is authorized to permit variances from the limits, restrictions, and controls established by the Plan. In order to permit such a variance the Agency must determine that:

a) The application of one or more of the provisions of this Plan would result in unnecessary hardship to the property owner; and

b) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions and controls; and

c) Permitting a variance from the limits, restrictions, or controls of this Plan will not be materially detrimental to the

public welfare or injurious to property or improvements in the area; and

d) Permitting a variance will not be contrary to the objectives of this Plan.

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

D. Adoption of Additional Standards for Development

Within the limits, restrictions, and controls established in the Plan, the Agency is authorized to establish and adopt specific standards for building heights, building coverage, design criteria, architectural character, landscaping character, sign character, traffic circulation ingress and egress, and any other development and design control necessary to implement the Plan. Such controls may relate to both private and public areas within the Project Area. No new development shall be constructed and no existing improvements shall be substantially modified, altered, repaired, or rehabilitated except in accordance with such adopted standards for development. The Agency shall not

approve plans which do not comply with any adopted standards for development.

E. Dwelling Unit Count

There are currently approximately 400 housing units in the Project Area being used as permanent residences at the time of adoption of this Plan. Since the residential portions of the Project Area are largely developed, it is not anticipated that a significant number of new dwelling units will be constructed in the Project Area during the life of the Plan.

F. Building Permits

Upon adoption of this Plan, no permit shall be issued for construction of any new building or the addition to or rehabilitation of any existing building in the Project Area until the application for such permit has been processed in the manner provided in this Section. Any permit that is issued must be for construction or maintenance which conforms to the provisions of this Plan.

The procedure for filing an application for a building permit shall be the same procedure currently used by the County and the City in processing applications through the Planning and Building Departments. Upon receipt of a permit application to be

processed by the County or the City, the Executive Director of the Agency or designee shall first review the project for conformity to the Plan. When the Executive Director of the Agency is satisfied that the proposal conforms to the Plan, the Director or the Director's designee shall advise the Building Inspection Division of the County or the City, as appropriate. In the event the Executive Director finds that the proposed development for which a permit is sought does not conform to the Plan, the Building Department shall not issue a building permit or shall issue a permit subject to the conditions recommended by the Executive Director.

The decision of the Executive Director or designee may be appealed to the Commission within ten days of notification of the Executive Director's or designee's adverse decision. Within thirty days of receipt of the appeal, the Commission shall conduct a public hearing on the proposal at which time the applicant and interested members of the public may be heard. After consideration of testimony and evidence, the Commission must take one of the following actions:

- 1) Deny the application.
- 2) Approve the application.

3) Approve the application with modifications or conditions determined to be necessary by the Commission.

The Commission shall also file a written report of its findings of fact regarding the approval, condition of approval, or denial of the subject application.

Any public hearing may be continued from time to time.

Since the members of the Board of Supervisors also sit as the members of the Commission and the Commission now acts as the Agency Board, an appeal from the Commission decision to the Board of Supervisors would be a meaningless exercise. Therefore, as long as the members of the Board of Supervisors also serve as the members of the Commission, any decision by the Commission shall be final. However, if independent Commission members should be appointed to the governing Board of the Agency in the future, an applicant shall have ten days from an adverse decision of the Commission to appeal to the Board of Supervisors.

PART VI. REDEVELOPMENT TECHNIQUES TO ACHIEVE PLAN OBJECTIVES

The development of the Roseland Redevelopment Project will be undertaken in accordance with the provision of the California Community Redevelopment Law.

The Agency proposes to use the following redevelopment techniques to achieve the objectives of the Plan set forth in Part IV above:

A. Public Improvements

The Agency is authorized to install and construct or cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements include, but are not limited to, over or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, fire houses, natural gas distribution systems, water distribution systems, buildings, parks, off-street parking, plazas, playgrounds, landscaped areas, and undergrounding of existing utilities.

All streets within the Project Area may be widened, altered, or vacated for purposes of development of the project. New streets may be created as necessary. The anticipated configuration of streets within the Project Area (including existing streets to be retained) is shown on the Project Area Boundary and Land Use Map (Map 1). These public rights-of-way shall be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. Any and all

street vacations pursuant to this Plan shall be in accordance with the County's public hearing requirements as well as all other applicable law including, but not limited to, those provisions set forth in the California Streets and Highways Code.

