

EXHIBIT A

CITY OF MENLO PARK
AMENDED AND RESTATED
LAS PULGAS COMMUNITY DEVELOPMENT PROJECT AREA PLAN

Adopted by Ordinance No. 670
November 24, 1981

Amended and Restated by Ordinance No. 826
September 10, 1991

Prepared by the
Community Development Agency
of the
City of Menlo Park

September 10,1991

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I. INTRODUCTION

The City of Menlo Park began to explore the Community Development-Redevelopment process as a possible line of action in the Fall of 1980. The consideration of the use of this program resulted from the inability of the City, due to limited resources, to satisfactorily address the problems facing the Belle Haven neighborhood. Specifically, problems of housing deterioration and overcrowding as well as unemployment and a need to generally improve the Belle Haven area all demanded a level of activity that the City was simply unable to satisfactorily address.

The City Council adopted the Las Pulgas Community Development Plan on November 24, 1981. Over the next eight years the Agency successfully implemented numerous programs to alleviate many of the problems existing in the Project Area. However, by 1989 the Agency had received and expended or had committed to expend on its various programs nearly all of the property tax increment revenues it was authorized to receive under the 1981 Plan. A summary of the Agency's programs is presented in the March, 1990, Preliminary Report on the Proposed Amendment to the Las Pulgas Community Development Project Area Plan. While the tax increment revenues available to the Agency have been effectively administered and allocated, and many successes have been achieved in the Project Area, it has become evident that much more remains to be done to overcome the adverse conditions still existing within the Project Area.

Consequently, the Agency has prepared and the City Council has adopted by Ordinance No. 826, dated September 10, 1991, this Amended and Restated Las Pulgas Community Development Plan, as set forth herein. The Plan, as amended and restated, includes a comprehensive and coordinated set of additional project activities related to: 1) planning and code enforcement; 2) real estate development and improvements (including significant activities to continue to improve, increase and preserve the community's supply of affordable low- and moderate-income housing; 3) public infrastructure and facilities improvements; 4) community facilities; and 5) other support projects; all as identified in Attachment 2 hereto, and as described in detail in the March, 1990, Preliminary Report on the Plan Amendment.

This Plan, as amended and restated, also incorporates appropriate modifications to various financial and legal provisions in order to provide the Agency with the resources necessary to implement the proposed additional project activities, includes updated provisions related to owner participation, and also includes various technical revisions necessitated by changes in State law since the original adoption of the Plan

This amended and restated Las Pulgas Community Development Project Area Plan consists of text, two maps (Figures 1 and 2), a legal description of the Project Area and a list of potential Agency projects (Attachments A and B).

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

This Plan is intended to satisfy three basic requirements:

1. To provide the Community Development Agency with the maximum ability and flexibility in terms of implementing programs within the Project Area, especially in the areas of finance;
2. To set forth the basic goals of Agency activity; and
3. To satisfy the many requirements of State Law concerning the content of a Community Development Plan.

This document, with certain exceptions, does not require specific programs of implementation, but instead sets forth a wide range of activities which may be undertaken by the Agency. This level of flexibility is necessary because actual Agency activities will be determined on a yearly basis, depending on the funding level of the Agency and the level of participation of private property owners.

It is important to note, when considering the content and level of specificity in this document, that a Community Development Plan is legally viewed as a relatively strict document because of the implementation tools and power that it can invest in the Community Development Agency. Given the fact that Agency activities will be strictly limited by the level of funding and resources available to the Agency, it would be unrealistic to expect that Agency activities will have a substantial impact 'overnight.' Instead, Agency activities will gradually, over the upcoming decades, make it possible to improve the Project Area.

With these considerations in mind, a relatively flexible document has been formulated so that Agency activities and projects can be fitted and refocused to the needs of the City of Menlo Park and the Project Area over time.



Las Pulgas Community Development Project Area

--- PROJECT AREA BOUNDARY

Figure 1
PROJECT AREA

II. GENERAL DEFINITIONS

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

- A. Agency means the Menlo Park Community Development Agency, Menlo Park, California, a redevelopment agency as provided for in the State Community Redevelopment Law.
- B. City means the City of Menlo Park, California.
- C. Community Development or Redevelopment means those activities provided for under the California Community Redevelopment Law.
- D. Comprehensive Plan means the Menlo Park Comprehensive Plan, as it now exists or may hereafter be amended.
- E. County means the County of San Mateo, California.
- F. Executive Director means the person authorized by the Agency, in accordance with its Bylaws, to direct the day-to-day activities of the Agency.
- G. General Plan means the Menlo Park Comprehensive Plan, as it now exists or may hereafter be amended.
- H. Map, Project Area Boundary, means the Community Development Project Area Boundary Map for the Las Pulgas Community Development Project Area (Figure 1).
- I. Map, Land Use, means the Community Development Project Area Land Use Map for the Las Pulgas Community Development Project Area (Figure 2).
- J. Owner means any individual or entity owning “real property” as defined herein.
- K. Owner Participation Rules, means the Agency’s “Rules for Business Tenant Preference and Owner Participation,” as adopted or subsequently amended by the Agency.
- L. Person means any individual, or any public or private entity.
- M. Personal Property means movable property, chattels, or property not part of Real Property defined below.

- N. Plan means the Amended and Restated Las Pulgas Community Development Project Area Plan prepared and adopted by the City Council under the Community Redevelopment Law, as it now exists or hereafter may be amended.
- O. Planning Commission means the Planning Commission of the City of Menlo Park, California.
- P. Project means Las Pulgas Community Development Project.
- O. Project Area means the area included within the boundaries of the Las Pulgas Community Development Project.
- R. Real Property means land, including land under water and land subject to flooding; buildings, structures, fixtures, and improvements on the land; and property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including but not limited to rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.
- S. Redevelopment Law means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000 et seq.).
- T. State means the State of California.
- U. Zoning Ordinance means the current Zoning Ordinance of the City of Menlo Park, California, as it now exists or may hereafter be amended.

III. PROJECT AREA BOUNDARIES

The Las Pulgas Community Development Project Area, hereinafter called the Project Area, is shown on the Project Area Boundary Map, designated as Figure 1, attached hereto and by this reference made a part hereof. The legal description of the Project Area, designated as Attachment A, is attached hereto and by this reference made a part hereof.

Project Area Name - Las Pulgas Community Development Project

The original Spanish land grant for part of the Project Area was entitled Las Pulgas. To provide a specific name for the Community Development Project, which will differentiate, in name, Community Development activities from City activities, this name has been selected, as compared with simply using “Menlo Park Community Development Project.”

