



Staff Report

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE LOS COSTANOS REDEVELOPMENT PLAN PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(B) AND (D), AND AMENDING RELATED ORDINANCES IN CONNECTION THEREWITH (2 YEAR EXTENSION)

Honorable Mayor and Council Members:

Summary

Adoption of the attached Ordinance will extend the City of Belmont's Redevelopment Plan Effectiveness date from 2022 to 2024 and time limit to collect tax increment from 2032 to 2034.

Background

The State Legislature passed legislation in 2004 that required redevelopment agencies to contribute a cumulative \$125,000,000 to the Educational Revenue Augmentation Fund ("ERAF") each year for the 2004 -2005 and 2005-2006 fiscal years. For the Redevelopment Agency of the City of Belmont, this ERAF contribution is estimated to be approximately \$1,000,000 for the two fiscal years. As part of the legislation, Agencies making the ERAF contribution at least 10 years but less than 20 years prior to the expiration of the effectiveness of their redevelopment plan but less than 20 years prior to the effectiveness of their redevelopment plan are authorized to amend their redevelopment plans by extending the time limits on plan effectiveness and receipt of tax increment by one year for each year of ERAF contribution or two years if the Agency can make certain findings. This type of amendment is referred to as an "SB 1096 Amendment."

Belmont's ERAF payments were made in fiscal years 2004-2005 and 2005-2006. The Plan's effectiveness is currently set to expire in 2022. This expiration date is more than 10 years but less than 20 years from the date that the Agency made the ERAF payments. Thus, the Agency is entitled to take advantage of the two year extension of the plan effectiveness and tax increment receipt limits if certain findings can be made.

At the September 9, 2008 meeting, Council directed staff to proceed with bringing the Ordinance back for adoption. That Ordinance is attached.

Discussion

The findings required to pass a SB 1096 Amendment and the basis for making the findings have

been set forth and reviewed by City Council in the September 9th staff report.

General Plan/Vision Statement

No impact.

Fiscal Impact

The SB 1096 Amendment would result in an additional two years within which the Agency can pay indebtedness and receive property taxes under the Plan.

Public Contact

Pursuant to Health and Safety Code Section 33333.6 (e) (3), notice of the public hearing was mailed to all taxing agencies affected by the proposed plan amendments at least thirty days prior to the public hearing. Notice of the public hearing was also published in the San Mateo Daily News as specified within the regulation.

Recommendation

That the City Council adopts the attached proposed ordinance (the "Ordinance") amending the Los Costanos Redevelopment Plan (the "Plan") and that the City Council adopts the attached proposed Notice of Exemption for the Ordinance.

Alternatives

1. Take no action.
2. Refer matter back to staff for additional information.
3. Deny approval.

Attachments

- A. Ordinance Adopting an Amendment to the Los Costanos Redevelopment Plan Pursuant to Health and Safety Code Section 33333.6 (e)(2)(B) and (D) and Amending Related Ordinances
- B. Exhibit A – Legal Description of Project Area
- C. Legal Notice of Public Hearing
- D. September 9, 2008 Staff Report

Respectfully submitted,

Thomas Fil
Finance Director

Jack R. Crist
City Manager

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ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELMONT ADOPTING AN AMENDMENT TO THE LOS COSTANOS REDEVELOPMENT PLAN PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(B) and (D), AND AMENDING RELATED ORDINANCES IN CONNECTION THEREWITH

WHEREAS, the City Council of the City of Belmont adopted the Los Costanos Redevelopment Plan on November 24, 1981 by Ordinance No. 692, as amended by Ordinance No. 849 adopted on September 10, 1991, as amended by Ordinance No. 887 adopted on November 8, 1999, and as further amended by Ordinance No. 1000 adopted on May 11, 2004, (the "Redevelopment Plan") establishing the Los Costanos Redevelopment Project Area (the "Project Area"); and,

WHEREAS, the legal description of the Project Area is set forth in Exhibit A of the Amendment described and incorporated in this Ordinance by reference below; and,

WHEREAS, the Redevelopment Plan, as amended, contains time limits for conducting certain redevelopment functions meeting the requirements of the Community Redevelopment Law (the "CRL") for such time limits in effect as of the date of adoption and amendment of the Redevelopment Plan; and,

WHEREAS, SB 1096 added Health and Safety Code Section 33333.6(e)(2)(D) to the CRL, which allows the City Council to amend the Redevelopment Plan to extend the time limits on the effectiveness of the Redevelopment Plan and agency payment on indebtedness or receipt of property taxes by two years; and,

WHEREAS, the Redevelopment Agency of the City of Belmont (the "Agency") has prepared an amendment to the Redevelopment Plan to amend its time limits as permitted by Health and Safety Code Section 33333.6(e)(2)(D) (the "Amendment"), as amended by SB 1096, a copy which is on file with the City Clerk; and,

WHEREAS, the City Council desires to amend the Redevelopment Plan in accordance with the terms of the Amendment as authorized pursuant to Health and Safety Code Sections 33333.6(e)(2)(D); and,

WHEREAS, the Agency has prepared and submitted and the City Council has reviewed and considered the staff report on the Amendment; and,

WHEREAS, the Agency staff has prepared and submitted to City Council for review and approval a CEQA Notice of Exemption for the Amendment; and,

WHEREAS, Health and Safety Code Section 33333.6(e)(2)(C) and (D) both state:

In adopting this ordinance, neither the legislative body nor the agency is required to comply with Section 33354.6 or Article 12 (commencing with Section 33450) or any other provision of this part relating to the amendment of redevelopment plans.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Belmont does ordain as follows:

Section 1. The City Council hereby finds and declares that the above recitals are true and correct.

Section 2. The City Council hereby finds and declares the following:

- (a) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.
- (b) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.
- (c) The Agency is in compliance with subdivisions (a) and (b) of Section 33413, to the extent applicable.
- (d) The Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber or disburse an excess surplus from its Housing Fund.
- (e) The funds used by the Agency to make the payments to the Educational Revenue Augmentation Fund pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Plan.

Section 3. The City Council hereby incorporates by reference the staff report prepared in conjunction with this Ordinance which provides evidence to support these findings.

Section 4. The 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 5. It is hereby found and determined that the Amendment is necessary and desirable. The Redevelopment Plan, as adopted on November 24, 1981 by Ordinance No. 692, as amended by Ordinance No. 849 adopted on September 10, 1991, as amended by Ordinance No. 887 adopted on November 8, 1999, and as further amended by Ordinance No. 1000 adopted on May 11, 2004, (the "Redevelopment Plan") establishing the Los Costanos Redevelopment Project Area (the "Project Area") is further amended in accordance with the Amendment.

