

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA AMENDING
ORDINANCE NUMBERS 3894, 4382, 4651, AND 4688
AND APPROVING AND ADOPTING A FOURTH
AMENDMENT TO THE REDEVELOPMENT PLAN FOR
THE ISLA VISTA REDEVELOPMENT PROJECT AREA
TO AMEND THE TIME LIMIT ON THE EFFECTIVENESS
OF THE REDEVELOPMENT PLAN AND THE TIME
LIMIT TO REPAY INDEBTEDNESS WITH THE
PROCEEDS OF PROPERTY TAXES**

WHEREAS, on November 27, 1990, by Ordinance No. 3894, the Board of Supervisors of the County of Santa Barbara ("Board of Supervisors") approved and adopted the Redevelopment Plan ("Redevelopment Plan") for the Isla Vista Redevelopment Project ("Project" or "Project Area"); and

WHEREAS, on December 7, 1999, the Board of Supervisors adopted Ordinance Number 4382 amending the Redevelopment Plan to extend the time limit on the effectiveness of the Redevelopment Plan, the time limit for the establishment of loans, advances and indebtedness, and the time limit on the repayment of indebtedness with the proceeds of property taxes; and

WHEREAS, on August 28, 2007 the Board of Supervisors adopted Ordinance Number 4651 amending the Redevelopment Plan to clarify that the Redevelopment Plan no longer contained the power of eminent domain and the Redevelopment Agency could acquire land from voluntary sellers for mixed use, affordable housing and commercial projects; and

WHEREAS, on September 23, 2008 the Board of Supervisors adopted Ordinance Number 4688 amending the Redevelopment Plan to extend the time limit on redevelopment plan effectiveness and the time limit to repay indebtedness with the proceeds of property taxes; and

WHEREAS, the Redevelopment Agency of the County of Santa Barbara ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.*, ("CRL") and is vested with the responsibility for carrying out the Redevelopment Plan for the Project Area; and

WHEREAS, On July 27, 2009 the Governor of the State of California signed into law Assembly Bill X4-26 ("ABX4 26") which became effective January 1, 2010; and

WHEREAS, ABX4-26 amended CRL Section 33690 to require redevelopment agencies to make a payment for deposit into the County's Supplemental Educational Revenue Augmentation Fund (SERAF) to be established in the county treasury in fiscal year 2009-2010; and

WHEREAS, ABX4-26 requires the California Department of Finance, Office of the Director, to determine the amount each redevelopment agency was required to transfer to the SERAF; and

WHEREAS, the California Department of Finance, Office of the Director, determined the Agency was required to transfer \$1,537,441 to the SERAF by May 10, 2010; and

WHEREAS, the Agency transferred the full \$1,537,441 to the SERAF on May 10, 2010; and

WHEREAS, ABX4-26 added Section 33331.5 to CRL so as to allow the legislative body of an agency, to enact an ordinance to extend by one year the time limit on the effectiveness of a redevelopment plan and the time limit for payment of indebtedness and receipt of property taxes under its redevelopment plan when the agency has made the required transfer into the county's SERAF; and

WHEREAS, CRL Section 33331.5 further provides that such ordinance may be adopted without compliance with normal procedures for redevelopment plan amendments; and

WHEREAS, the Board of Supervisors as the legislative body of the Agency desires to adopt this ordinance to amend the Redevelopment Plan to extend by one year the time limit on the effectiveness of the Redevelopment Plan and the time limit for repayment of indebtedness and receipt of property taxes under the Redevelopment Plan as permitted by CRL Section 33331.5; and

WHEREAS, the Agency has prepared an amendment to the Redevelopment Plan to extend by one year the time limit on the effectiveness of the Redevelopment Plan and the time limit for payment of indebtedness and receipt of property taxes under the Redevelopment Plan (the "Fourth Amendment") a copy of which is attached hereto as Exhibit A; and

WHEREAS, the enactment of this Ordinance is not a project subject to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and

WHEREAS, all actions required by law have been taken by all appropriate public bodies.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Fourth Amendment is hereby incorporated in this Ordinance by reference and made a part of this Ordinance as if set out in full in the Ordinance.