Anticipated public improvements include the following:

1. Widening, realignment, reconstruction and improvement of Sebastopol Road throughout the Project Area.
2. Construction of interceptor storm drainage lines, including lines along McMinn Avenue, Burbank Road, Sebastopol Road, and Stony Point Road.
3. Construction of curbs, gutters and sidewalks and other street amenities on Sebastopol Road, on the north/south gateway streets (Stony Point Road and Dutton Avenue north of Sebastopol Road), and on streets in residential neighborhoods of the Project Area.
4. Construction of recreation and open space facilities, including upgrading of recreation facilities of the Roseland School District, creation of a park along Roseland Creek at Dutton Avenue, and development of a bike trail along the abandoned right-of-way of the Petaluma and Santa Rosa Railroad.

B. Property Acquisition

1. Acquisition of Real Property

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

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

(a) The property in question is improved with a structure and the Agency has determined that it conforms to the Plan and in the sole determination of the Agency:

(1) is not needed for those specific activities outlined in the Plan;

(2) is not needed for the development of

replacement housing for those displaced by Agency activity, if any;

(3) is not needed for any other public improvement or facility;

(4) is not needed to promote historical or architectural preservation;

(5) is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of this Plan;

(6) is not needed for the elimination of environmental deficiency including among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; or

(7) is not needed for the removal of impediments to land development and disposition through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities;

(b) The property in question is improved with a structure and although not conforming to the Plan, the Agency has determined that the property and the structure can so conform

pursuant to the rules for owner participation agreements and that the owner is faithfully performing under the terms of the owner participation agreement; or

(c) The property in question is owned by a public body;

Further, the power of eminent domain will be exercised only (a) with respect to any property within the Activity Areas shown on Map 2, or (b) with respect to any property whose owner fails or refuses to rehabilitate or develop the owner's property as required by the terms of the owner participation provisions of subsection C below. (The owner participation requirements, and consequently the Agency's power of eminent domain, are limited to the Activity Areas and to other properties fronting on Sebastopol Road and Stony Point Road, also as shown on Map 2).

The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire within twelve years of the date of adoption of the ordinance including such property in the Project Area. This time limit for commencement of eminent domain proceedings may be extended only by amendment of the Plan.

Prior to any acquisition through eminent domain the Agency

shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such method.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire property devoted to a public use, if it is transferred to private ownership before the Agency completes land disposition within the Project Area.

2. Acquisition of Personal Property

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

C. Participation by Owners and Business Tenants

1. Opportunities for Owners and Business Tenants

The Agency shall extend reasonable preferences to persons who own property or are engaged in business in the Project Area, to continue or re-enter in business within the Area if they meet the requirements prescribed in this Plan and the "Rules For Business Tenant Preferences and Rules for Owner Participants" which are available for public inspection.

It is the intention of the Agency that owners of parcels of real property within the Project Area, where consistent with this Redevelopment Plan (see Subsection C.2 below), be allowed to participate in this redevelopment by: retaining all or a portion of their properties; acquiring adjacent or other properties in the Project Area; selling their properties to the Agency and purchasing other properties in the Project Area; and upgrading and developing their properties in conformance with this Plan and owner participation rules.

The exercise of following powers to require an owner to enter into an owner participation agreement shall be limited to owners of property located within an Activity Area or fronting on Sebastopol Road or Stony Point Road. (Map 2 shows both the Activity Areas and the parcels fronting on Sebastopol Road or Stony Point Road for which the power to require an owner to enter into an owner participation agreement shall apply.)

The Agency may determine either on its own direction or pursuant to a request of a property owner that certain property within an Activity Area or fronting on Sebastopol Road or Stony Point Road does not conform to this Plan, and the owner of such property shall be required to enter into an owner participation agreement with the Agency. Each property in an Activity Area or fronting on Sebastopol Road or Stony Point Road

shall be considered to conform to this Plan, until and unless the Agency has determined by resolution that such property does not conform to this Plan.

The Agency may determine, either on its own direction or pursuant to a request of a property owner, that certain real property within an Activity Area or fronting on Sebastopol Road or Stony Point Road conforms or substantially conforms to the requirements of this Plan and that the owner of such property will therefore be permitted to remain as conforming owner without a participation agreement with the Agency, provided, such owner continues to operate and use the real property within the requirements of this Plan.

In the event of the conforming owners desire to:

- (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming or
- (b) acquire additional real property within the Activity Area, then the Agency may require such conforming owners to enter into a participation agreement with the Agency in the same manner as required for owners of nonconforming properties.