- Section 6. The Redevelopment Plan, as amended by the Amendment, is hereby adopted, approved, and designated as part of the official Redevelopment Plan for the Project Area. It is the purpose and intent of the City Council that the Amendment be implemented as part of the Redevelopment Plan for the Project Area. The Executive Director of the Agency may prepare a document that incorporates the provisions of the Amendment into the existing text of the Redevelopment Plan, and such document shall then constitute the official Redevelopment Plan for the Project Area.
- Section 7. To the extent of the amendment set forth in the Amendment, this Ordinance amends Ordinance No. 692, Ordinance No. 849, Ordinance No. 887, Ordinance No. and Ordinance No. 1000.
- Section 8. In accordance with Health and Safety Code Section 33333.6(g), the Amendment shall not be construed to affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to Health and Safety Code Section 33401, authorized by the City Council or the Agency prior to January 1, 1994. Nor shall the Amendment be construed to affect the right of the Agency to receive property taxes pursuant to Health and Safety Code Section 33670, to pay the indebtedness or other obligation described in this Section 8.
- Section 9. The City Council hereby approves the CEQA Notice of Exemption for the Amendment and directs the City Clerk to file the Notice of Exemption with the County Clerk of the County of San Mateo.
- Section 10. The City Clerk is hereby directed to file a copy of the Amendment with the minutes of this meeting and to publish this Ordinance in the San Francisco Examiner. A copy of this Ordinance and the Amendment shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Amendment.
- Section 11. The Executive Director of the Agency is hereby directed to record the Ordinance and the Amendment in compliance with the provisions of Government Code Section 27295.
- Section 12. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or the Amendment is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Ordinance or the Amendment.

Section 13. This Ordinance shall take effect and be in full force from and after thirty (30) days from the date of its final passage.

INTRODUCED this ____ day of _____, 2008.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the ____ day of _____, 2008.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

EXHIBIT A

LEGAL DESCRIPTION OF PROJECT AREA

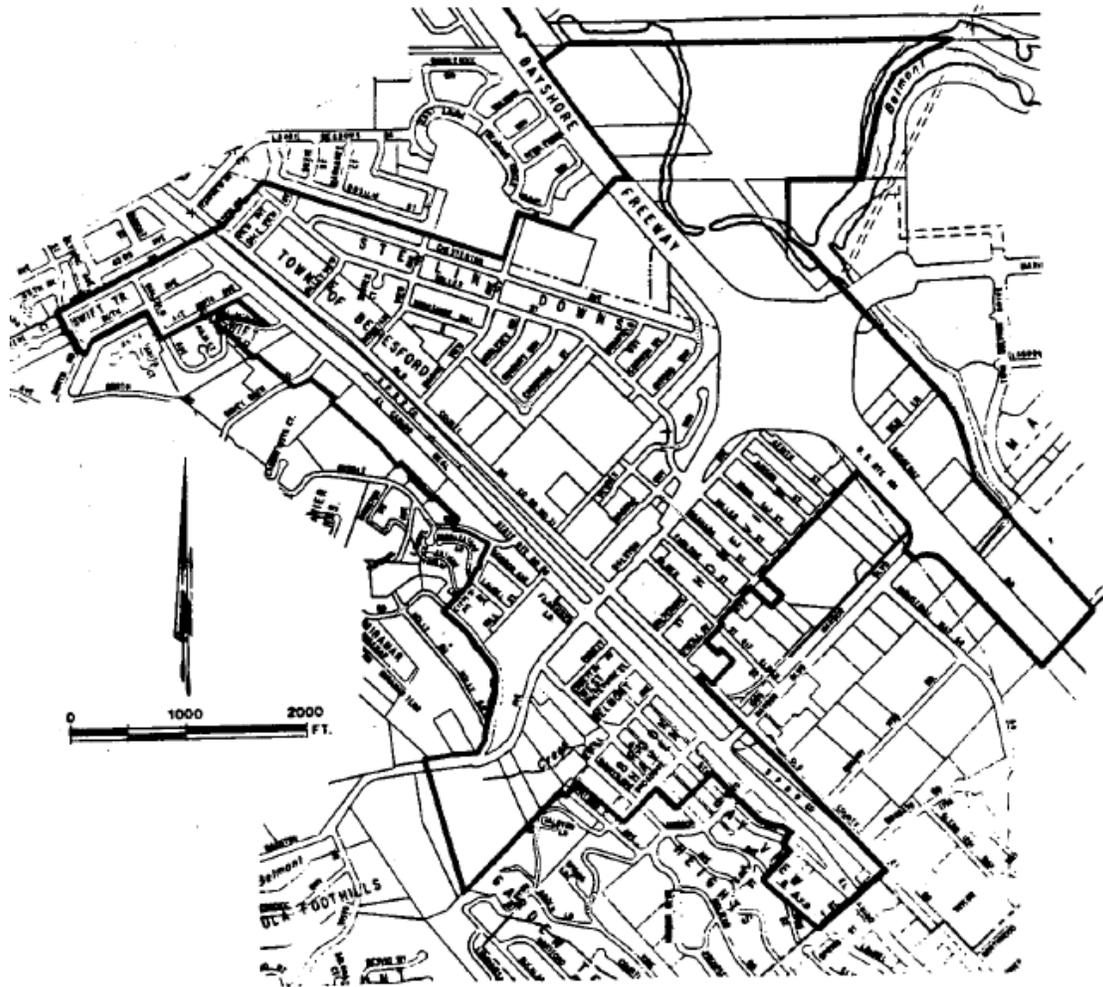


EXHIBIT "A"

LEGAL DESCRIPTION OF PROJECT AREA

Beginning at the most northerly corner of Lot 1, Block 3, as said Lot and Block are shown on that certain map entitled "STERLING DOWNS, BELMONT, CALIFORNIA", recorded in Volume 35 of Maps at Page 25, July 10, 1952, San Mateo County Records; said Point of Beginning being identical with the "STERLING DOWNS ANNEXATION" Point of Beginning, as said Annexation was adopted in Ordinance 125 on June 5, 1952, File Number 8727 K I, City of Belmont; thence from said Point of Beginning along the northeasterly line of said subdivision, South $71^{\circ}52'10''$ East 2175.79 feet to the westerly line of Marine View Avenue, as said Avenue is shown on that map entitled "PARCEL MAP NO. 94, CITY OF SAN MATEO, SAN MATEO COUNTY, CALIFORNIA", recorded in Book 21 of Parcel Maps at Page 7, June 13, 1973; thence along the general easterly boundary of last said Parcel Map and Marine View Avenue, North $18^{\circ}07'42''$ East 410.00 feet; thence leaving the westerly line of Marine View Avenue and crossing same, South $71^{\circ}52'18''$ East 468.91 feet and North $42^{\circ}11'00''$ East 470.66 feet to a point in the southwesterly right of way line of Bayshore Freeway; thence across last said Freeway North $67^{\circ}50'27''$ East 239.53 feet to a point in the northeasterly right of way line of said Freeway; said point also being the most southwesterly corner of Parcel "C", as said Parcel is shown on that certain "RECORD OF SURVEY, CITY OF BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 8 of L.L.S. Maps at Page 114, December 6, 1978; thence along the southwesterly line of last said Parcel, said line also being the northeasterly right of way line of Bayshore Freeway on the arc of a curve to the right, which center bears North $51^{\circ}25'56''$ East with a radius of 9847.00 feet, a central angle of $1^{\circ}25'26''$ and an arc length of 244.71 feet to the most northwesterly corner of