Section 2. It is hereby found and determined that the Fourth Amendment is necessary and desirable. The Redevelopment Plan, as adopted by Ordinance No. 3894, and amended by Ordinances 4382, 4651, and 4688, is further amended as specifically set forth in the Fourth Amendment. The Executive Director of the Agency is hereby authorized to amend the Redevelopment Plan as provided for by the Fourth Amendment, and when filed with the County Clerk and the Secretary of the Agency the Redevelopment Plan as amended, shall constitute the official Redevelopment Plan for the Isla Vista Redevelopment Project.

Section 3. Except with respect to the amendments set forth herein, the Redevelopment Plan, and Ordinance Numbers 3894, 4382, 4651, and 4688 are and shall remain unchanged and in full force and effect in accordance with its terms.

Section 4. The Clerk of the Board is hereby directed to record with the County Recorder of the County of Santa Barbara a notice of the approval and adoption of the Fourth Amendment pursuant to this Ordinance containing a statement that proceedings for the redevelopment of the Project Area pursuant to the Redevelopment Plan, as amended by the Fourth Amendment, have been instituted under the CRL.

Section 5. The Clerk of the Board is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan as amended.

Section 6. The Clerk of the Board is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same or a summary thereof to be published in a newspaper of general circulation, which is published and circulated in Santa Barbara County.

Section 7. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 8. If any part of this Ordinance or the Fourth Amendment which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Fourth Amendment, and this Board of Supervisors hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Fourth Amendment, if such invalid portion thereof had been deleted.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Santa Barbara County this ____ day of October, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JANET WOLF
CHAIR, BOARD OF SUPERVISORS

ATTEST
MICHAEL F. BROWN
CLERK OF THE BOARD

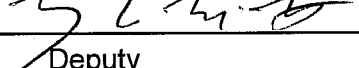
By: _____

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

APPROVED AS TO FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

By: _____
Deputy

EXHIBIT A

REDEVELOPMENT PLAN FOR THE
ISLA VISTA REDEVELOPMENT PROJECT

**REDEVELOPMENT PLAN
FOR THE
ISLA VISTA REDEVELOPMENT PROJECT**

SECTION I. (100) INTRODUCTION

This is the Redevelopment Plan for the Isla Vista Redevelopment Project and Project Area located in the community of Isla Vista, County of Santa Barbara, State of California. This Plan consists of the text (Sections 100 through 1100), the Redevelopment Plan Map (Exhibit A), the legal description of the Project Area Boundaries (Exhibit B) and a listing of the redevelopment public improvements projects (Exhibit C).

This Redevelopment Plan has been prepared by the Redevelopment Agency of the County of Santa Barbara pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000, et. seq.), the California Constitution and all applicable laws and ordinances. It provides the Agency with powers, duties and obligations to implement and further the program generally formulated for the redevelopment, rehabilitation and revitalization of the Project Area. This Plan does not present a specific plan for the redevelopment, rehabilitation and revitalization of any area within the Project Area. Instead, it establishes a process and framework for implementation.

This Redevelopment Plan is based upon the Preliminary Plan adopted by the Planning Commission of the County of Santa Barbara on December 20, 1989.

SECTION II. (200) GENERAL DEFINITIONS

The following definitions will be used generally in the context of this Redevelopment Plan unless otherwise specified herein:

- A. "Agency" means the Redevelopment Agency of the County of Santa Barbara.
- B. "Agency Board" means the governing body of the Redevelopment Agency of the County of Santa Barbara.
- C. "Community" means the community of Isla Vista
- D. "Board of Supervisors" means the Board of Supervisors of the County of Santa Barbara, California.
- E. "County" means the County of Santa Barbara, California.
- F. "Disposition and Development Agreement" means the contractual agreement between the owner participant and/or developer that sets forth terms and conditions for redevelopment.
- G. "Map" means the Redevelopment Plan Map, attached hereto as Exhibit A.

- H. "Person" means an individual(s), or any public or private entities.
- I. "Plan" means the Redevelopment Plan for the Isla Vista Redevelopment Project Area.
- J. "Planning Commission" means the Planning Commission of the County of Santa Barbara, California.
- K. "Project" means the Isla Vista Redevelopment Project.
- L. "Project Area" means the territory this Plan applies to as shown on Exhibit A.
- M. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000 et. seq.) as it now exists or is hereafter amended.
- N. "State" means the State of California.

SECTION III. (300) PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated on the map attached hereto and incorporated herein as Exhibit A. The legal description of the boundaries of the Project Area is as described in Exhibit B, attached hereto and incorporated herein.