IV. COMMUNITY DEVELOPMENT PROJECT GOALS

The State Community Redevelopment Law enables a local government to form a Community Development Agency when a determination is made that economic, physical or social blight or blighting influences exist within a community. Definitions of blight and blighting influences encompass a broad spectrum, ranging from inadequate public improvements to physical characteristics that inhibit sound development of a particular site, as well as typical visual blight, such as deteriorated and dilapidated structures and facilities.

Further, the State Legislature has declared that one of the fundamental purposes of redevelopment is to “expand employment opportunities for the unemployed...” which is particularly important for this project given the high unemployment rate within the Project Area.

The Menlo Park Community Development Agency proposes to use the process of Community Development to eliminate or reduce blight and blighting influences presently existing within the City of Menlo Park and more specifically within the boundaries of the Project Area, as set forth in this Community Development Plan.

This action is necessary because within parts of the Project Area there presently exists an undesirable mixture of residential, commercial, and industrial uses. In some parts of the Project Area physical decline in the integrity of building improvements is apparent and in some areas there exist advanced stages of physical deterioration. In other parts of the Project Area, an inadequate circulation system thwarts the development of vacant or underutilized land.

The Project Area is characterized by fragmented parcelization and multiple ownerships to the point that land assemblage for proper economic utilization of parts of the Project Area has been hampered. This misuse of land and the adverse effect the mixture of residential, commercial and industrial uses have in the Project Area taken as a whole, constitute a physical, social and economic blighting influence on the Project Area.

Finally, there is clearly a need for joint public-private activity in the area of housing preservation and improvement.

The goals of the Menlo Park Comprehensive Plan are to be observed in all Community Development Activity. Further, the specific Project Goals are as follows:

GENERAL GOALS

1. To enhance the overall living environment of the Project Area.
2. To promote home ownership and home improvement opportunities throughout the Project Area.
3. To encourage private sector investment together with the provision of additional public amenities.
4. To increase local employment opportunities and the expansion of existing commercial enterprises within the Project Area.
5. To promote commercial and industrial rehabilitation and infill construction in conformance with the Comprehensive Plan and Goals of this Plan.
6. To promote the development of affordable rental and ownership housing.
7. To ameliorate present overcrowded housing conditions and seek to prevent them in the future.
8. To accomplish these goals with a minimum displacement of any residential homeowner, tenant or business.

To accomplish these General Goals, the Agency will undertake the following Lines of Action:

LINES OF ACTION

Goal 1 - Enhancement of the Project Area Living Environment.

- A. A concerted effort at planting large street trees throughout the Project Area will have a marked impact on enhancing the livability of the area. This effort would necessitate that larger trees be planted, for better survivability.
- B. The City has purchased a handful of parcels for small neighborhood parks and tot lots. This activity should be analyzed in terms of cost-effectiveness vis-a-vis maintenance costs versus the creation of larger park space. In either case, the creation of additional park space will improve the area and decrease the sterile atmosphere of some of the Project Area.

- C. Securing an adequate source of funding to improve the exterior appearance of the public facilities within the Project Area is important to make the area a better place to live. The Community Center and Belle Haven Schools could both benefit from exterior improvement.
- D. The Agency should work with the City to continue and expand the successful efforts being undertaken by the City towards the undergrounding of utilities throughout the Project Area.
- E. The Agency should work with the City to assure that future real estate development or rehabilitation will not lead to further overcrowding problems that will in turn become crime problems.

Goal 2 - Encouragement of Home Ownership and Home Improvement

- A. The Agency and City should establish some guidelines to assist residents in the improvement of their homes. There appear to be several basic home designs in the Project Area which are repeated throughout. City Staff should offer technical assistance and referrals to enable homeowners to make additions characterized by good quality design.
- B. Housing improvement and rehabilitation should be encouraged by the Agency, and further, the Agency should undertake to make available below market rehabilitation funds for home improvement loans.
- C. Current residential zoning densities within the Project Area should be maintained and enforced. Rehabilitation of homes in the area, and repair and reoccupation of vacant, damaged homes, should be encouraged.
- D. The Agency should work with the Neighborhood Housing Services of Menlo Park (NHS) and other non-profits dedicated to improving living conditions in Belle Haven, to promote housing improvement and rehabilitation.

Goal 3 - Encouragement of Private Sector Investment and the Provision of Additional Public Amenities.

- A. Overall improvement of the curbs, gutters, sidewalks and streets in the Area should be undertaken. This line of action will markedly enhance the appearance of the area. The City will assure that the maintenance costs of the City will not be unduly increased due to Agency undertakings.
- B. The Agency should work closely with local business interests and financial institutions to determine what type of public improvements will most effectively lead to further private sector investment.

Goal 4 - Increased Local Employment and the Expansion of the Existing Economic Base.

- A. The Agency should formalize a local hiring plan for new businesses building within the Project Area who avail themselves of any benefits provided by the Agency. The relatively unique and advantageous position of the Agency, in that there will be a substantial opportunity for additional employment due to the industrial development, offers an opportunity to make this type of plan work. Further, the Agency should also pursue the possibility of encouraging various types of job training programs for the residents of the Project Area.
- B. The Agency should encourage local businesses to either form a Local Development Corporation or to work with the existing LDC in East Palo Alto if interest rates available via an LDC reach an 'affordable' level.
- C. The Agency should make use of Industrial Development Bond tax-exempt financing for commercial and industrial rehabilitation and new construction. Use of the Agency general powers may make it possible for the Agency to provide financing at up to 35.0% below market for the specific business endeavors.

Goal 5 - Commercial Rehabilitation and In-fill Construction

Willow Road serves as one of the primary gateways to Menlo Park. As a major gateway, it should be fronted by successful and attractive commercial and residential development. Specific lines of action should include:

- A. A unified design for all rehabilitation and development along Willow Road, so that the entrance to the City of Menlo Park will work as a cohesive area which complements the balance of the community.

- B. The improvement of Willow Road, in a manner that complements the proposed development to be undertaken by Caltrans including the construction of curbs, gutters, sidewalks, complementary landscaping and, when appropriate, walls and fences.
- C. The rehabilitation of existing commercial uses as well as the selective redevelopment of certain properties that are not readily improved.
- D. The development of mixed-use housing-commercial along Willow Road to further stabilize the area.