last said Parcel "C"; thence continuing along the northeasterly right of way line of Bayshore Freeway also being the southwesterly line of Lands of Buckley-Jaeger as said line and Lands are shown on last said map on the arc of a curve to the right, tangent to last said curve with a radius of 9847.00 feet, a central angle of $1^{\circ}49'01''$ and an arc length of 312.27 feet and North $35^{\circ}19'37''$ West 890.80 feet to the most westerly corner of last said Lands; thence leaving said northeasterly right of way line of Bayshore Freeway along the northwesterly line of aforesaid lands North $54^{\circ}40'23''$ East 275 feet more or less to a point on the common boundary line between Section 35, Township 4 South, Range 4 West and Section 2, Township 5 South, Range 4 West M.D.B. and M; thence South $89^{\circ}16'36''$ East 3290 feet more or less along last said common boundary line, said line also being the northeasterly line of Lands of Buckley-Jaeger, Parcel "B", Parcel "A" and Parcel "E" to the most easterly corner of Parcel "E", as said Lands and Parcels are shown on last said Record of Survey; thence leaving last said common boundary line and southerly along last said Parcel "E" South $70^{\circ}36'00''$ West 291.30 feet, thence South $56^{\circ}19'00''$ West 299.98 feet; thence South $26^{\circ}54'00''$ West 299.98 feet and South $12^{\circ}17'00''$ West 658.35 feet to the southeasterly corner of said Parcel "E", said corner also being on the northerly line of Parcel "B" and as shown on that certain "PARCEL MAP NO. 71-1, CITY OF REDWOOD CITY, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 12 of Parcel Maps at Page 1, February 6, 1978, thence westerly along last said line common to Parcels "E" and "A" of last said Record of Survey and Parcel "B" of last said Parcel Map South $88^{\circ}37'00''$ East 667.45 feet to the most northwesterly corner of last said Parcel "B"; thence leaving said common line South $1^{\circ}40'14''$ West 510.37 feet; thence South $55^{\circ}04'17''$ East 244.74 feet and South $40^{\circ}57'43''$ East 426.10 feet to the most southerly corner of last said Parcel "B", said corner also being on the northwesterly right of way line of Marine World Parkway (formerly Ralston Parkway); thence across last said Parkway South $40^{\circ}57'43''$ East 270 feet more or less to a point in the southeasterly right

of way line of said Parkway, also being the westerly corner of Block "A" as shown on that certain map entitled "MARINA PARK, REDWOOD CITY, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 70 of Maps at Page 4, August 8, 1969, thence southeasterly along the westerly boundary of said Block and Map -
South $40^{\circ}57'43''$ East 905.40 feet; thence South $33^{\circ}26'43''$ East 288.02 feet; thence South $15^{\circ}11'13''$ East 586.00 feet and South $40^{\circ}57'43''$ East 381.16 feet to the southerly corner of last said boundary of Block and Map; thence South $42^{\circ}00'00''$ East 111.79 feet across the lands of Leslie Salt Company and a 40.00 foot easement conveyed from Leslie Salt Company to Pacific Portland Cement Company by Deed recorded May 27, 1952, in Book 2246 of Official Records of San Mateo County at Page 492, to a point on the southeasterly line of said easement; thence along the line common to the properties of Leslie Salt Company and David D. Bohannon Organization South $42^{\circ}00'00''$ East 929.43 feet; thence South $42^{\circ}00'00''$ East 75.38 feet more or less, thence South $42^{\circ}16'50''$ West 400 feet more or less to the northeasterly line of the right of way of the said Bayshore Freeway; thence South $42^{\circ}16'50''$ West 236.83 feet more or less over and across said Bayshore Freeway to a point on the southwesterly line of said Bayshore Freeway; as said line is shown on that certain RIGHT OF WAY MAP (04-SM-101-9.6-10362-DD formerly IV-SM-682); thence along last said line North $42^{\circ}08'24''$ West 1034 feet more or less to an anglepoint in said line; thence North $47^{\circ}21'13''$ West 210.64 feet; thence on a curve to the left with a radius of 170.00 feet, a central angle of $89^{\circ}46'56''$ and an arc length of 266.39 feet to a point in the southeasterly line of Harbor Boulevard; thence North $47^{\circ}18'58''$ West 100.00 feet to a point in the northwesterly line of Harbor Boulevard; thence along aforesaid southwesterly line of Bayshore Freeway North $42^{\circ}51'51''$ East 19.71 feet; thence on the arc of a curve to the left with a radius of 180.00 feet, a central angle of $85^{\circ}00'15''$ and an arc length of 267.05 feet; thence North $42^{\circ}08'24''$ West 613 feet more or less to a point

in the northwesterly line of O'Neill Avenue also being the southeasterly line of Block 12, as said Avenue and Block are shown on that certain map entitled "PORT SAN FRANCISCO, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 16 of Maps at Page 26, August 8, 1927; thence southwesterly along a line common to the northwesterly line of O'Neill Avenue also being the southeasterly line of Block 12, and the northwesterly line of Lots "C" and "A" as said Avenue, Block and Lots are shown on aforesaid Map; and the southeasterly line of Block 7 and O'Neill Avenue, as said Block and Avenue are shown on that certain map entitled "MAP NO. 1 HOMEVIEW, BELMONT, CALIFORNIA", recorded in Volume 25 of Maps at Page 56, March 27, 1946, Records of San Mateo County, and southeasterly line of O'Neill Avenue as shown on that certain map entitled "MAP NO. 2 OF HOMEVIEW, BELMONT, CALIFORNIA", recorded in Volume 28 of Maps at Page 50, March 26, 1948, South $42^{\circ}34'13''$ West 1255.68 feet more or less to a point on described common line; thence leaving last said point and common line South $44^{\circ}59'00''$ East 250.00 feet; thence South $45^{\circ}01'00''$ West 100.00 feet to a point on the northeasterly boundary of a portion of Parcel G containing 2.00 acres, as said Parcel is shown on that certain "PARCEL MAP, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 29 of Parcel Maps at Page 3, September 5, 1975; thence North $46^{\circ}59'00''$ West 250.00 feet, a portion thereof being common to last said line, back to last said common line; thence continuing southwesterly along last said common line South $42^{\circ}34'13''$ West 423.33 feet and South $44^{\circ}42'10''$ East 30.03 feet to the westerly corner of Parcel C of last said Parcel Map also being the intersection of the southeasterly line of O'Neill Avenue and northeasterly line of Elmer Street; thence across Elmer Street South $42^{\circ}34'13''$ West 50.06 feet to the intersection of the southeasterly line of O'Neill Avenue with the southwesterly line of Elmer Street, said intersection also being the northerly corner of Parcel A as shown on that certain "PARCEL MAP, SAN MATEO COUNTY, CALIFORNIA", recorded in Book 44 of Parcel Maps at Page 41, December 6, 1978; thence southwesterly along the southeasterly line of O'Neill Avenue also