SECTION IV. (400) REDEVELOPMENT PLAN GOALS

Implementation of this Plan is intended to achieve the following goals:

- o To remedy, remove, and prevent physical blight and economic obsolescence in the Project Area through implementation of the Plan.
- o To increase open space and protect environmentally sensitive areas.
- o To improve the supply of housing affordable to very low, low and moderate income households through the provision of assistance to rehabilitate the existing housing stock.
- o To establish a program which promotes the rehabilitation of the existing housing stock where appropriate.
- o To make provisions for housing to satisfy the needs and desires of the various age, income, and ethnic groups of the community, maximizing the opportunity for individual choice, and meeting the requirements of State Law.

- o To enhance the livability of the residential areas throughout the Project Area and the Community as a whole.
- o To provide for the enhancement and renovation of businesses within the Project Area to promote their economic viability.
- o To address inadequate street improvements.
- o To ensure that public input is solicited in all phases of development.
- o To establish a redevelopment program that is both flexible and encourages creativity.
- o To encourage the cooperation and participation of residents, businesses, business persons, public agencies and community organizations in the redevelopment/revitalization of the Project Area.
- o To promote public improvement facilities which are sensitive to the unique environmental qualities of the Project Area and improve deficient infrastructure conditions.
- o To develop a balanced, robust and economically viable commercial core, complete with a variety of uses, services and public open spaces that allow people to gather and socialize in the center of the community. (*Amended by Ord. 4651 8/28/07*)

SECTION V. (500) REDEVELOPMENT ACTIONS

A. (501) General

The Agency proposes to eliminate and prevent the spread of blight through:

1. The acquisition of property to protect environmentally sensitive areas and to increase open space within the Community.
2. The installation, construction, reconstruction, redesign, or reuse of streets, utilities, curbs, gutters, sidewalks, traffic control devices and other public improvements.
3. The rehabilitation or remodeling of buildings, curbs, gutters, sidewalks, and other public improvements.
4. The rehabilitation, development or construction of affordable housing in compliance with State law.
5. Assistance in the development or redevelopment of land and buildings by private enterprise or public agencies for commercial, residential, office and other purposes

and uses consistent with the objectives of this Plan. (*Amended by Ord. 4651, 8/28/07*)

6. The management of any property acquired by the Agency.
7. Assistance in providing financing for the renovation of residential and commercial buildings to improve the residential and commercial base of the Community and surrounding area, and increasing or retaining the number of temporary and permanent jobs in the Community and surrounding area.

To accomplish these actions and to implement this Plan, the Agency is authorized to use all the powers provided in this Plan and all powers now or hereafter permitted by law.

B. (502) Property Acquisition

1. (503) Acquisition of Real Property

The Agency may acquire real property by any means authorized by law, including by gift, grant, exchange, purchase, cooperative negotiations, lease or any other means authorized by law excluding eminent domain. (*Amended by Ord. 4651, 8/28/07*)

C. (504) Participation by Owners and Tenants

1. (505) Owner and Tenant Participation

The Agency shall provide for the participation of owners in the Project pursuant to the Redevelopment Law, and shall promulgate rules for owner and tenant participation which may be amended from time to time.

The Agency desires participation in redevelopment by as many owners and business tenants as possible. However, participation opportunities shall necessarily be subject to and limited by such factors as the expansion of public facilities and the realignment of streets.

2. (506) Participation Agreements

Under a Participation Agreement, the participant shall agree to rehabilitate or use the property in conformance with the Plan and be subject to the provisions hereof. In the agreement, participants who retain real property shall be required, by the recordation of such documents, to make the provisions of this Plan applicable to their properties as necessary.

Where the Agency determines that a proposal for participation is not feasible, is not in the best interests of the Agency or County, or that redevelopment can best be accomplished without affording an owner or tenant an opportunity to execute a

participation agreement, the Agency shall not be required to execute such an agreement with that owner or tenant.

D. (507) Cooperation with Public Bodies

Certain public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning and implementation activities authorized by this Plan. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate Plan implementation activities 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 consent of such public bodies. The Agency, however, shall seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in and authorized by this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist the public entity in the cost of public land, buildings, facilities, structures or other improvements (within or outside the Project Area) where such land, buildings, facilities, structures, or other improvements are of benefit to the Project.

E. (508) Property Management

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

As provided for in Section 33401 of the Redevelopment Law, the Agency may pay an amount of money in lieu of taxes in any year during which it owns property in the Project Area. Such payment shall be made directly to the County or special district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt.