Goal 6 - Promotion of Affordable Rental and Ownership Housing

- A. The Agency should encourage growth in housing opportunities within the Project Area, primarily through the use of tax-exempt mortgage-revenue bond financing and the leveraged application of tax-increment funds.
- B. A public acquisition and improvement project could be undertaken along Pierce Road. At least two blocks could be closed off and the frontage property acquired on these blocks. The property could then be redeveloped with either elderly rental housing, owner-occupied multi-family structures, or in mixed use which would face on the side streets. Development of some park space could also be considered.
- C. The City and Agency should consider the rehabilitation of existing units via federal and state rent subsidy programs.
- D. The City should consider the rezoning and redevelopment of underutilized industrial parcels along Hamilton Avenue to housing.
- E. Mixed use elderly housing with convenient shops may be encouraged in the Project Area, especially along Willow Road, Pierce Road, and Hamilton Avenue.
- F. A primary line of action of the Agency should be to focus maximum efforts towards elimination of the housing and social problems caused by the rental housing along parts of Willow Road and Pierce Road in Belle Haven.
- G. The Agency should work to provide housing for all income levels and family sizes, and should also focus activity towards the elimination of discrimination based on marital status or family size throughout the Project Area.

Goal 7 - Reduction and Elimination of Overcrowding Problems

- A. Reduction in housing density should be encouraged along Willow Road in Belle Haven and along Pierce Road unless the housing is to be maintained as elderly housing or family housing which does not lead to problems of overcrowding or create adverse impacts on the adjacent properties.
- B. A strict program of code enforcement as well as the enforcement of health standards as they relate to overcrowding should be undertaken with the rental units within the Project Area.
- C. Encourage rehabilitation of the rental housing in Belle Haven via use of tax increment and other public funds and programs.

Goal 8 - Minimum Displacement of Residents and Businesses

- A. Rehabilitation will be the primary mode of Agency activities, and property acquisition and redevelopment will only be undertaken when rehabilitation cannot meet the overall goal of Agency activities. Property owners throughout the Project Area will be encouraged and when possible, assisted, in the improvement of their properties.
- B. In those very limited cases where displacement may occur, the Agency will adopt relocation guidelines designed to assure that no property owner or tenant will suffer a hardship due to Agency activities.
- C. The Agency will not possess the power of eminent domain in those parts of the Project Area which are primarily owner-occupied residential housing, shown on Figure 2, page 28 as 'Low Density Residential' Land Use, so long as the property is owner-occupied.

In addition to the above-stated Goals and Lines of Action, the following objectives are recognized by the Agency:

1. The Agency shall attempt to avoid any undesirable impact of project activities upon adjacent areas outside the Project Area.
2. The Agency shall attempt to provide whatever public improvements may be needed to support other objectives of the Community Development Plan. Such improvements may be in any part of the Project Area, or beyond project boundaries where essential to the success of the project.
3. The expansion or redevelopment of existing publicly owned land to provide adequate park and recreation opportunities within the Project Area as financial resources permit.

V. DEVELOPMENT TECHNIQUES TO ACHIEVE PLAN OBJECTIVES

The development of the Las Pulgas Community Development Project will be undertaken in accordance with the provisions of the California Community Redevelopment Law. At this time, it is anticipated that the use of financial and tax incentives will provide sufficient incentive to the private sector for realization of the improvement of the Project Area and the eradication of blighting influences.

The Agency proposes to strive for economic, social and physical revitalization and beautification within the Project Area by:

1. Installation, construction, or reconstruction of streets, utilities, landscaping, and other on-site and off-site improvements.
2. Encouragement of development of land by private enterprise for use in accordance with this Plan.
3. Providing for open space and recreational land use.
4. Rehabilitation and rejuvenation of existing structures.
5. Limited acquisition of real property.
6. Relocation assistance to displaced residential and non-residential occupants.

7. Limited demolition or removal of buildings and improvements.
8. Disposition of property for uses in accordance with this Plan.
9. Provision of financing to those projects in conformance to the Community Development Plan as well as all appropriate City Codes and Plans.
10. Utilization of tax-exempt financing vehicles available to the Agency, and the City, including but not limited to those authorized by the Redevelopment Construction Loan Act, those available through the General Powers of the Agency, and those available via the Parking and Assessment District Statutes of the State of California.
11. The possible creation of an SBA 503 Development Corporation to be utilized in conjunction with private or public financing or grants from the State or Federal governments to facilitate various developments.

Potential Agency projects include, but are not limited to, those set forth in Attachment B to this Plan, attached hereto and by this reference made a part hereof.

A. Participation by Owners and Business Tenants

The following part of the Plan is concerned with assuring that existing business owners and tenants will receive maximum opportunity to work with the Agency in improving their property and participating in the Community Development efforts.

1. Opportunities for Owners and Business Tenants

The Agency shall extend reasonable preferences to persons who own property or are engaged in business in the Project Area, to continue in or re-enter into business within the Project Area if they meet the requirements prescribed in this Plan and the Agency's "Rules for Business Tenant Preference and Owner Participation" ("Owner Participation Rules").

It is the policy of the Agency to encourage the participation of property owners and businesses within the Project Area, where consistent with achieving the goals and objectives of the Plan, as such is necessary if the development process is to be used in revitalizing the Project Area.

It is further the policy of the Agency to refrain from the acquisition of real property within the Project Area from owners who wish to remain and participate in the development of their property, where such participation is consistent with achieving the goals and objectives of the Plan. To the extent possible the Agency shall attempt to acquire property only where there is a willingness to sell on the part of the private property owner, unless such acquisition is necessary to the achievement of the Plan's goals and objectives as further described in Section B below. It is anticipated that the acquisition of real property within the Project Area will be limited and that the Agency's power of eminent domain will be used only in those instances in which the Agency determines that the acquisition of certain real property is necessary and is in the best interest of the project.

It is the policy of the Agency to minimize acquisition of private property when possible and to vigorously pursue the encouragement of participation within the development program of property owners and businesses within the Project Area, consistent with achieving the goals and objectives of the Plan. Said participation shall be pursued by the Agency by allowing owners of parcels of real property, where consistent with the goals and objectives of the Plan, to: retain all or a portion of their properties; to acquire adjacent or other properties in the Project Area; and to upgrade and develop their property in conformance with this Plan.

2. Rules for Participation Opportunities, Priorities and Preferences

Owners of property and business tenants may participate in the development of property in the Project Area in accordance with the Owner Participation Rules adopted or subsequently amended by the Agency. In general, these rules provide that in the event of displacement as a result of Agency activities existing business owners and business tenants within the Project Area will be given preference for re-entry into business within the redeveloped Project Area. Owners will be required to submit proof to the Agency of their qualifications and financial ability to carry out their agreement with the Agency.