being the northwesterly boundary of last said Parcel Map
South $42^{\circ}34'13''$ East 160.59 feet; thence leaving said O'Neill Avenue and along
the southwesterly and southeasterly boundary of last said Parcel Map
South $45^{\circ}11'00''$ East 178.38 feet; thence North $43^{\circ}05'00''$ East 59.03 feet; thence
leaving last said boundary South $44^{\circ}42'10''$ East 126.00 feet and
South $43^{\circ}05'00''$ West 245.00 feet to a point on the southwesterly line of Parcel
"A" also being the northeasterly line of COUNTY ROAD, as said Parcel and Road are
shown on aforesaid Map of "PORT SAN FRANCISCO"; thence along last said line
North $44^{\circ}42'10''$ West 126.00 feet; thence leaving last said line across said County
Road South $43^{\circ}05'00''$ West 90 feet more or less to a point in the southwesterly line
of last said Road, said line also being the northeasterly line of Lots 3 through
44 inclusive as said Lots are shown on that certain map entitled "BAY VIEW HEIGHTS
SUBDIVISION NO. 3, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 16 of Maps at
Page 35, September 24, 1927; thence southeasterly along last said line
South $44^{\circ}31'00''$ East 675 feet more or less across Harbor Boulevard to an angle
point in Lot 14, thence continuing along last said line South $43^{\circ}07'10''$ East 524.65 feet
to the easterly corner of Lot 3 of last said Map; thence continuing along the
the southwesterly line of County Road southeasterly 1130 feet more or less to its
intersection with the northeasterly extension of the southeasterly line of F Street,
as said line, Road and Street are shown on that certain map entitled "SUNNYSLOPE
BELMONT", recorded in Volume 1 at Page 73, San Mateo County Records, California,
thence continuing southwesterly along the southeasterly line of last said F Street
across the Lands of Southern Pacific Rail Road Co. shown as S.B.E. 872-41-7A
Parcel 14 San Mateo County Assessor's Records and across State Route 82 also known
as El Camino Real 805 feet more or less to its intersection with the southeasterly
extension of the southwesterly line of Sixth Street, as said Street is shown on
that certain map entitled "BAY VIEW HEIGHTS, SUBDIVISION NO. 2, SAN MATEO COUNTY,
CALIFORNIA", recorded in Volume 16 of Maps at Page 32, August 27, 1927; thence

northwesterly along last said line and across King Street

North $47^{\circ}30'00''$ West 535 feet more or less; thence continuing along the arc of a tangent curve to the right with a radius of 227.91 feet and an arc length of 60 feet more or less to its intersection with the southwesterly prolongation of the northwesterly line of E Street, as said Street is shown on that certain map entitled "BAY VIEW HEIGHTS, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 14 of Maps at Page 39, October 18, 1926; thence along last said line and across Sixth Avenue North $42^{\circ}30'00''$ East 345 feet more or less to its intersection with the southwesterly line of Fifth Avenue; thence along last said line

North $47^{\circ}30'00''$ West 82.34 feet to an angle point in last said line; thence leaving last said and across Fifth Avenue northerly 65 feet more or less to a point being the intersection of the westerly lot line of Lot 42, Block 1, with the northeasterly line of last said Avenue; thence North $39^{\circ}36'40''$ East 66.64 feet along the westerly line of last said Lot to a corner common to Lots 42, 41, 7 and 6 of said Block, thence westerly along the southern line of Lot 7 thru 17 inclusive of said Block North $47^{\circ}37'52''$ West 25.00 feet, thence North $58^{\circ}56'43''$ West 106.30 feet and North $70^{\circ}00'00''$ West 158.60 feet to a point in the easterly line of an alley in said Block; thence southwesterly and northwesterly along the southwesterly line of said alley along the arc of a curve to the right with a radius of 20.00 feet and an arc length of 28.13 feet; thence North $44^{\circ}02'00''$ West 220.00 feet to its intersection with the southeasterly line of Harbor Boulevard; thence across Harbor Boulevard North $44^{\circ}02'00''$ West 70.00 feet to the northwesterly line of Harbor Boulevard and its intersection with the southwesterly line of an alley in Block 2 of last said Map; thence along last said line North $44^{\circ}02'00''$ West 300.00 feet to the northeasterly corner of Lot 30, Block 2; thence

South $45^{\circ}58'00''$ West 90.00 feet to the southeasterly corner of said Lot; thence South $45^{\circ}58'00''$ West 70.00 feet across Fifth Avenue to the northeasterly corner of Lot 13, Block 5 of said Map; thence South $45^{\circ}58'00''$ West 100.00 feet to the southeasterly corner of Lot 13; thence South $45^{\circ}58'00''$ West 20.00 feet across an