Any real property owned by conforming owners outside of the designated conforming parcels and within an Activity Area or along Sebastopol Road or Stony Point Road shall be considered

and treated in the same manner as real property owned by other owners, i.e., may be subject to a participation agreement with the Agency.

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

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

As more fully set forth in the "Rules for Business Preferences and Rules for Owner Participants," in the event the Agency determines either on its own direction or pursuant to a request of a property owner that it is in the best interest of the Project that several parcels within an Activity Area be assembled and developed by a single property owner under a master developer plan, the Agency may select and designate a master developer for the parcels based on the proposed masters developer's financial and technical ability to successfully undertake and complete the development program.

Any property owner may apply to be selected as a master developer of two or more parcels in an Activity Area. Upon such application, the Agency shall determine whether the

applicant or another property owner meets the qualification to serve as a master developer and shall designate a qualified master developer unless, in its judgment, no property owner or other entity meets the necessary qualifications.

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

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

3. Participation Agreements

In the event the property owner is otherwise eligible, pursuant to Section C.2, above, to participate in the redevelopment of the property, the property owner, who is not a conforming owner, shall enter into a binding agreement with the Agency under which the property owner shall agree to rehabilitate, develop, or use the property in conformance with the Plan and to be subject to the provisions hereof. Such agreement will be prepared by the Redevelopment Agency after consultation with the property owner. Agreements will contain a list of minimum improvements to be made for the specific property to which it applies.

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

In the event a participating property owner fails or refuses to rehabilitate or develop his or her property pursuant to this Plan and/or an owner-participation agreement, the Agency is authorized but is not required to acquire the real property or any interest therein which, if acquired, may be sold or leased for rehabilitation or development in accordance with this Plan and the rules for owner participation.

It is anticipated that the acquisition of real property within Activity Areas or fronting on Sebastopol Road or Stony Point Road will be limited and that the Agency's power of eminent domain will be used only in those instances in which the Agency determines that the acquisition of certain real property is necessary and is in the best interest of the Project.

D. Cooperation with Public Bodies

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

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall have the right to impose on all public bodies the planning and design controls contained in the Plan to ensure that present uses and any future development by public bodies conform to the requirements of this Plan.

E. Property Management

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

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

A proportionate share of any amount of money paid by the Agency to the County as in lieu of tax payments shall be disbursed by the County to any school district with territory located within the Project Area. "Proportionate share" as used in this section, means the ratio of the school district tax rate, which is included in the total tax rate of the County, to the total tax rate of the County.

Subject to the limitations set forth in the Redevelopment Law, the Agency may also pay to any taxing agency with territory located within the Project Area other than the

County, any amounts of money which in the Agency's determination are necessary and appropriate to alleviate any financial burden or detriment caused to any taxing agency by the Project.

F. Relocation of Displaced Persons and Businesses

The Agency shall implement its activities to require the minimum possible relocation of persons and businesses consistent with achievement of the goals and objectives of the Plan. The Agency's power to cause relocation of persons and businesses due to its activities shall be limited to relocation of persons and businesses from the Activity Areas shown on Map 2 or from properties fronting on Sebastopol Road or Stony Point Road.

In the event that persons or businesses must be relocated, the following standards will apply.

1) Assistance in Finding Other Locations

The Agency shall assist all families and single persons displaced by the Project in finding other locations and facilities. There are areas of the County, other than the Project Area, not generally less desirable in regard to public utilities and public and commercial facilities, containing 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. Such dwelling units are available at rents or prices within the financial means of the families and individuals displaced from the Project Area.

In order to carry out the Project with a minimum of hardship on persons displaced from their homes, the Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonable, convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing outside the Project Area for displaced persons.

2) Relocation Payments

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

G. Demolition, Clearance, and Site Preparation

1) Demolition and Clearance

The Agency is authorized to demolish, clear, or move buildings, structures, and other improvements as necessary to carry out the purposes of this Plan.

2) Preparation of Building and Development Sites

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

H. Rehabilitation and Moving of Structures

To the extent appropriate in carrying out the Plan, the Agency is authorized to: 1) rehabilitate or to cause to be rehabilitated any building or structure in the Project Area acquired by the Agency, and 2) move or cause to be moved any building or other structure to a location within or outside the Project Area.

I. Replacement Dwelling Units

Whenever any dwelling units housing persons and families of low- or moderate-income are destroyed or removed from the low- and moderate-income housing market as part of the Project, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low- or moderate-income an equal number of replacement dwelling units at affordable housing costs as defined by Health and Safety Code Section 50052.5, within the territorial jurisdiction of the Agency, in accordance with all the provisions of the Redevelopment Law (Health and Safety Code Sections 33413 and 33413.5).