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

The Agency may determine, either on its own direction or pursuant to a request of property owner, that certain property within the Project Area does not conform to this Plan, and the owner of such property shall be required to enter into an owner participation agreement with the Agency. Bases for an Agency determination of

property non-conformance with this Plan may include, without limitation, uses on the property that are inconsistent with the goals and objectives of this Plan or with the permitted land uses under this Plan, or the existence of improvements or conditions on the property that do not meet the general controls and limitations set forth in Part VI of this Plan and/or the standards of any local, state or federal code or regulation (including, without limitation, the building code(s) of the City). Each property in the Project Area shall be considered to conform to this Plan, until and unless the Agency has determined by resolution that such property does not conform to this Plan.

In the event any conforming owner desires to:

- a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or
- b) acquire additional real property within the Project Area,

then such conforming owner may be required to enter into a participation agreement with the Agency in the same manner as required for owners of non-conforming properties.

Any real property owned by a conforming owner outside of the designated conforming parcels and within the Project Area shall be considered and treated in the same manner as real property owned by other owners, i.e., it may be subject to a participation agreement with the Agency.

All of the provisions of this subsection are subject to the provisions of Section A.3 below for the selection of a master developer or developers to develop parcels within the Project Area.

3. Selection of Master Developers

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

Any individual or other entity may apply to be selected as a master developer of two or more parcels in the Project Area. Upon such application, the Agency shall determine whether it is desirable to designate a master developer for such parcels and whether the applicant or another individual or entity meets the qualification to serve as the master developer. The Agency shall designate a qualified master developer unless, in its judgment, no property owner or other individual or entity meets the necessary qualifications or it is not desirable to designate a master developer for those parcels.

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

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

4. Participation Agreements

In the event a property owner is otherwise eligible pursuant to Section A.2 above to participate in the redevelopment of the property, the property owner, who is not a conforming owner, shall enter into a binding agreement with the Agency, at the option of the Agency, by which the participant agrees to rehabilitate, develop, or use the property in conformance with this Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary in the determination of the Agency to make the provisions of this Plan applicable to their properties.

Participation Agreements will be required for all property development or rehabilitation if the Agency is to provide financial assistance to the respective property in question. Otherwise, a Participation Agreement will be required only in those cases where the Agency, by resolution, finds that the property does not conform to this Plan and there is a need for such Agreement to implement the goals of the Plan, as more fully provided in Section A.2 above.

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

B. Property Acquisition

As presented in the Goals of this Plan, the Agency will always first work with the property owner to assure that the specific property is improved in conformance with this Plan and the Comprehensive Plan of the City.

1. Acquisition of Real Property

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

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

- a) The property in question is improved with a structure and the Agency has determined by resolution that the rehabilitation of the structure and its proposed use is consistent with the objectives of the Plan and that such rehabilitation is in the best interest of the project and the owner has thereafter entered into an owner participation agreement with the Agency and is faithfully performing under the terms of the agreement.
- b) The property in question is improved by a structure and the Agency has determined by resolution that said structure and its use is consistent with the objectives of the Plan and in the sole determination of the Agency:
 - 1) the property is not needed for those specific activities outlined in the Plan, including for development by a master developer pursuant to Section A.3 above

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- 2) the property is not needed for the development of replacement housing for those displaced by Agency activity, if any;
 - 3) the property is not needed for any other public improvement or facility;
 - 4) the property is not needed to promote historical or architectural preservation;
 - 5) the property is not needed to remove a blighting influence on surrounding properties which prevents achievement of the objectives of this Plan;
 - 6) the property is not needed for the elimination of an environmental deficiency including, among other things, inadequate circulation, access or street layout, incompatible and mixed uses, overcrowding and small parcel size; or
 - 7) the property is not needed for the removal of impediments to land development and disposition through removal of hazardous materials or through assembly of land into appropriately sized and shaped parcels served by improved circulation and utilities.
- c) The property in question is owned by a public body, unless prior consent is obtained from that public body.
- d) The property in question is in the 'Low Density Residential' land use area as shown on the Land Use Map of this Plan (Figure 2) and is an owner occupied residence.
- e) The property in question is improved with a structure which is a condominium project within the meaning of California Civil Code Section 1351 (f).

Prior to any acquisition through eminent domain the Agency shall adopt a resolution declaring a need to acquire any specific property and authorizing the acquisition by such a method.

The Agency must commence eminent domain proceedings within twelve years from the adoption of the ordinance amending and restating the Plan. The time limit on commencing an action in eminent domain cannot be extended without further amendment to the Plan.

2. Acquisition of Personal Property

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

C. Cooperation with Public Bodies

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

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

D. Property Management

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

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

E. Relocation of Persons or Businesses Displaced by the Project

When undertaken, the relocation of persons and businesses will be subject to the following standards:

1. Assistance in Finding Other Locations.

The Agency shall assist all families and single persons displaced by Agency action pursuant to the Plan in finding other locations and facilities. There are, in areas in the City other than the Project Area (areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project Areas), decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. In order to carry out the Project with a minimum of hardship to persons displaced from their homes, the Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonable and convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing outside the Project Area for displaced persons.

2. Relocation Payments.

The Agency may pay reasonable moving expenses to persons (including families, business concerns and others) displaced by Agency action pursuant to the Plan. This provision is not intended to provide incentives for commercial and industrial business to move out of the Project Area.

The -Agency may make such relocation payments for moving expenses where the Agency determines it is in the best interest of the Project and not to do so would create a hardship on the persons involved. The Agency may make such other payments as may be in the best interest of the Project and for which funds are available. The Agency shall make all relocation payments required by applicable law.

F. Demolition, Clearance, Public Improvements, Building and Site Preparation

1. Demolition and Clearance

The Agency is authorized to demolish, clear or move buildings, structures, and other improvements from any real property owned or acquired by the Agency in the Project Area as necessary to carry out the purposes of this Plan.

2. Public Improvements

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 this Plan. Such public improvements include, but are not limited to, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, flood control and storm drainage treatment facilities, over or underpasses, fire and police service facilities, school facilities, community and governmental facilities, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution, production, and storage systems, buildings, parks, off-street parking, plazas, playgrounds, and landscaped areas.

Among the techniques the Agency may employ to cause the financing and construction of the above-referenced public improvements and public facilities is participation in payments to assessment districts, Mello-Roos community facility districts, or other similar districts established pursuant to applicable law to finance construction of such public improvements and public facilities.

Potential public improvements to be undertaken by the Agency under this Plan include, but are not limited to, those set forth in Attachment B.

3. Preparation of Building and Development Sites

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

G. Rehabilitation and Moving of Structures by the Agency

1. Rehabilitation

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

2. Moving of Structures

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

H. Property Disposition and Development

1. Real Property Disposition and Development

a) General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated leases or sales without public bidding, but in all cases in which public bidding is not undertaken, a public hearing shall be held concerning the lease or sale of the real property.