alley to the northeasterly corner of Lot 24, Block 5; thence
South $45^{\circ}58'00''$ West 100.00 feet to the southeasterly corner of Lot 24; thence
South $45^{\circ}58'00''$ West 60.00 feet across Sixth Avenue to a point in the southwesterly
line of Sixth Avenue; thence along last said line North $44^{\circ}02'00''$ West 202 feet
more or less and on the arc of a curve to the left with a radius of 20.00 feet and
an arclength of 32.63 feet to a point on the southeasterly line of Broadway; thence
southwesterly along last said line and across Sunnyslope Avenue
South $42^{\circ}30'00''$ West 390 feet more or less to the northwesterly corner of Lot 7,
Block 13; thence North $47^{\circ}30'00''$ West 50.00 feet across Broadway to the
southwesterly corner of Lot 3, Block 12; thence North $47^{\circ}30'00''$ West 100.00 feet
to the northwesterly corner of last said Lot, also being a point in the northwesterly
boundary of last said map of "BAY VIEW HEIGHTS"; thence northwesterly 25 feet more
or less to a point in the southwesterly line of an alley also being the northerly
terminus of a 10.00 foot radius curve, as shown on Block 3, as last said Alley,
Curve and Block are shown on that certain map entitled "AMENDED MAP OF BROOKHAVEN,
SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 17 of Maps at Page 11, July 25,
1928; thence along last said line North $48^{\circ}41'30''$ West 351.13 feet to the northerly
corner of Lot 10, Block 3; thence South $38^{\circ}34'40''$ West 100.00 feet to the westerly
corner of last said Lot, thence South $41^{\circ}19'17''$ West 50.00 feet across Paloma
Avenue to a point in the northeasterly line of Lot 8 in Block 4; thence
North $48^{\circ}40'43''$ West 61 feet more or less along the southwesterly line of Paloma
Avenue to the northerly corner of Lot 9, Block 4; thence
South $42^{\circ}37'00''$ West 120.91 feet to the most westerly corner of last said Lot and
Subdivision; thence in a straight line southwesterly 1091.69 feet more or less to
the most northerly corner of Block 1 as shown on that certain map entitled "PANORAMA
HEIGHTS, BELMONT, CALIFORNIA", recorded in Volume 48 of Maps at Page 8, November
8, 1957; thence southwesterly along the boundary of last said Block

South $42^{\circ}00'19''$ West 3.92 feet; thence leaving last said line
North $15^{\circ}45'00''$ West 1086 feet more or less to the southeasterly line of
Ralston Avenue; thence North $15^{\circ}45'00''$ West 60 feet more or less across
Ralston Avenue to a point in the northwesterly line of Ralston Avenue, as
said Avenue is shown as Belmont and Canada Raymundo Road on that certain map
entitled "MAP OF THE MEZES RANCH, NEAR BELMONT, SAN MATEO COUNTY, CALIFORNIA",
recorded in Volume 1 of Maps at Page 75, January 10, 1889; said point being in
the southeasterly line of the Estate of WM Sharon and being distant southwesterly
25 feet more or less from the southerly corner of Lot 1, Lands of Jason Springer;
thence easterly along last said line to the southerly corner of Lot 1, Lands of
Jason Springer; thence along the southeasterly line of last said Lot 1
northeasterly to its intersection with the westerly line of South Road; thence
continuing northerly and westerly along the westerly line of South Road and
across Holly Road which is not shown on aforesaid map, to a point in Lot 4,
Lands of Jason Springer, as said Roads, Estate and Lots are shown on aforesaid
map of MEZES RANCH; thence from last said point South $42^{\circ}45'00''$ West 10 feet
more or less to the most easterly corner of Parcel "B" as shown on that certain
"PARCEL MAP, BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Book 16 of
Parcel Maps at Page 3, March 30, 1972; thence along the southwesterly line
of South Road North $30^{\circ}25'00''$ East 55.03 feet and on the arc of

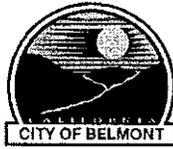
a curve to the left with a radius of 560.00 feet and a central angle of $1^{\circ}25'04''$ and an arc length of 13.06 feet to the northerly corner of last said Parcel; last described line being distant 40.00 feet and parallel to the northeasterly line of South Road, as last said line is shown on that certain map entitled "BELWOOD, BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 13 of Maps at Page 39, March 10, 1926; thence continuing along said parallel line on the arc of a curve to the left with a radius of 560.00 feet, a central angle of $16^{\circ}24'56''$ and an arc length of 160.44 feet; thence North $48^{\circ}30'00''$ West 194.04 feet, a portion of last said line being the easterly line of Parcels "B" and "C" as shown on that certain "RECORD OF SURVEY" in Book 4 of L.L.S. Maps at Page 147 recorded September 1, 1961, San Mateo County, California, and the easterly line of Parcel A as shown on that certain "PARCEL MAP, CITY OF BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Book 24 of Parcel Maps at Page 21, April 10, 1974; to a point being distant South $41^{\circ}30'00''$ West 40.00 feet from the southwesterly corner of Lot 15, as said Lot is shown on aforesaid map of BELWOOD; thence across South Road North $41^{\circ}30'00''$ East 40.00 feet to last said corner, thence along the northwesterly boundary of said Map of Belwood, a portion of said boundary also being part of the southeasterly subdivision boundary as shown on that certain map entitled "ANTIQUE FOREST HOMES, CITY OF BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Book 96 of Maps at Page 6, August 24, 1977, North $43^{\circ}00'00''$ East 290.00 feet to the intersection of the southwesterly line of Laurel Avenue with the northwesterly line of Cypress Avenue as shown on last said map; thence North $26^{\circ}18'11''$ East 7.00 feet along the northwesterly line of Cypress Avenue; thence on the arc of a curve to the left with a radius of 17.00 feet and an arc length of 8 feet more or less to a point on the southerly line of Cobblestone Lane; thence across same North $26^{\circ}18'11''$ East 40 feet more or less to the intersection of the northerly line of Cobblestone Lane with the northwesterly

Line of Cypress Avenue; thence along last said line North $26^{\circ}18'11''$ East 73.94 feet; thence North $75^{\circ}14'54''$ East 8.17 feet; thence North $26^{\circ}18'11''$ East 35.29 feet; thence North $52^{\circ}08'44''$ West 8.17 feet; thence North $26^{\circ}18'11''$ East 198.38 feet and North $26^{\circ}23'48''$ East 8.62 feet to the intersection with the southwesterly line of Middle Road; thence along last said line North $59^{\circ}05'54''$ West 32.50 feet; thence North $59^{\circ}54'30''$ West 178.65 feet and along the arc of a curve to the left with a radius of 280.00 feet and an arc length of 118 feet more or less to a point on last said line, said point being southerly and radially across from the intersection of the common line to Lots 7 and 8 with the northerly line of Middle Road, as shown on that certain map entitled "SWIFT'S SUBDIVISION OF LOT NO. 10 AND A PORTION OF LOT NO. 13, MEZES RANCH, BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Book 2 of Maps at Page 86, February 15, 1897; thence across Middle Road northerly and radial 40 feet more or less to the northerly line of Middle Road and its intersection of the line common to Lots 7 and 8; thence along last said line northeasterly 83.08 feet to its intersection of the line common to Lots 8 and 14; thence northwesterly along the southwesterly line of Lots 14 through 19 inclusive 324.58 feet with its intersection of the northwesterly boundary of said map; thence along last said boundary southwesterly 39.40 feet; to the most easterly corner of PARCEL THREE as described in that FINAL ORDER OF CONDEMNATION recorded in Volume 3933, Page 662 (30856T) on February 14, 1961, Records of San Mateo County, California; thence along the northeasterly line of said Parcel North $45^{\circ}37'14''$ West 240.04 feet to the most northerly corner of said Parcel, also being a point in the southeasterly line of PARCEL FOUR as described in said FINAL ORDER OF CONDEMNATION; thence along last said line North $43^{\circ}20'00''$ East 5.00 feet to the southerly corner of an Exception to said PARCEL FOUR; thence northwesterly along the southwesterly line of said Exception North $42^{\circ}47'00''$ West 110 feet more or less to the westerly corner of said Exception also being an angle point in the northwesterly line of PARCEL FOUR; thence continuing along last said line North $42^{\circ}47'00''$ West 50 feet more or less and