J. Property Disposition and Development

1) Real Property Disposition and Development

(a) General. For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated leases or sales without public bidding.

All real property acquired by the Agency in the Project Area shall be sold or leased for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the County or any other public body without charge. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

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

To the extent now or hereafter permitted by law, the Agency is authorized to pay for all or part of the value of the land, cost of installation or construction of any building, facility, structure or other improvement either within or outside the Project Area for itself or for any public body or entity provided that such improvements would be of benefit to the Project Area and that no other reasonable means of financing the improvements are available to the Agency.

(b) Purchase and Development by Participants.

Pursuant to the provisions of this Plan and the rules adopted by

the Agency, the Agency may offer real property in the Project Area for purchase and development by owner and business-tenant participants prior to the time that real property is made available for purchase and development by persons who are not owners or business-tenants in the Project Area.

(c) Purchase and Development Documents. To provide adequate safeguards, to insure that the provisions of this Plan will be carried out, and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the Zoning Ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan.

During the period of development in the Project Area, the Agency shall insure that the provisions of this Plan and of

other documents formulated pursuant to this Plan are being observed, and that development in the Project Area proceeds in accordance with development documents.

The Agency shall require that development plans be submitted to it for approval and review. All development must conform to this Plan and all applicable Federal, State, and local laws.

(d) Obligations to be Imposed on Redevelopers.

Purchasers of land within the Project Area shall be required to develop such land in accordance with the provisions of this Plan. The Agency shall have the right to withhold transfer of title to the acquirer, user or developer of land in order to ensure fulfillment of this requirement. No building, sign or structure shall be constructed upon any part of such land unless architectural plans and specifications showing, among other things, the nature of such construction, parking, loading, surface treatment and landscaping, the location and orientation of the structure(s) on the building site and the grading plans for the building site to be built upon, shall be submitted to, reviewed, and approved in writing by the Agency. The Agency shall have the right to refuse to approve any such plans or specifications when in the opinion of the Agency such plans or specifications do not conform with the conditions and objectives

of the Plan, or to the design standards established by the Agency.

Acquirers, users or developers of land within the Project Area must commence the erection of any building, prosecute diligently the work thereon and complete it within such reasonable period of time as agreed upon with the Agency.

No acquirer, user, owner participant or developer shall resell, lease, sublease, or otherwise dispose of land in the Project Area until the construction, approved by the Agency, has been completed, except with the prior written consent of the Agency.

Persons who are engaged in business in the Project Area shall be granted non-financial preference by the Agency to reenter in business within the Area after redevelopment if they otherwise meet the requirements prescribed by the Plan and the rules for Business Tenant Participation.

The acquirer, user, or owner shall be responsible for complying with all applicable State and local laws, ordinances and codes, in effect from time to time, not superseded by this Plan.

2) Personal Property Disposition

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

K. Prevention of Discrimination

1) General

Property owners and developers shall comply with all State and local laws, in effect from time to time prohibiting discrimination or segregation by reason of race, color, religion, creed, marital status, sex, national origin or ancestry, in the sale, lease or occupancy of the property.

2) Conveyances by the Agency

Pursuant to the Redevelopment Law (Health and Safety Code Sections 33337 and 33435-33436), contracts entered into by the Agency relating to the sale, transfer or leasing of land, or any interest herein acquired by the Agency within the Project Area shall contain the provisions of those Redevelopment Law sections in substantially the form set forth therein. Such contracts shall further provide that the provisions of the applicable Redevelopment Law sections shall be binding upon and shall obligate the contracting party or parties and any

subcontracting party or parties and all other transferees under the instrument.

3) Other Contracts, Deeds and Leases for Conveyance of Project Area Property

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

In deeds, the following language shall appear:

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

In leases, the following language shall appear:

"The lessee herein covenants by and for himself, his heirs, executors, administrators, and

assigns, and all persons claiming under or through him, and this lease is made and accepted upon and subject to the following conditions:

"That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, marital status, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased, nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or number, use, or occupancy of tenants, sublessees, subtenants, or vendees in the premises herein leased."

4) Duration

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

L. Financing of Low- and Moderate-Income Housing and Commercial Development

The Redevelopment Construction Loan Act (California Health and Safety Code Sections 33750 et. seq.) and the general powers of the Agency provided the authority for the Agency to issue tax-exempt mortgage-revenue bonds for the financing of housing construction and rehabilitation as well as for the development and construction of commercial facilities.