All real property acquired by this Agency in the Project Area shall be sold or leased for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge.

Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

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

b) Purchase and Development by Participants

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

c) Purchase and Development Documents

To provide adequate safeguards to insure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan

LAS PULGAS COMMUNITY DEVELOPMENT PLAN

by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out 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, marital status, ancestry, religion, sex, or national origin, 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 a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer or use, occupancy, tenure or enjoyment of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by law, and as set forth in Section 1. herein. Appropriate covenants running with the land which will prohibit such restrictions shall be included in the disposition documents.

d) Development

To the extent now or hereafter permitted by law, the Agency is authorized to pay for all or part of the value of the land and the cost of the installation and construction of any building, facility, structure, or other improvements either within or outside the Project Area for itself or for any public body or entity to the extent that such improvements would be of benefit to the Project Area.

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

The Agency shall require that development plans on property acquired from Agency or on property subject to an owner participation agreement be submitted to Agency staff for review. All development must conform to this Plan and all applicable Federal, State, and local laws, except as such may be modified by requirements of this Plan or Agency agreements entered into to carry out the purposes of this Plan. All development plans must be submitted

to, processed and approved by the City, including requirements for Planning Commission action.

e) Obligations to be Imposed on Developers

1) Purchasers of land acquired from the Agency or subject to an owner participation agreement within the Project Area shall be required to develop such land in accordance with the provisions of this Plan. No building, sign or structure shall be constructed upon any part of such land unless architectural plans and specifications, showing the nature of such construction, parking, loading, surface treatment and landscaping, the location and orientation of structure(s) on the building site and, when requested, the grading plans for the building site to be built upon, shall have been submitted to, reviewed and approved in writing by the Agency. The Agency shall have the right to refuse to approve any such plans or specifications when in the opinion of the Agency such plans or specifications do not conform with the conditions and objectives of the Plan. All such plans must then be submitted to, processed and approved by the City, including requirements for Planning Commission action.

2) Acquirers, users or developers of land acquired from Agency or subject to an owner participation agreement within the Project Area must commence the erection of any building, prosecute diligently the work thereon and complete it within such reasonable period of time as agreed upon with the Agency.

3) Persons who are engaged in business in the Project Area shall be granted preference by the Agency to re-enter in business within said Project Area after redevelopment if they otherwise meet the requirements prescribed by this Plan.

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

2. Personal Property Disposition

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

I. Prevention of Discrimination

1. General

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

Pursuant to California Health and Safety Code (Sections 33337 and 33435-33436), contracts entered into by the Agency relating to the sale, transfer or leasing of land, or any interest therein acquired by the Agency within the Project Area, shall include the provisions of this Section in substantially the form set forth herein, and such contracts shall further provide that the provisions of this Section shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties and all other transferees under the instrument.

2. Deeds, Leases and Contracts

The following requirements shall pertain to all real estate transactions in which the Agency provides financial or non-financial assistance to the respective property.

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

In deeds the following language shall appear:

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

In leases, the following language shall appear:

‘The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, that this lease is made and accepted upon and subject to the following conditions:

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

3. Duration

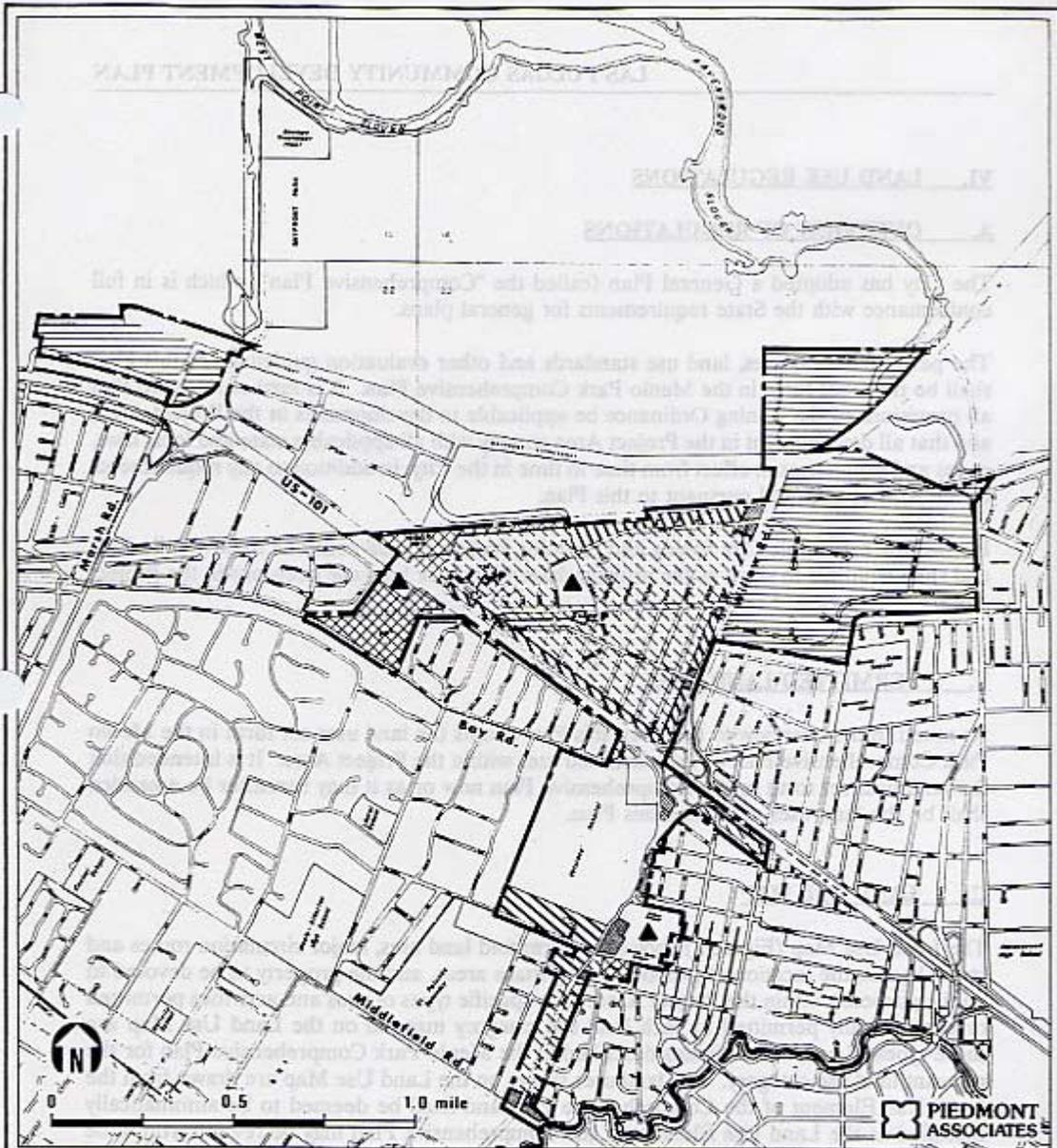
The covenants in deeds, leases, and contracts from or with the Agency, with respect to Prevention of Discrimination, shall remain in effect in perpetuity.