F. (509) Payments to Taxing Agencies to Alleviate Financial Burden

The Agency may pay to any taxing agency with territory located within the Project Area, other than the County, any amounts of money which the Agency has found are necessary and appropriate to alleviate financial burden or detriment caused by the Project. The payments to a taxing agency in any single year shall not exceed the amount of property tax revenues which would have been received by that taxing agency if all the property tax revenues from the Project Area had been allocated to all the affected taxing agencies without regard to the division of taxes required by Section 33670 of the Redevelopment

Law, except that a greater payment may be established by agreement between the Agency and one or more taxing agencies, except a school district, if the other taxing agencies agree to defer payments of one or more years in order to accomplish the purposes of the Project at an earlier time than would otherwise be the case. The amount of any greater payments shall not exceed the amount of payment deferred. The payments shall be approved by a resolution, adopted by the Agency, which shall contain findings, supported by substantial evidence, that the Project will cause or has caused a financial burden or detriment to the taxing agency and that the payments are necessary to alleviate the financial burden or detriment.

The requirement that the Agency may make payments to a taxing entity only to alleviate a financial burden or detriment, as defined in Section 33012 of the Redevelopment Law, and only after approval by a resolution which contains specified findings, shall apply only to payments made by the Agency pursuant to an agreement between the Agency and a taxing entity which is executed by the Agency on or after the effective date of amendments to Section 33401 of the Redevelopment Law enacted by the Statutes of 1984.

G. (510) Public Improvements and Site Preparation

1. (511) Public Improvements

To the extent permitted by law, the Agency is authorized to install and construct, or to cause to be installed and constructed, the public improvements and public utilities (within or outside the Project Area) necessary to carry out the purposes of this Plan. Such public improvements include, but are not limited to, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, cable TV systems, water distribution systems, reclamation systems, parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, civic, cultural, recreational facilities and pedestrian improvements. A list of redevelopment public improvements projects is set forth in Exhibit C.

The Agency, with the prior consent of the Board of Supervisors, may pay all or part of the value of the land and the cost of the installation and construction of any building, facility, or other improvements which is publicly owned either within or outside the Project Area upon a determination by resolution of the Agency Board and the Board of Supervisors: (1) that such buildings, facilities, structures and other improvements are of benefit to the Project Area or the immediate neighborhood in which the Project Area is located; (2) that no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the County.

When the value of such land or the cost of the installation and construction of such building, facility or other improvement, or both, has been, or will be, paid or provided for initially by the community or other public corporation, the Agency may enter into a contract with the County or other public corporation under which it

agrees to reimburse the County or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility or other improvements, or both, by periodic payments over a period of years. Any obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purposes of carrying out this Plan.

2. (512) Preparation of Sites

The Agency may develop any real property owned or acquired by it in accordance with the goals and actions of this Plan. (*Amended by Ord. 4651, 8/28/07*)

In connection with such development it may cause, provide, undertake or make provisions with other agencies for the installation, or construction of parking facilities, streets, utilities, parks, open space, playgrounds and other public improvements necessary for carrying out the Plan in the Project Area.

H. (513) Rehabilitation of Structures by the Agency

1. (514) Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized to advise, encourage, and assist (through a loan program or otherwise) in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, and conserve buildings of historic or architectural significance.

It shall be the purpose of this Plan to allow for the retention of as many existing businesses as practicable and to add to the economic life of these businesses by a program of voluntary participation in their conservation and rehabilitation. The Agency is authorized to conduct a program of assistance and enforcement to encourage owners of property within the Project Area to upgrade and maintain their property consistent with this Plan and with such standards as may be developed for the Project Area.

The extent of rehabilitation in the Project Area shall be subject to the following limitations:

- a. The rehabilitation of the structure must be compatible with land uses as provided for in this Plan.
- b. Rehabilitation and conservation activities on a structure must be carried out in an expeditious manner and in conformance with the requirements of this Plan and with such property rehabilitation standards as may be adopted by the Agency and the County.

- c. The expansion of public improvements, facilities and utilities.

The Agency may adopt property rehabilitation standards for the rehabilitation of properties in the Project Area.

The Agency shall not assist in the rehabilitation or conservation of properties which, in its opinion, are not economically and/or structurally feasible.