Tax-exempt mortgage-revenue bonds may be issued by the Agency in conjunction with the expenditure of the tax increment revenues required to be set aside for provision of low- and moderate-income housing pursuant to the Redevelopment Law (Health and Safety Code Section 33334.2).

Tax-exempt mortgage-revenue bond financing will be made available only to those projects which fully satisfy all local zoning and land use requirements. As a general rule, the Agency will expect that mortgage revenue bond financed projects should show additional benefits to the community due to the provision of lower cost tax-exempt mortgage financing. Prior to the issuance of any such bonds, the Agency must be assured that there is adequate security for the payment of principal and interest when they became due and payable.

PART VII. METHODS FOR FINANCING THE PROJECT

A. General Provisions

Upon adoption of the Plan by the Board of Supervisors, the Agency is authorized to finance this Project with financial assistance from the County of Sonoma, State of California, United States Government, private developers or any other available sources.

Advances for planning and the operating capital for administration of this Project may come through loans or grants from the County. Such loans or grants have been and shall continue to be made on terms established by the County and the Agency. The County may also supply additional assistance through County loans and grants for various public facilities.

As available, gas tax funds from the State of California and the County of Sonoma may be used toward the cost of street improvements and bicycle lanes. There may also be some revenue accruing to the Project from interest earned on investment of Agency funds.

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

B. Housing Financing

Pursuant to the Redevelopment Law (Health and Safety Code Section 33334.2), twenty percent of all tax increments allocated to the Agency shall be used for the purposes of expanding and increasing the community's supply of low- and moderate-income housing available at affordable cost.

Tax increment revenues allocated to the Agency and earmarked for housing purposes will be used to fund existing and new programs for housing development in a manner consistent with the Housing Element of the County's General Plan. The permitted uses in the Project Area allow for low- and moderate-income housing. However, the Agency expects that it may use some of the housing funds outside the Project Area if such use will be of benefit to the Project.

C. Tax Increments

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Sonoma, any district, or other public other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided as follows:

1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by, or for, each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when

collected shall be paid to the respective taxing agencies as taxes by, or for, said 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 Redevelopment Project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County of Sonoma last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on the effective date; and

2) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable properties in such Project as shown by the last equalized assessment roll referred to in paragraph (1) hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall

be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in paragraph 2) above may be irrevocably pledged by the Agency for the payment of the principal of the interest on money loaned advanced, or any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance in whole or in part, the Project.

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

The following limitations are placed on the period for incurring indebtedness and on the total number of tax increment dollars to be allocated to the Project:

1) No advances or indebtedness shall be established or incurred by the Agency after the expiration of twenty-nine (29) years from the date upon which this Plan is adopted without further amendment of the Plan.

2) No more than \$25,000,000 of tax increments may be divided and allocated to the Agency without further amendment of this Plan.

3) No more than \$10,000,000 in bonded indebtedness to be repaid in whole or in part from tax increments may be outstanding at any one time without further amendment of this Plan.

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

- 1) the income and revenues of the Project; or
- 2) the tax increment funds allocated to the Agency; or
- 3) the Agency's revenues generally; or
- 4) taxes imposed pursuant to 7202.6 of the Revenue and Taxation Code which are pledged therefore; or
- 5) any contributions or other financial assistance from the state or local government; or
- 6) repayment of loans or other form of indebtedness to the Agency; or
- 7) any combination of the above sources.

E. Other Loans, Grants and Advances

Any other loans, grants, or financial assistance from any other public or private source may be utilized if available.

PART VIII. ACTIONS BY THE COUNTY

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

A. Acquisition of any real and personal property inside or outside the Project Area required as right-of-way for circulation improvements; demolition and removal of structures on such acquired property; and preparation of such property for construction. The costs to the County of such acquisition, demolition and site preparation may be reimbursed by the Agency from Project revenues.

B. Establishment of an assessment district mechanism to collect fees from property developers within the Project Area for purposes of Project financing.

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

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

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

F. Provision for administrative enforcement of this Plan.

G. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered by the County, in accordance with a schedule that will permit the development of the Project Area to be commenced and carried to completion without unnecessary delay.

PART IX. ENFORCEMENT

After development, the administrative enforcement of this Plan or other documents implementing this Plan shall be performed by the County or the Agency.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the County. Such remedies may include, but are not limited to, specific performance, damages, reentry, 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 Areas may be enforced by such owners.