J. Provision of Affordable Housing

The Agency will make all possible efforts to conform to the various requirements included within State law concerning the provision and-or rehabilitation of low and moderate income housing. Further, the Agency plans to work with the City, County of San Mateo, County Housing Authority, State of California, especially the California Housing Finance Agency, and the Federal Government, especially the Department of Housing and Urban Development, to receive additional assistance, as may be necessary, in improving the quality and supply of low and moderate income housing within the Project Area.

The City of Menlo Park has called on the County Housing Authority to implement a Section 8 Moderate Rehabilitation Housing Program to help deal with the housing problems of the Project Area, and the Agency plans to work with the Housing Authority to see that this program is successfully implemented within the Project Area.

The Agency will also work closely with the City to assist the City in its efforts focused towards increasing and preserving the supply of affordable housing throughout the community. The Agency may choose to use some tax-increment funds to assist the City in the issuance of tax-exempt mortgage-revenue housing bonds for the rehabilitation and improvement of housing for low and moderate income families throughout the community.



Las Pulgas Community Development Project Area

- PROJECT AREA BOUNDARY
- | | | | |
|--|---------------------------|--|----------------------------|
| | PROFESSIONAL / RETAIL | | MEDIUM DENSITY RESIDENTIAL |
| | RETAIL / COMMERCIAL | | SCHOOL |
| | PARKS / PUBLIC FACILITIES | | LIMITED INDUSTRY |
| | LOW DENSITY RESIDENTIAL | | |

Figure 2
PROJECT AREA LAND USE
 (Per Current Comprehensive Plan, 1986)

VI. LAND USE REGULATIONS

A. OVERVIEW OF REGULATIONS

The City has adopted a General Plan (called the “Comprehensive Plan”), which is in full conformance with the State requirements for general plans.

The permitted land uses, land use standards and other evaluation guidelines of this Plan shall be those set forth in the Menlo Park Comprehensive Plan. It is further intended that all provisions of the Zoning Ordinance be applicable to developments in the Project Area, and that all development in the Project Area comply with all applicable state and local laws, codes and ordinances in effect from time to time in the City, in addition to any requirements of the Agency imposed pursuant to this Plan.

Finally, the applicable City zoning and planning processes shall continue to have full effect and shall continue to serve as the primary determinant for land use decisions in the Project Area.

B. PERMITTED LAND USES

As noted in the overview to this Part, this Part adopts the land uses set forth in the Menlo Park Comprehensive Plan *as* the permitted uses within the Project Area. It is intended that the land uses set forth in the Comprehensive Plan now or as it may hereafter be amended shall be the land uses governing this Plan.

C. LAND USE MAP

The Land Use Map (Figure 2) shows the permitted land uses, major circulation routes and street layout, the location of proposed open space areas, and the property to be devoted to public purposes within the Project Area. The specific types of uses and activities permitted or conditionally permitted in each land use category mapped on the Land Use Map are those types of uses and activities described in the Menlo Park Comprehensive Plan for the relevant land use category. The land uses shown on the Land Use Map are drawn from the Land Use Element of the Comprehensive Plan and shall be deemed to be automatically modified as the Land Use Element of the Comprehensive Plan may be revised from time to time in order to maintain conformance of this Plan with the Comprehensive Plan, as provided in Sections A and B of this Part.

D. PARKS, RECREATION AND OPEN SPACE

Park and recreational facilities as well as public open space shall be developed in a manner consistent with the goals set forth in this Plan. Open space and public areas as well as any public buildings which may be necessary in providing services to the public are permitted uses throughout the Project Area.

E. STREETS AND RIGHTS-OF-WAY

All streets within the Project Area may be widened, altered, vacated or equipped with traffic control devices for purposes of development of the Project. New streets may be created as necessary. These public rights-of-way shall be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in the public rights-of-way. Any and all street vacations pursuant to this Plan shall be in accordance with the City's public hearing requirements as well as all other applicable law including, but not limited to, those provisions set forth in California Streets and Highways Code.

F. 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 developed, rehabilitated, or otherwise changed after the date of adoption of the Plan except in conformance with the provisions of this Plan and all applicable State and local laws in effect from time to time.

1. New Construction

All new construction shall comply with all applicable State and local laws in effect from time to time, except as inconsistent with agreements entered into by the Agency under the authority of this Plan. However, actions undertaken by the Agency per the authority of this Plan shall not circumvent State or local laws, but may require additional specificity as needed to implement this Plan. All setback areas shall be landscaped and maintained by the owners with the exception of any portion necessary for access which shall be paved in accordance with the landscaping concept established by the Agency.

Parking facilities shall be provided in accordance with the criteria set forth in the Comprehensive Plan and Zoning Ordinance of the City at the ratio set by the City. All parking shall be paved and drained so that storm and surface waters draining from parcels will not cross public sidewalks, and all parking spaces visible from the street shall be landscaped as necessary to prevent unsightly barren appearances as

set forth by the Plan. Off-street loading facilities, trash areas, and any outdoor storage of materials approved by the Agency shall be adequately enclosed or screened by walls, landscaping, or other such enclosure consistent with the applicable City Ordinances and in a manner approved by the Agency.

2. Existing Non-Conforming Uses

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

3. Rehabilitation

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

4. Open Spaces and Landscaping

The approximate amount of open space to be provided within the Project Area is set forth in the Comprehensive Plan of the City and is included as part of the goals and objectives of this Plan. These areas include, but are not limited to, the total of all areas which will be in the public rights-of-way, open space areas, the space around buildings, and all other outdoor areas not permitted through applicable limits of land coverage to be covered by buildings. Landscaping plans shall be required to be submitted to the Agency for review and approval.

5. Utilities

The Agency shall require that all utilities be placed underground unless otherwise approved by the Agency, including, but not limited to, the following: transformer vaults or pads, water meters and valves, telephone pull boxes, manhole inlets, and drain facilities, and Cable television.

6. Incompatible Uses

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

7. Resubdivision of Parcels

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

8. Variances

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

- a) The application of one or more of the provisions of this Plan would result in unnecessary hardship to the property owner; and
- b) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls; and
- c) Permitting a variance from the limits, restrictions, or controls of this Plan will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d) Permitting a variance will not be contrary to the objectives of this Plan.