I. (515) Property Disposition and Development

1. (516) Real Property Disposition and Development

a. (517) 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 it has acquired. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease or sale without public bidding. Before any interest in real property owned by the Agency, acquired in whole or in part, directly or indirectly, with tax increment monies, is sold, leased, or otherwise disposed of for development pursuant to this Plan, such sale, lease or disposition shall be first approved by the Board of Supervisors and Agency Board after a public hearing.

Except as permitted by law, no real or personal property owned by the Agency, or any interest therein, shall be sold or leased to a private person or private entity for an amount less than its fair market value, unless the Agency determines that such lesser consideration is necessary to effectuate the purposes of the Plan.

The real property acquired by the Agency in the Project Area, except property conveyed to it by the County, shall be sold or leased to public or private persons or entities for redevelopment and use of the property in conformance with this Plan. Real property may be conveyed by the Agency to the County and, where beneficial to the Project Area, to any other public body without charge or for an amount less than fair market value.

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

During the period of development in the Project Area, the Agency shall ensure that all provisions of this Plan and other documents formulated

pursuant to this Plan are being observed, and that development of the Project Area is proceeding in accordance with applicable development documents and time schedules.

All improvements, whether public or private, must conform to this Plan and to all applicable federal, state, and local laws, including without limitation the County's planning and zoning ordinances, building, environmental and other land use development standards; and must receive the approval of all other appropriate public agencies.

b. (518) Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence or expansion of blight, all real property sold, leased, or conveyed by the Agency as well as all property subject to participation agreements pursuant to this Plan, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the planning and zoning ordinances of the County, 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.

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

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

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

c. (519) Development of Publicly Owned Improvements

To the extent now or hereafter permitted by law, the Agency, with the consent of the Board of Supervisors, is authorized to pay for, develop, or

construct any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or entity to the extent that such improvement would be of benefit to the Project Area.

The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures or other improvements (within or outside the Project Area) to the extent permitted by law.

J. (520) Provision for Low and Moderate Income Housing

1. (521) Definition of Terms

The terms "affordable rent," "replacement dwelling unit," "persons and families of low or moderate income" and "very low income households" as used herein shall have the meanings as defined by the Redevelopment Law and other State and local laws and regulations pertaining thereto.

2. (522) Authority Generally

The Agency may, inside or outside the Project Area, acquire land, donate land, make loans and subsidies, improve sites, or rehabilitate structures in order to provide housing for persons and families of low or moderate income.

3. (523) Replacement Housing

The Agency shall provide for replacement housing pursuant to the Redevelopment Law. The Agency, however, does not contemplate any action that would result in the destruction or removal of housing.

4. (524) Duration of Dwelling Unit Availability

The Agency shall require that the aggregate number of dwelling units rehabilitated pursuant to Section 523 of this Plan shall continue to be affordable by and available to persons and families of very low, low and moderate income and very low income households, respectively, for not less than the period set forth in Section 1000 of this Plan.

5. (525) Improved Supply

Pursuant to Section 33334.2 of the Redevelopment Law, not less than 20 percent of all taxes which are allocated to the Agency pursuant to subdivision (b) of Section 33670 of the Redevelopment Law and Section 702(2) of this Plan shall be used by the Agency for the purposes of improving the supply of low and moderate income housing within the Project Area available at affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code, to persons and families of low or

moderate income, as defined in Section 50093 of the Health and Safety Code, and very low income households, as defined in Section 50105 of the Health and Safety Code, unless one or more findings that such a set aside is not necessary are made annually by resolution pursuant to the Redevelopment Law.

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

SECTION VI. (600) USES PERMITTED IN THE PROJECT AREA

A. (601) Map and Uses Permitted

The Map attached hereto as Exhibit A and incorporated herein illustrates the location of the Project Area boundaries, the immediately adjacent streets, and existing public rights-of-way and public easements. The land uses permitted by this Plan shall be those permitted by the Santa Barbara County Coastal Plan and the Coastal Zoning Ordinance, as it now exists or may hereafter be amended in accordance with this Plan.

B. (602) Major Land Uses

Major land uses in the Project Area include the following:

1. Residential: Includes single family, two family and design residential, and medium to high density student residential.
2. Commercial: Includes retail stores, professional and personal service shops, and restaurants.
3. Professional/Institutional: Includes professional and general office uses, and institutional uses such as governmental facilities and churches.
4. Recreation: Includes parks, public/private recreation facilities and open space.

The areas shown on the map may be used for any of the various levels of uses specified for or permitted in the Local Coastal Plan and local codes and ordinances.