PART X. DURATION

With the exception noted below, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective until thirty (30) years from the date of adoption of the Plan.

The nondiscrimination and nonsegregation provisions contained in Part VI shall run in perpetuity.

PART XI. SEVERABILITY

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

PART XII. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in the Redevelopment Law (California Health and Safety Code Section 33450 to 33458) or by any other procedure hereafter established by law.

PART XIII. 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.

JN/0351

A151(1)

ROSELAND REDEVELOPMENT PROJECT AREABOUNDARY DESCRIPTION

BEING A PARCEL OF LAND LOCATED WITHIN THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 25, BLOCK 3, JANERO TERRACE, TRACT 68, AS SHOWN ON THE MAP FILED IN BOOK 59, PAGE 20, SONOMA COUNTY RECORDS; THENCE

NORTH 5°33'00" WEST 5.10 FEET, THENCE

NORTH 73°11'00" EAST 732.15 FEET

ALONG THE SOUTHERLY RIGHT OF WAY LINE OF ROSE AVENUE TO THE EASTERLY RIGHT OF WAY LINE OF BURBANK AVENUE; THENCE

NORTH 5°36'00" WEST 20.68 FEET

ALONG THE EASTERLY RIGHT OF WAY LINE OF BURBANK AVENUE TO THE NORTHWESTERLY CORNER OF LOT 9 AS SHOWN ON PLAT OF SUNSET SUBDIVISION, FILED IN BOOK 52, PAGE 18, SONOMA COUNTY RECORDS; THENCE

NORTH 72°58'19" EAST 893.43 FEET

ALONG THE MOST SOUTHERLY LINES OF PARCELS 1, 2, & 3 OF PARCEL MAP NO. 4535, RECORDED IN BOOK 226, PAGE 36, SONOMA COUNTY RECORDS AND THENCE CONTINUING ALONG THE NORTHERLY LINE OF THE SUNSET SUBDIVISION RECORDED IN BOOK 52, PAGE 18, SONOMA COUNTY RECORDS AND CROSSING MC MINN AVENUE AND ENDING ON THE EASTERLY RIGHT OF WAY LINE OF MC MINN AVENUE; THENCE

NORTH 5°18'00" WEST 462.70 FEET

ALONG THE WESTERLY LINE OF THE CERTAIN TRACT MAP NO. 17 OF LANSING VILLAS FILED IN BOOK 56, PAGE 2, SONOMA COUNTY RECORDS AND CONTINUING ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THRU A CENTRAL ANGLE OF 78°40'02", AN ARC LENGTH OF 27.46 FEET,

NORTH 73°22'00" EAST 294.61 FEET

SOUTH 5°18'00" EAST 492.00 FEET, THENCE

NORTH 72°45'00" EAST 1805.44 FEET

AND ENDING AT THE WESTERLY RIGHT OF WAY LINE OF DUTTON AVENUE; THENCE

SOUTH 5°15'00" EAST 444.81 FEET

ALONG THE WESTERLY RIGHT OF WAY LINE OF DUTTON AVENUE TO THE SOUTHEASTERLY CORNER OF THE 20 FOOT EASEMENT 2523 O.R. 926 AS SHOWN ON PARCEL MAP 2233, FILED IN BOOK 156, PAGE 17, SONOMA COUNTY RECORDS;

THENCE

SOUTH 73°15'00" WEST 13.27 FEET
TO THE NORTHEAST CORNER OF LOT 1 OF THAT CERTAIN
PARCEL MAP NO. 2233, FILED IN BOOK 156, PAGE 17,
SONOMA COUNTY RECORDS; THENCE

SOUTH 5°15'00" EAST 84.81 FEET, AND
NORTH 73°15'00" EAST 13.27 FEET; THENCE
SOUTH 5°15'00" EAST 200.00 FEET

ALONG THE WESTERLY RIGHT OF WAY LINE OF DUTTON
AVENUE TO THE INTERSECTION OF THE WESTERLY RIGHT OF
WAY LINE OF DUTTON AVENUE WITH THE EXTENSION OF THE
NORTHERLY LINE OF LOT 1 AS SHOWN ON PARCEL MAP
6777, FILED IN BOOK 293, PAGE 16, SONOMA COUNTY
RECORDS;