South 43°20'00" West 60 feet more or less to a point in last said line, said point also being the easterly corner of PARCEL TWO of said FINAL ORDER OF CONDEMNATION; thence along the northeasterly line of last said Parcel, North 38°54'31" West 251.90 feet; thence North 52°37'00" West 76.12 feet and North 45°39'24" West 465.45 feet to the northerly corner of last said Parcel, also being a point in the southeasterly line of the lands described in the Deed from Keith L. Davey, to California Pacific Title Insurance Company, dated August 10, 1960 and recorded June 5, 1961 in Book 3993 Official Records of San Mateo County, Page 64 (63585-T); thence northeasterly along the last mentioned line North 45°59'43" East 35 feet more or less to the southerly corner of that certain Parcel of Land conveyed by Deed from Eugene J. Majeski to Keith L. Davey recorded in Volume 6300 Page 535 (91767 AF) on January 3, 1973; thence along the southwesterly line of said Parcel North 49°26'00" West 305 feet more or less to the westerly corner of said Parcel, said corner also being on the southeasterly line of Davey Glen Road; thence southwesterly along last said line on a curve to the right with a radius of 330.00 feet and an arc length of 119.54 feet and South 71°39'07" West 25 feet more or less to a point, said point being the intersection of the southeasterly prolongation of the line common to Lots 2 and 3 with the southwesterly line of Davey Glen Road and across same North 49°26'00" West 62 feet more or less to a point on the northwesterly line of Davey Glen Road, being the intersection of last said line with the line common to said Lots 2 and 3 as shown on that certain map entitled "BEL ARBOR, CITY OF BELMONT, CALIFORNIA", recorded in Book 96 of Maps, Page 52, November 17, 1977; thence along last said line North 49°26'00" West 364.51 feet; thence southwesterly along the northwesterly boundary of last said map, last said boundary also being the southeasterly subdivision boundary as shown on that certain map entitled "MAP OF SUBDIVISION NO. 1 E.D. SWIFT TRACT, BELMONT, SAN MATEO COUNTY, CALIFORNIA" recorded in Map Book 9, at Page 3, July 16, 1913; South 59°40'00" West 52.16 feet to the southerly corner

of Lot 6, Block 5; thence along the southwesterly line of Lots 6 through 9 inclusive North $47^{\circ}25'00''$ West 283.50 feet to its intersection with the easterly line of Belmont Avenue now Malcolm Avenue; thence crossing same northwesterly 50 feet more or less to a point in the westerly line of Malcolm Avenue with the intersection of the line common to Lots 9 and 10, Block 1, as shown on that certain map entitled "BELVIEW HEIGHTS MAP NO. 1, BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 32 of Maps at Page 37, December 7, 1950; thence along the arc of a curve to the left with a radius of 140.00 feet, a central angle of $34^{\circ}10'00''$ and an arc length of 83.48 feet to its intersection with the line common to Lots 9 and 8, Block 1; thence leaving last said intersection and crossing Malcolm Avenue and Belmont Avenue northerly 85 feet more or less to a point on the northeasterly line of Belmont Avenue, being distant thereon 37 feet more or less from the northerly terminus of last said line and as shown on the afore mentioned E.D. SWIFT TRACT, Map Book 9 at Page 3; thence southeasterly along the northeasterly line of Belmont Avenue 415.33 feet to its intersection with the southwesterly line of Lots 1 through 9 inclusive of Block 3; thence North $49^{\circ}55'00''$ West 366.42 feet along last said line to the southeasterly line of Anita Avenue; thence northwesterly along last said line across Belmont Avenue and Malcolm Avenue North $62^{\circ}30'00''$ West 703 feet more or less to its intersection with the southwesterly line of Malcolm Avenue; thence along last said line and across Anita Avenue North $27^{\circ}30'00''$ West 270.00 feet to its intersection with the southeasterly line of Ruth Avenue as shown on that certain map entitled "MAP OF SUBDIVISION NO. 2 E.D. SWIFT TRACT, BELMONT, SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 23 of Maps at Page 43, April 15, 1941; thence southwesterly along last said line South $62^{\circ}25'00''$ West 484.97 feet; thence along the arc of a tangent curve to the left with a radius of 175.00 feet, a central angle of $38^{\circ}57'00''$ and an arc length of 118.97 feet and South $23^{\circ}28'00''$ West 36.02 feet to the westerly corner of Lot 12, Block 12; thence across Ruth Avenue and North Road westerly 51 feet

more or less to an angle point being the intersection of the northwesterly and southwesterly line of North Road; thence along the southwesterly line North $26^{\circ}59'00''$ West 80 feet more or less to an angle point, thence South $62^{\circ}20'06''$ West 10.00 feet to an angle point also being the easterly corner of Lot 9 as shown on that certain map entitled "BELLA VISTA GARDENS, BELMONT, CALIFORNIA", recorded in Volume 48 of Maps at Page 32 on March 28, 1958; thence across Irene Court and along the southwesterly line of North Road North $26^{\circ}59'00''$ West 278.97 feet to an angle point in North Road; thence northeasterly along the northwesterly line of North Road as shown on aforesaid E.D. SWIFT TRACT Volume 9, Page 3, North $62^{\circ}30'00''$ East 1236.16 feet to its intersection with the southwesterly line of El Camino Real being also State Route 82; thence northeasterly across El Camino Real and the Lands of Southern Rail Road Co. said land shown as S.B.E. 872-41-7G Parcel 34 San Mateo County Assessor's Records North $62^{\circ}30'00''$ East 245 feet more or less to the intersection with the southwesterly line of Pacific Boulevard (County Road) as shown on that certain map entitled "TOWN OF BERESFORD MAP NO. 2 SAN MATEO COUNTY, CALIFORNIA", recorded in Volume 16 of Maps at page 41, October 4, 1927; thence southeasterly along last said line South $50^{\circ}18'10''$ East 36 feet more or less to a point on last said line, said point being the southwesterly prolongation of the northwesterly boundary line of first described STERLING DOWNS Volume 35, Page 25, thence crossing said Road, now named Old County Road North $42^{\circ}11'00''$ East 60 feet more or less to the westerly corner of said subdivision; thence North $42^{\circ}11'00''$ East 504.65 feet along last said boundary to the POINT OF BEGINNING.