C. (603) Public Uses

1. (604) Public Street Layout, Rights-of-Way and Easements

The public street system for the Project Area is illustrated on the Map. The street system in the Project Area shall be developed in accordance with the Coastal Plan and Coastal Zoning Ordinance and the Circulation Element of the County Comprehensive Plan. Primary streets in the Project Area include Storke Road, El

Colegio Road, Camino Corto, Camino Del Sur, Embarcadero Del Mar, Embarcadero Del Norte and Trigo Road.

Certain streets and rights-of-way may be widened, altered, abandoned, vacated, or closed by the County as necessary for proper development of the Project Area. Additional easements may be created by the Agency and County in the Project Area as needed for proper development and circulation.

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

2. (605) Other Public, Quasi-Public and Open Space Uses

Both within and, where appropriate, outside of the Project Area, the Agency is authorized to permit, establish, or enlarge public, quasi-public, institutional, or non-profit uses, including schools, community centers, auditoriums and civic center facilities, criminal justice facilities, park and recreational facilities, parking facilities, transit facilities, libraries, hospitals, and educational, fraternal, philanthropic and charitable institutions or other similar associations or organizations. All such uses shall be deemed to conform to the provisions of this Plan provided that such uses conform with all other applicable laws and ordinances and that such uses are approved by the County. The Agency may impose such other reasonable restrictions as are necessary to protect development and uses in the Project Area.

D. (606) Conforming Properties

The Agency may determine that certain real properties within the Project Area meet the requirements of this Plan, and the owners of such properties may be permitted to remain as owners of conforming properties without a Participation Agreement with the Agency, provided such owners continue to operate, use, and maintain the real properties within the requirements of this Plan. A certificate of conformance to this effect may be issued and recorded by the Agency. An owner of such a conforming property may be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to (1) construct any additional improvements or substantially alter or modify existing uses/structures on any of the real property described above as conforming; or (2) acquire additional property within the Project Area.

E. (607) Nonconforming Uses

The Agency is authorized but not required to permit an existing use to remain in an existing building in good condition if the use does not conform to the provisions of this Plan,

provided that such use is generally compatible with existing and proposed developments and uses in the Project Area.

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

F. (608) General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be redeveloped, rehabilitated, or otherwise changed after the date of the adoption of the Plan except in conformance with the provisions of this Plan. The land use controls of this Plan shall be in effect until November 27, 2032 (*Amended by Ord. 4382, 12/7/99, Ordinance 4688, 9/23/08 and Ordinance _____*). The type, size, height, number and use of buildings within the Project Area will be controlled by applicable County planning and zoning ordinances as they now exist or may hereafter be amended from time to time.

1. (609) New Construction

All construction in the Project Area shall comply with all applicable State and local laws in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area.

2. (610) Rehabilitation

Any existing structures within the Project Area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will meet the following requirements: be safe and sound in all physical respects, be attractive in appearance, and not be detrimental to the surrounding uses.

3. (611) Number of Buildings and Dwelling Units

The total number of buildings in the Project Area shall be regulated by the Santa Barbara County Coastal Plan. The Project Area currently includes approximately 4,499 dwelling units.

4. (612) Open Spaces and Landscaping

The approximate amount of open space to be provided in the Project Area is the total of all areas so designated in the Land Use Element of the Santa Barbara

County Coastal Plan, and those areas in the public rights-of-way or provided through site coverage limitations on new development as established by this Plan and zoning standards. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material in conformance with County standards.

5. (613) Limitations on Type, Size and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by the applicable federal, state and local statutes, ordinances and regulations.

6. (614) Signs

All signs shall conform to County requirements. Proposed designs of all new signs shall be submitted prior to installation to the Agency and/or County for review and approval pursuant to the procedures permitted by this Plan. New signs must contribute to a reduction in sign blight.

7. (615) Utilities

The Agency shall require that all utilities be placed underground whenever physically possible and economically feasible.

8. (616) Incompatible Uses

Except as permitted by the County, no use or structure which is by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

9. (617) Nondiscrimination and Nonsegregation

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

10. (618) Subdivision of Parcels

No parcels in the Project Area, including any parcel(s) retained by a participant, shall be consolidated, subdivided or re-subdivided without the approval of the appropriate County body, and, if necessary for purposes of this Plan, the Agency.