THENCE CROSSING DUTTON AVENUE

NORTH 73°29'58" EAST 561.83 FEET,
ALONG THE NORTHERLY LINE OF PARCEL MAP 6777, FILED
IN BOOK 293, PAGE 16 SONOMA COUNTY RECORDS; THENCE
SOUTH 5°24'14" EAST 65.00 FEET
NORTH 33°17'49" EAST 203.55 FEET, THENCE
NORTH 33°17'49" EAST 78.98 FEET,
AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP FILED
IN BOOK 254, PAGE 27; THENCE

NORTH 41°02'49" EAST 249.08 FEET, THENCE
NORTH 00°00'30" WEST 20.70 FEET,
NORTH 37°35'32" EAST 273.20 FEET,

TO THE WESTERLY RIGHT OF WAY LINE OF THE
N.W.P.R.R., THENCE NORTH 89°30'00" EAST 60 FEET TO
THE EASTERLY RIGHT OF WAY LINE OF THE N.W.P.R.R.,
THENCE NORTH 00°30'00" WEST 220 FEET MORE OR LESS
ALONG THE EASTERLY RIGHT OF WAY LINE OF THE
N.W.P.R.R. TO THE INTERSECTION OF THE CITY LIMITS
OF SANTA ROSA, THENCE DUE EAST ALONG THE SAID CITY
LIMITS LINE 300 FEET MORE OR LESS TO THE INTER-
SECTION OF THAT NORTHERLY LINE OF THE PROPERTY
DESCRIBED IN THAT DEED RECORDED IN BOOK 2453 OFFI-
CIAL RECORDS, PAGE 437, SONOMA COUNTY RECORDS,
COUNTY OF SONOMA, STATE OF CALIFORNIA. THENCE
ALONG SAID NORTHERLY LINE SOUTH 83°19'00" WEST 70
FEET MORE OR LESS TO THE NORTHWESTERLY CORNER OF
SAID PROPERTY DESCRIBED IN THAT DEED RECORDED IN
BOOK 2453, OFFICIAL RECORDS, PAGE 437, THENCE

SOUTH 12°30'00" EAST, 68.18 FEET,
NORTH 82°49'00" EAST, 265.83 FEET,

ALONG THE NORTH LINE OF LOT 2 AS SHOWN ON PARCEL
MAP 432, FILED IN BOOK, 256, PAGE 11, SONOMA COUNTY
RECORDS, TO THE WESTERLY RIGHT OF WAY LINE OF BOYD
STREET; THENCE

SOUTH 20°48'00" EAST 93.76 FEET,
SOUTH 9°15'00" EAST 52.14 FEET, THENCE

CROSSING BOYD STREET
NORTH 80°45'00" EAST 50.00 FEET TO THE
EASTERLY RIGHT OF WAY LINE OF BOYD STREET;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS
OF 25 FEET, THRU A CENTRAL ANGLE OF 92°24'24", AN
ARC LENGTH OF 40.32 FEET AS SHOWN ON THAT CERTAIN
TRACT NO. 143, FILED IN BOOK 68, PAGE 15, SONOMA
COUNTY RECORDS;

THENCE CONTINUING
NORTH 83°09'00" EAST 476.89 FEET
ALONG THE SOUTHERLY RIGHT OF WAY LINE OF EARL
STREET ENDING AT THE CENTERLINE OF OLIVE STREET;

THENCE CONTINUING
NORTH 81°38'22" EAST 525.99 FEET
ALONG THE SOUTHERLY RIGHT OF WAY LINE OF EARL
STREET TO THE WESTERLY CALTRANS RIGHT OF WAY LINE
AS SHOWN ON THE CALTRANS RIGHT OF WAY RECORD MAP
47.30;

THENCE ALONG THE WESTERLY AND SOUTHERLY CALTRANS
RIGHTS OF WAY LINES AS SHOWN ON THE CALTRANS RIGHT
OF WAY RECORD MAPS 47.20 TO 47.30 AS FOLLOWS:

NORTH 6°01'15" WEST 165.05 FEET
ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS
OF 300 FEET, THRU A CENTRAL ANGLE OF 53°14'47", AN
ARC LENGTH OF 278.80 FEET,

NORTH 74°11'05" WEST 188.25 FEET
ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS
OF 700 FEET, THRU A CENTRAL ANGLE OF 30°11'50", AN
ARC LENGTH OF 368.93 FEET,