LEGAL NOTICE OF
PUBLIC HEARING

REDEVELOPMENT AGENCY OF THE CITY OF BELMONT

NOTICE IS HEREBY GIVEN that the City Council of the City of Belmont will hold a public hearing on October 28, 2008, at 7:30 at the City Council Chambers located at One Twin Pines Lane, Belmont, California. The hearing may be continued from time to time until completed. Any person desiring the opportunity to be heard will be afforded an opportunity to do so.

The purpose of this hearing is to consider adoption of an ordinance amending the Los Costanos Redevelopment Plan pursuant to Health and Safety Code Section 33333.6(e)(2)(D) for the Los Costanos Redevelopment Project Area (the "Project Area").

The Amendment to the Redevelopment Plan will extend the time limits on the effectiveness of the Redevelopment Plan, agency payment on indebtedness and receipt of property taxes by two years as provided in Health and Safety Code Section 33333.6(e)(2)(D).

Any and all persons having any objections to the Amendment to the Redevelopment Plan, or who deny the regularity of this proceeding or wish to speak on any issue raised by the Amendment to the Redevelopment Plan, may appear at the hearing and will be afforded an opportunity to state their objections.

If any person desires to challenge in court the adoption of the Amendment to the Redevelopment Plan, or any proceedings in connection therewith, they may be limited to raising only those issues that they or someone else raised at the hearing described in this notice, or in written correspondence delivered to the Redevelopment Agency at, or prior to, the hearing.

Copies of the draft Amendment to the Redevelopment Plan will be available prior to the public hearing for public inspection and copying at a cost not to exceed the cost of duplication at the offices of the City Clerk of the City of Belmont located at One Twin Pines Lane, Suite 375, Belmont, California 94002. To obtain a copy of the draft Amendment to the Redevelopment Plan or for further information regarding this hearing, please call Thomas Fil at (650) 595-7435.

Dated: October 7, 2008
Publication Date: October 16, 2008
Publication: Examiner South

Terri Cook
Belmont City Clerk



Staff Report

DISCUSSION AND DIRECTION REGARDING ORDINANCE EXTENDING THE TIME LIMIT BY TWO YEARS ON THE EFFECTIVENESS OF AND THE ABILITY TO REPAY INDEBTEDNESS AND RECEIVE TAX INCREMENT FUNDS FOR THE REDEVELOPMENT AGENCY

Honorable Mayor and Council Members:

Summary

Staff seeks direction from Council regarding the adoption of an Ordinance that will extend the City of Belmont's Redevelopment Plan Effectiveness date from 2022 to 2024 and time limit to collect tax increment from 2032 to 2034.

Background

The State Legislature passed legislation in 2004 that required redevelopment agencies to contribute a cumulative \$125,000,000 to the Educational Revenue Augmentation Fund ("ERAF") each year for the 2004 -2005 and 2005-2006 fiscal years. For the Redevelopment Agency of the City of Belmont, this ERAF contribution is estimated to be approximately \$1,000,000 for the two fiscal years. As part of the legislation, Agencies making the ERAF contribution at least 10 years but less than 20 years prior to the expiration of the effectiveness of their redevelopment plan but less than 20 years prior to the effectiveness of their redevelopment plan are authorized to amend their redevelopment plans by extending the time limits on plan effectiveness and receipt of tax increment by one year for each year of ERAF contribution or two years if the Agency can make certain findings. This type of amendment is referred to as an "SB 1096 Amendment."

Belmont's ERAF payments were made in fiscal years 2004-2005 and 2005-2006. The Plan's effectiveness is currently set to expire in 2022. This expiration date is more than 10 years but less than 20 years from the date that the Agency made the ERAF payments. Thus, the Agency is entitled to take advantage of the two year extension of the plan effectiveness and tax increment receipt limits if certain findings can be made.

Discussion

These findings required to pass a SB 1096 Amendment and the basis for making the findings are set forth below:

1. The Agency must be in compliance with the requirements of Health and Safety Code Section 33334.2 which requires that the Agency deposit twenty percent (20%) of all tax

increment collected in the Low and Moderate Income Housing Fund and that such funds be expended in accordance with Section 33334.2.

The Redevelopment Agency has each year deposited at least 20% of its tax increment in the Low and Moderate Income Housing Fund as evidenced by the Agency Audits and the Agency's Annual Report. The Agency has spent these funds in accordance with the requirements of Health and Safety Code Section 33334.2 as evidenced by the Agency's Audit, the Annual Report and the Agency's report to the State of California Department of Housing and Community Development. The Agency Audits, Annual Reports and Reports to HCD are incorporated herein by reference.

2. The Agency must have adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

The Redevelopment Agency adopted its five year Implementation Plan on September 11, 2007 by Resolution No. 457.

3. The Agency is in compliance with Health and Safety Code Section 33413 (a) and (b) which require that the Agency replace any low and moderate income housing units destroyed as a result of redevelopment activities and that the Agency insure that 15% of all housing built in the Project Area be affordable to low and moderate income households.

The Agency has replaced any units destroyed as a result of redevelopment activities and the Agency has exceeded its requirement to produce affordable housing units by at least 10 units. Support for the replacement housing and housing production number can be found in the Implementation Plan adopted by the Agency on September 11, 2007 and incorporated herein by reference.

4. The Agency cannot be subject to sanctions for failure to spend an excess surplus in its Low and Moderate Income Housing Fund pursuant to Health and Safety Code Section 33334.12.

The Agency does not have an excess surplus in the housing fund and thus is not subject to sanctions for failure to spend an excess surplus. Support for this finding can be found in the Agency Audit and Annual report, hereby incorporated by reference.

5. The funds used by the Agency to make the payments to the Educational Revenue Augmentation Fund pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Plan.

Section 33333.6(e)(2) permits the City Council to bypass most of the procedures normally required for redevelopment plan amendments. Pursuant to Health and Safety Code Section

33333.6 (e) (3), notice of the public hearing will be mailed to all taxing agencies affected by the proposed plan amendments at least thirty days prior to the public hearing and will also be published in the newspaper. The City Council may adopt the proposed amendment in accordance with the normal procedures for the enactment of ordinances.

Pursuant to CEQA Guidelines Section 15378(b)(2), (4) and (5), adoption of the Amendment is not a "project," and is therefore exempt from CEQA review, and staff recommends that the City Council approve a CEQA Notice of Exemption for the Ordinance and the Amendment.

General Plan/Vision Statement

No impact.