11. (619) Minor Variations

The Agency is authorized to permit minor variations from the limits, restrictions and controls established by this Plan. In order to permit any such variation, the Agency must determine that:

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

No such variation shall be granted which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Plan. Any such variation permitted by the Agency hereunder shall not supersede nor prejudice any other discretionary action required under County plans and ordinances.

G. (620) Building Permits

Any building permit that is issued for the rehabilitation or construction of any new building or any addition, construction, moving, conversion or alteration to an existing building in the Project Area from the date of adoption of this Plan must be in conformance with the provisions of this Plan, any Design for Development adopted by the Agency, any restrictions or controls established by resolution of the Agency, and any applicable participation or other agreements.

The Agency is authorized to establish permit procedures and approvals required for purposes of this Plan. A building permit shall be issued only after the applicant for same has been granted all approvals required by the County and the Agency at the time of application.

SECTION VII. (700) METHODS FOR FINANCING THE PROJECT

A. (701) General Description of the Proposed Financing Methods

Upon adoption of this Plan by the Board of Supervisors, the Agency is authorized to finance this Plan with assistance from local sources, the State of California and/or the

Federal Government, property tax increment, interest income, Agency bonds, donations, loans from private financial institutions or any other legally available source.

The Agency is also authorized to obtain advances, borrow funds, issue bonds, and create indebtedness in carrying out this Plan. The principal and interest on such indebtedness may be paid from tax increment revenue or any other funds available to the Agency. Advances and loans for survey and planning and for the operating capital for administration of this Plan may be provided by the County until adequate tax increment revenue or other funds are available to repay the advances and loans. The County or other public agency, as it is able, may also supply additional assistance through issuance of bonds, loans and grants and in-kind assistance. Any assistance shall be subject to terms established by an agreement between the Agency, County and/or other public agency providing such assistance.

As available, gas tax funds from the State of California and the County may be used for the street system.

The Agency may issue bonds and expend their proceeds to carry out the Plan. The Agency is authorized to issue bonds as appropriate and feasible in an amount sufficient to finance all or any part of Plan implementation activities. The Agency shall pay the principal and interest on bonds of the Agency as it becomes due and payable.

B. (702) Tax Increment Revenue

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Santa Barbara or other public corporation (hereinafter called "Taxing Agency" or "taxing agencies") after the effective date of the ordinance of the County 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 said Taxing Agencies upon the total sum of the assessed value of the taxable property in the Project Area 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 into, 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 in the Project Area 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 Santa Barbara last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project Area on said effective date.)
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 bonds, loans, monies advanced to, or

indebtedness (whether funded, assumed, or otherwise) incurred by the Agency to finance or refinance in whole or in part, this Plan. Unless and until the total assessed valuation of the taxable property in the Project Area exceeds the total assessed value of the taxable property in the Project Area 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 Area shall be paid to the respective Taxing Agencies. When said bonds, loans, advances, and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project Area shall be paid into the funds of the respective Taxing Agencies as taxes on all other property are paid.

3. That portion of tax increment revenue allocated to the Agency pursuant to paragraph (2.) above which are attributable to increases in the rate of tax imposed for the benefit of any affected Taxing Agency, which levy occurs after the tax year in which the ordinance adopting this Plan becomes effective, shall be allocated to such affected Taxing Agency to the extent that the affected Taxing Agency has elected in the manner required by law to receive such allocation.

The Agency is authorized to make pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. The portion of taxes allocated and paid to the Agency pursuant to subparagraph (2.) above is irrevocably pledged 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, the redevelopment program for the Project Area.

The number of dollars of taxes which may be divided and allocated to the Agency annually pursuant to Section 33670 of the Redevelopment Law shall not exceed \$10 million adjusted annually in accordance with the Consumer Price Index (CPI), or an acceptable replacement index in the event the CPI ceases to be published, except by amendment of this Plan.

Such limitation is exclusive of:

1. Any payments to Taxing Agencies to alleviate financial burden made by the Agency pursuant to Section 33401 of the Redevelopment Law and Section 509 of this Plan;
2. Any funds required by Section 33334.2 of the Redevelopment Law and Section 525 of this Plan to be deposited by the Agency in a Low and Moderate Housing Fund.

Except as provided in Health and Safety Code Section 33333.6 subsections (g) and (h) the Agency shall not pay indebtedness or received property taxes pursuant to Health and Safety Code Section 33360 after November 27, 2042 (*Amended by Ord. 4382, 12/7/99, Ord. 4688, 9/23/08 and Ordinance _____*).