NORTH 43°59'15" WEST 186.73 FEET,

NORTH 48°40'00" WEST 232.38 FEET,

NORTH 10°00'00" EAST 19.29 FEET,

NORTH 48°40'00" WEST 70.24 FEET,

SOUTH 80°12'20" WEST 32.06 FEET,

NORTH 66°45'43" WEST 452.51 FEET,

NORTH 75°16'41" WEST 147.25 FEET,

NORTH 00°01'22" EAST 20.29 FEET,

NORTH 79°46'26" WEST 193.07 FEET

ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF
553.14 FEET, THRU A CENTRAL ANGLE OF 02°32'41", AN
ARC LENGTH OF 24.57 FEET,

NORTH 82°24'17" WEST 161.34 FEET,

SOUTH 89°27'26" WEST 258.31 FEET

ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS
OF 1500 FEET, THRU A CENTRAL ANGLE OF 17°35'37", AN
ARC LENGTH OF 460.60 FEET,

SOUTH 71°51'49" WEST 225.23 FEET

ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS

OF 50 FEET, THRU A CENTRAL ANGLE OF 87°35'21", AN
ARC LENGTH OF 76.44 FEET,

SOUTH 74°16'28" WEST 86.00 FEET,

NORTH 15°43'32" WEST 25.00 FEET

ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS
OF 50.00 FEET, THRU A CENTRAL ANGLE OF 80°18'13",
AN ARC LENGTH OF 70.08 FEET,

SOUTH 83°58'15" WEST 451.10 FEET,

SOUTH 85°13'52" WEST 652.32 FEET,

SOUTH 80°23'40" WEST 752.55 FEET,

SOUTH 89°07'20" WEST 30.09 FEET,

SOUTH 79°36'20" WEST 688.38 FEET,

SOUTH 80°48'50" WEST 670.67 FEET,

SOUTH 78°07'50" WEST 394.88 FEET,

SOUTH 61°00'00" WEST 702.78 FEET,

SOUTH 38°15'00" WEST 95.40 FEET,

SOUTH 80°01'20" WEST 13.59 FEET

* ALONG A TANGENT CURVE HAVING A RADIUS OF 2844.82
FEET, THRU A CENTRAL ANGLE OF 01°03'17", AN ARC
LENGTH OF 52.36 FEET

SOUTH 8°55'23" EAST 40.00 FEET

ALONG A CURVE RADIAL TO THE SAID LINE HAVING A
RADIUS OF 2884.82 FEET, THRU A CENTRAL ANGLE OF
2°23'00", AN ARC LENGTH OF 120.00 FEET TO THE
WESTERLY RIGHT OF WAY LINE OF STONY POINT ROAD;

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF
STONY POINT ROAD

SOUTH 5°44'25" EAST 1006.18 FEET

SOUTH 18°46'46" WEST 121.07 FEET

CROSSING SEBASTOPOL ROAD;

THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY
LINE OF STONY POINT ROAD

SOUTH 9°00'25" EAST 37.98 FEET

AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP FILED
IN BOOK 306, PAGE 29, SONOMA COUNTY RECORDS;

THENCE CONTINUING SOUTHERLY THEREOF

SOUTH 8°29'30" EAST 56.19 FEET,

SOUTH 84°14'26" WEST 16.21 FEET,

SOUTH 6°00'01" EAST 73.44 FEET,

NORTH 84°14'26" EAST 16.21 FEET, THENCE

SOUTH 5°56'00" EAST 440.62 FEET

ALONG THE WESTERLY RIGHT OF WAY LINE OF STONY POINT
ROAD TO THE INTERSECTION OF THE WESTERLY RIGHT OF
WAY LINE OF STONY POINT ROAD WITH THE EXTENSION OF
THE SOUTHERLY RIGHT OF WAY LINE OF ROSE AVENUE;
THENCE CROSSING STONY POINT ROAD AND ALONG THE
SOUTHERLY RIGHT OF WAY LINE OF ROSE AVENUE

NORTH 73°11'00" EAST 1083.59 FEET

AS SHOWN ON THAT CERTAIN MAP TITLE MAP OF JANERO

TERRACE, TRACK 68, FILED IN BOOK 59, PAGE 20,
SONOMA COUNTY RECORDS TO THE POINT OF BEGINNING.

CONTAINING 264 ACRES, MORE OR LESS.

BASIS OF BEARINGS USED HEREIN IS THE CALIFORNIA
STATE PLANE COORDINATES SYSTEM, ZONE 2; ALL
DISTANCES SHOWN ARE GRID DISTANCE; TO OBTAIN GROUND
DISTANCE, MULTIPLY BY 1.000000.