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

G. STANDARDS FOR DEVELOPMENT

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

Standards adopted by the Agency shall not relax the existing zoning requirements, but may be more stringent, as appropriate for the respective property.

1. Height and Bulk

On any building site the bulk of structures shall be regulated as provided in the City's Zoning Ordinance.

2. Density

The maximum permitted dwelling unit density shall always conform to the zoning for the specific parcel.

3. Housing Units

The approximate number of housing units within the Project Area is 1,140. The maximum number of housing units within the Project Area shall not exceed the number permitted under the Zoning Ordinance.

H. BUILDING PERMIT

1. Review of Applications

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

The procedure for filing an application for a building permit shall be the same procedure currently used by the City in processing building permit applications. Upon receipt of an application by the Department of Community Development, the Department of Community Development shall submit to the Executive Director (or the authorized designee(s) of the Executive Director) of the Agency said application for review to determine if the proposed improvements conform to the Plan. Within fifteen (15) days thereafter, the Executive Director, or designee(s), shall submit a report to the Department of Community Development on said application. Said report shall:

- a) Deny the application.
- b) Approve the application.
- c) Approve the application with modifications or conditions deemed to be necessary by the Executive Director.

After receipt of the report or after 15 days from the submittal of the application to the Executive Director, or designee(s), whichever occurs first, the Department of Community Development shall issue the permit with conditions, if any, as set forth in the Executive Director's report, or shall deny the issuance of the permit pursuant to the Executive Director's report.

2. Appeal

The applicant or the Agency may appeal the Executive Director's decision to withhold, to conditionally allow, or to allow the issuance of such a permit pursuant to established City procedures. The appeal will be made to the Community Development Agency Board of Directors within thirty (30) days from the date of the Executive Director's Report.

VII. METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Method

Upon adoption of this Plan by the City Council, the Agency is authorized to finance this Project with financial assistance from the City of Menlo Park, State of California, San Mateo County, Federal Government, Property Tax Increments, Interest Income, Agency notes and bonds, or any other available source including private sector loans and grants.

The advances for survey and planning and the operating capital for administration of this Project may come through loans from the City. Such loans shall be on terms established by the City and the Agency. The City may also supply additional assistance through City loans and grants for various public facilities.

As available, gas tax funds from the State of California and the County of San Mateo may be used toward the cost of the street system and related improvements. There will also be some revenue accruing to the Project from interest earned on investments of Agency funds.

The Agency is hereby authorized to obtain advances, borrow funds and create indebtedness and other obligations in carrying out this Plan after first submitting a financing summary of each project to the City Council. The principal and interest on such advances, funds, indebtedness and other obligations, may be paid from tax increments or any other funds available to the Agency.

B. Tax Increments

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of San Mateo, City of Menlo Park, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance initially approving this Plan (Ordinance No. 670, dated November 24, 1981), shall be divided per Section 33670 of the Health and Safety Codes as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by, or for, each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Project 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 funds of the respective taxing agencies as taxes by, or for, said taxing agencies on all other property paid. For the purpose of allocating taxes levied by or for, any taxing agency or agencies which did not include the territory of the Project 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 San Mateo last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on the effective date; and
2. That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Community Development Project. Unless and

until the total assessed valuation of the taxable property in the Project Area exceeds the total assessed valuation of the taxable properties in such Project as shown by the last equalized assessment roll referred to in paragraph (1) hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

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

Further, tax-increment funds may also be used to encourage housing improvement throughout the City of Menlo Park, as necessary and in the best interest of the City and Agency, as determined by the City Council and Agency Board.

In adopting this Project and Plan, the Agency does wish to see that the maximum possible level of tax-increment funds are spent on public improvements and housing improvements, and that funding for Agency staff activities is restricted to the minimum level required for effective Agency activity. Because of the nature of tax-increment revenue generation as well as the long-term nature of this Plan, it is not possible to establish a workable strict framework for the allocation of Agency funds to staff activities. The adoption of any precise budgetary limitations could serve to hamper future Agency activities or cause the Agency to incur unnecessary expenses in amending this Plan. Therefore, each year, the Agency budget will clearly differentiate between staff costs and project activity costs, and the Agency Staff and Board will work to maximize the level of specific project expenditures in each fiscal year.

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

As to the tax increments generated within the Project Area, no loans, advances or indebtedness shall be established or incurred by the Agency after the expiration of forty years from date upon which the ordinance amending and restating this Plan was adopted without further amendment to this Plan.

As to bonds issued by the Agency to be repaid in whole or in part from the allocation of taxes pursuant to Section 33670 of the California Health and Safety Code, the principal amount of such bonded indebtedness outstanding at any one time shall not exceed \$75,000,000.

As to the tax increment generated within the Project Area, no more than \$430,000,000 may be divided and allocated to the Agency without further amendment of this Plan.

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

A proportionate share of any amount of money paid by an agency to any city and county pursuant to this section shall be disbursed by the city and county to any school district with territory located within a redevelopment area in the city and county. "Proportionate share," as used in this section, means the ratio of the school district tax rate which is included in the total tax rate of the city and county, to the total tax rate of the respective parcels in the Project Area.

The Agency may also pay to any taxing agency with territory located within a Project Area other than the community which has adopted the project, any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to any taxing agency 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 the 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 Health and Safety code Section 33670, except that a greater payment may be established by agreement between the Agency and one or more taxing agencies, except a school district, if such other taxing agencies agree to defer payments for 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 such 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 redevelopment 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 Health and Safety Code Section 33012, 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 the Health and Safety Code enacted by the Statutes of 1984.

C. Bonds

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

1. the income and revenues of the Project;
2. the tax increment funds allocated to the Agency;
3. the Agency's revenues generally;
4. taxes imposed pursuant to 7202.6 or 7280.5 of the Revenue and Taxation Code which are pledged therefore;
5. any contributions or other financial assistance from the state or local government;
6. repayment of loans or other forms of indebtedness to the Agency;
7. private parties;
8. any other source permitted by law; and
9. any combination of the above sources.

D. Other Loans and Grants

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

VIII. INCREASED AND IMPROVED HOUSING SUPPLY

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all property tax increment revenues which are allocated to the Agency shall be used for the purposes of increasing and improving the community's supply of housing for persons and families of very low, low and moderate income, unless certain findings are made by the Agency as set forth in that section to lessen or eliminate such requirement.

Tax increment revenues allocated to the Agency and designated for housing purposes will be used to fund existing and new programs for housing development and rehabilitation in a manner consistent with the Menlo Park Comprehensive Plan, which permits such housing development for very low, low and moderate income persons and families.