C. (703) Agency Bonds

The Agency is authorized to issue bonds from time to time, if it deems it appropriate to do so, in order to finance all or any part of Plan implementation activities.

Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

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

The amount of bonded indebtedness, to be repaid in whole or in part from the allocation of taxes pursuant to Section 33670 of the Redevelopment Law, which can be outstanding at one time shall not exceed \$50 million adjusted annually in accordance with the Consumer Price Index (CPI), or an acceptable replacement index in the event the CPI ceases to be published, without an amendment of this Plan. Such limitation is exclusive of (1) any payments to the taxing agencies to alleviate financial burden made by the Agency pursuant to Section 33401 of the Redevelopment Law and Section 509 of this Plan and (2) any funds required by Section 33334.2 of the Redevelopment Law and Section 525 of this Plan to be deposited by the Agency in a Low and Moderate Income Housing Fund.

D. (704) Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the Federal Government, the State of California, or any other public or private source will be utilized, if available, as appropriate in carrying out this Plan. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

E. (705) Rehabilitation Loans, Grants, and Rebates

The Agency and the County may commit funds from any source to rehabilitation programs for the purposes of loans, grants, or rebate payments for self-financed rehabilitation work. The rules and regulations for such programs shall be those which may already exist or which may be developed in the future. The Agency and the County shall seek to acquire grant funds and direct loan allocations from State and Federal sources, as they may be available from time to time, for the carrying out of such programs.

SECTION VIII. (800) 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 this Plan and to prevent the

recurrence or spread in the area of conditions causing blight. Actions by the County may include, but shall not be limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the County shall include the requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be considered to require the cost of such abandonment, removal, and relocation to be borne by others than those legally required to bear such costs.
2. Institution and completion of proceedings necessary for changes and improvements to publicly-owned parcels in the Project Area.
3. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
4. Imposition whenever necessary of appropriate design controls within the limits of this Plan in the Project Area to ensure their proper development and use.
5. Provisions for administration/enforcement of this Plan by the County after development.
6. The undertaking and completion of any other proceedings necessary to carry out the Project.
7. The expenditure of any County funds in connection with redevelopment of the Project Area pursuant to the Plan.

SECTION IX. (900) ADMINISTRATION AND ENFORCEMENT

Upon adoption, the administration and enforcement of this Plan or other documents implementing this Plan shall be performed by the County or the Agency, as appropriate.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation by either the Agency or the County. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or enforcement of any recorded provisions which are expressly for the benefit of owners of property in the Project Area by such owners.

SECTION X. (1000) DURATION OF THIS PLAN

Except for the non-discrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated

pursuant to this Plan shall be made effective until November 27, 2032 (*Amended by Ord. 4382, 12/7/99, Ord. 4688, 9/23/08 and Ordinance _____*); provided, however, that the Agency may issue bonds and incur obligations pursuant to this Plan which are to be repaid prior to November 27, 2042 (*Amended by Ord. 4382, 12/7/99, Ord. 4688, 9/23/08 and Ordinance _____*), and in such event, this Plan shall continue in effect for the purpose of repaying such bonds or other obligations, as determined by the Board of Supervisors.

SECTION XI. (1100) PROCEDURE FOR AMENDMENT

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

EXHIBIT C
ISLA VISTA REDEVELOPMENT PROJECT

Public Improvements List

PUBLIC IMPROVEMENTS

Underground Districts
Water Distribution Systems

- Graywater
- Reclamation

Playgrounds; Developed Parks
Community Center
Parking Facilities

- Central Lot vs. "Pocket" Lots

Bus Stops
Historic Buildings
Widen Roads (Camino Corto) for Bike Lanes
Pathways through County's Camino Corto Property to IV School
Parking Lot @ IV School (Camino Corto)

WORK PROJECTS

Land Acquisition

Del Playa Measure T Lots
Del Playa Lots w/out Water
Parcels Downtown for Potential Parking Lots
Affordable Housing

Street Work

Sidewalks
Curbs
Gutters/Storm Drains
Redesignation (One Way Streets)
Bike paths
New Barrier Parks
Street Lights
Traffic Lights/Signals
Street Trees

Housing

Rehabilitation of Existing Housing Stock
Homeless Shelter
Loans to Property Owners for Rehabilitation
Subsidies to Tenants
Acquire and Donate Land for Affordable Housing