Fiscal Impact

The SB 1096 Amendment would result in an additional two years within which the Agency can pay indebtedness and receive property taxes under the Plan.

Public Contact

Posting of City Council agenda.

Recommendation

That the City Council direct staff to bring back the attached draft ordinance (the "Ordinance") amending the Los Costanos Redevelopment Plan (the "Plan") for adoption, and that the City Council adopts the attached proposed Notice of Exemption for the Ordinance.

Alternatives

1. Direct staff to bring back the Ordinance for adoption.
2. Direct staff to return for further discussion and direction.
3. Take no action.

Attachments

- A. Draft Ordinance Adopting an Amendment to the Los Costanos Redevelopment Plan Pursuant to Health and Safety Code Section 33333.6 (e)(2)(B) and (D) and Amending Related Ordinances
- B. Exhibit A – Legal Description of Project Area

Respectfully submitted,

Thomas Fil
Finance Director

Jack R. Crist
City Manager

Staff Contact:

Thomas Fil, Finance Director
(650) 595-7435
tfil@belmont.gov

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELMONT ADOPTING AN AMENDMENT TO THE LOS COSTANOS REDEVELOPMENT PLAN PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(B) and (D), AND AMENDING RELATED ORDINANCES IN CONNECTION THEREWITH

WHEREAS, the City Council of the City of Belmont adopted the Los Costanos Redevelopment Plan on November 24, 1981 by Ordinance No. 692, as amended by Ordinance No. 849 adopted on September 10, 1991, as amended by Ordinance No. 887 adopted on November 8, 1999, and as further amended by Ordinance No. 1000 adopted on May 11, 2004, (the "Redevelopment Plan") establishing the Los Costanos Redevelopment Project Area (the "Project Area"); and,

WHEREAS, the legal description of the Project Area is set forth in Exhibit A of the Amendment described and incorporated in this Ordinance by reference below; and,

WHEREAS, the Redevelopment Plan, as amended, contains time limits for conducting certain redevelopment functions meeting the requirements of the Community Redevelopment Law (the "CRL") for such time limits in effect as of the date of adoption and amendment of the Redevelopment Plan; and,

WHEREAS, SB 1096 added Health and Safety Code Section 33333.6(e)(2)(D) to the CRL, which allows the City Council to amend the Redevelopment Plan to extend the time limits on the effectiveness of the Redevelopment Plan and agency payment on indebtedness or receipt of property taxes by two years; and,

WHEREAS, the Redevelopment Agency of the City of Belmont (the "Agency") has prepared an amendment to the Redevelopment Plan to amend its time limits as permitted by Health and Safety Code Section 33333.6(e)(2)(D) (the "Amendment"), as amended by SB 1096, a copy which is on file with the City Clerk; and,

WHEREAS, the City Council desires to amend the Redevelopment Plan in accordance with the terms of the Amendment as authorized pursuant to Health and Safety Code Sections 33333.6(e)(2)(D); and,

WHEREAS, the Agency has prepared and submitted and the City Council has reviewed and considered the staff report on the Amendment; and,

WHEREAS, the Agency staff has prepared and submitted to City Council for review and approval a CEQA Notice of Exemption for the Amendment; and,

WHEREAS, Health and Safety Code Section 33333.6(e)(2)(C) and (D) both state:

In adopting this ordinance, neither the legislative body nor the agency is required to comply with Section 33354.6 or Article 12 (commencing with Section 33450) or any other provision of this part relating to the amendment of redevelopment plans.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Belmont does ordain as follows:

Section 1. The City Council hereby finds and declares that the above recitals are true and correct.

Section 2. The City Council hereby finds and declares the following:

- (a) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.
- (b) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.
- (c) The Agency is in compliance with subdivisions (a) and (b) of Section 33413, to the extent applicable.
- (d) The Agency is not subject to sanctions pursuant to subdivision (e) of Section 33334.12 for failure to expend, encumber or disburse an excess surplus from its Housing Fund.
- (e) The funds used by the Agency to make the payments to the Educational Revenue Augmentation Fund pursuant to Section 33681.12 would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Plan.

Section 3. The City Council hereby incorporates by reference the staff report prepared in conjunction with this Ordinance which provides evidence to support these findings.

Section 4. The 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 5. It is hereby found and determined that the Amendment is necessary and desirable. The Redevelopment Plan, as adopted on November 24, 1981 by Ordinance No. 692, as amended by Ordinance No. 849 adopted on September 10, 1991, as amended by Ordinance No. 887 adopted on November 8, 1999, and as further amended by Ordinance No. 1000 adopted on May 11, 2004, (the "Redevelopment Plan") establishing the Los Costanos Redevelopment Project Area (the "Project Area") is further amended in accordance with the Amendment.

- Section 6. The Redevelopment Plan, as amended by the Amendment, is hereby adopted, approved, and designated as part of the official Redevelopment Plan for the Project Area. It is the purpose and intent of the City Council that the Amendment be implemented as part of the Redevelopment Plan for the Project Area. The Executive Director of the Agency may prepare a document that incorporates the provisions of the Amendment into the existing text of the Redevelopment Plan, and such document shall then constitute the official Redevelopment Plan for the Project Area.
- Section 7. To the extent of the amendment set forth in the Amendment, this Ordinance amends Ordinance No. 692, Ordinance No. 849, Ordinance No. 887, Ordinance No. and Ordinance No. 1000.
- Section 8. In accordance with Health and Safety Code Section 33333.6(g), the Amendment shall not be construed to affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to Health and Safety Code Section 33401, authorized by the City Council or the Agency prior to January 1, 1994. Nor shall the Amendment be construed to affect the right of the Agency to receive property taxes pursuant to Health and Safety Code Section 33670, to pay the indebtedness or other obligation described in this Section 8.
- Section 9. The City Council hereby approves the CEQA Notice of Exemption for the Amendment and directs the City Clerk to file the Notice of Exemption with the County Clerk of the County of San Mateo.
- Section 10. The City Clerk is hereby directed to file a copy of the Amendment with the minutes of this meeting and to publish this Ordinance in the San Mateo County Times. A copy of this Ordinance and the Amendment shall be transmitted to the Agency and the Agency is vested with the responsibility of implementing the Amendment.
- Section 11. The Executive Director of the Agency is hereby directed to record the Ordinance and the Amendment in compliance with the provisions of Government Code Section 27295.
- Section 12. If any provision, section, subsection, subdivision, sentence, clause or phrase of this Ordinance or the Amendment is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Ordinance or the Amendment.

Section 13. This Ordinance shall take effect and be in full force from and after thirty (30) days from the date of its final passage.

INTRODUCED this ____ day of _____, 2008.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the ____ day of _____, 2008.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