IX. CONSTRUCTION OF REPLACEMENT HOUSING

Pursuant to 33334.5 of the California Health and Safety Code, the Agency shall, within four years of the destruction or removal of low and moderate income housing, develop, construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to families of low and moderate income, an equal number of replacement dwelling units at affordable rents or sales prices within the Project Area or within the territorial jurisdiction of the Agency, in accordance with all of the provisions of 33413 and 33413.5 of the California Health and Safety Code.

X. ACTIONS BY THE CITY

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

- A. Initiation and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-ways, 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 City shall include proceedings for the abandonment and relocation of public utilities in the public rights-of-way as appropriate to carry out this Plan.
- B. Initiation and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area.
- C. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls, within the limits of this Plan, upon parcels in the Project Area to ensure their proper development and use.
- D. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

- E. 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 development of the Project Area, to be commenced and carried to completion without unnecessary delay.
- F. Initiation of proceedings for revision of zoning, where necessary within the Project Area, to permit the land uses and development authorized by this Plan.
- G. Construction of any public improvements serving the purposes of this Plan. The costs to the City of such construction may be reimbursed by the Agency from Project revenues.
- H. Establishment of assessment districts or similar financing methods to collect fees from property owners and developers in the Project Area for purposes of Project financing.

XI. ENFORCEMENT

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

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

XII. DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation 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 may be made effective for 40 years from the date of adoption of the ordinance amending and restating this Plan.

XIII. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in the Redevelopment Law (see California Health and Safety Code 33450 to 33458), as the same now exists or as hereafter amended, or by any other procedure hereafter established by law. Regardless of

any changes in State Law, any amendment of the eminent domain provisions of this Plan will require that all property owners impacted by such change be notified by certified mail no less than thirty (30) days prior to the public hearing held to consider such amendment.

XIV. SEVERABILITY

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

XV. AUTHORITY OF THE AGENCY

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

ATTACHMENT A

LEGAL DESCRIPTION OF THE LAS PULGAS COMMUNITY DEVELOPMENT PROJECT AREA

Parcel 1

BEGINNING at a point on the corporate limits line of the City of Menlo Park, said point being the point of intersection of the Northeasterly line of Bayshore Freeway with the Northwesterly line of Marsh Road (abandoned); thence from said point of beginning, along said corporate limits line, the following courses and distances: Northeasterly along the Northwesterly line of Marsh Road (abandoned) 269.56 feet to an angle point at the Southwesterly line of Haven Avenue, Northwesterly along the Southwesterly line of Haven Avenue 2130 feet, more or less, to an angle point, Northeasterly 306.00 feet to an angle point, Northwesterly 110.00 feet to an angle point, Northeasterly 165.44 feet to an angle point, Northeasterly 1340 feet, more or less, to an angle point, Northerly 210.00 feet to an angle point, Easterly 150 feet, more or less, to an angle point and southeasterly 1780 feet, more or less, to an angle point; thence Southeasterly along the Southeasterly prolongation of the last mentioned course 100 feet, more or less, to the Southeasterly line of the access road to the Menlo Park Sanitary District Sewage Treatment Plant; thence Southwesterly along the last mentioned line 300 feet, more or less, to the Northeasterly line of Haven Avenue; thence Northwesterly along the last mentioned line 100 feet, more or less, to the Northwesterly line of Marsh Road Overpass; thence Southwesterly and Westerly along the Northwesterly and Northerly line of said Overpass and its off—ramp 1325 feet, more or less, to the point of beginning.

Parcel 2

BEGINNING at the point of intersection of the Northeasterly line of Bayshore Freeway with the Southwesterly line of Southern Pacific Railroad Dumbarton Branch right of way; thence from said point of beginning, along the right of way line of said Southern Pacific Railroad Dumbarton Branch right of way, Northeasterly 3000 feet, more or less, to an angle point, Southeasterly 100 feet, more or less to an angle point, Northeasterly 1145 feet, more or less, to an angle point, Northwesterly 100.00 feet to an angle point and Northeasterly 1860 feet, more or less to the Northwesterly line of Willow Road; thence Northeasterly along the Northwesterly line of Willow Road and its Northeasterly prolongation 600 feet, more or less, to the Southerly line of the 100 foot right of way of the City and County of San Francisco; thence westerly along said Southerly line 280 feet, more or less, to the line dividing Sections 23 and 24, T55 R3W; thence Northerly along the last mentioned line 1814.96 feet; thence South 89° 55' 1" East 2600 feet, more or less, to the Northwesterly line of Willow Road; thence Southwesterly along the last mentioned line 2600 feet, more or less, to the Northerly line of the 100 foot right of way of the City and County of San Francisco; thence along the last mentioned line Easterly 800 feet, more or less, to an angle point and southeasterly 1180 feet, more or less, to the Southeasterly line of the Southern Pacific Railroad Dumbarton Branch right of way; thence Northeasterly along said Southeasterly line 1040 feet, more or less, to an angle point in the corporate limits line of the City of Menlo Park; thence along said corporate limits line, Southwesterly 500 feet, more or less, to an angle point, Southerly 1675 feet, more or less, to an angle point, Southwesterly 1810 feet, more or less, to an angle point, Southwesterly 104 feet, more or less, to an angle point, Southwesterly 757 feet, more or less, to an angle point, Northwesterly 2076 feet, more or less, to an angle point, Southwesterly along the Southeasterly line of Willow Road and its Southwesterly prolongation

2130 feet, more or less, to an angle point and Southeasterly along the Southwesterly line of Bayshore Freeway 2000 feet, more or less, to the Southeasterly line of Menalto Avenue; thence Southwesterly along said Southeasterly line of Menalto Avenue 240 feet, more or less, to the Southeasterly prolongation of the Southwesterly line of Haight Street; thence Northwesterly along said prolongation and the Southwesterly line of Haight Street 1350 feet, more or less, to the Southeasterly line of Willow Road Overpass on—ramp; thence Southwesterly along the last mentioned line 400 feet, more or less, to a point which lies distant Southwesterly 66.04 feet from the Southwesterly line of Grayson Court; thence along the side and rear property line of the lots fronting on Willow Road Southwesterly 76.00 feet, Southeasterly 21.13 feet, Southwesterly 100.00 feet, Northwesterly 21.13 feet, Southwesterly 50.00 feet, Northwesterly 50.00 feet and southwesterly 139.56 feet to the Northeasterly line of Chester Street; thence Southwesterly 50 feet, more or less, to a point on the Southwesterly line of Chester Street, distant along said Southwesterly line Southeasterly 161.64 feet from the Southeasterly line of Willow Road; thence Northwesterly along the Southwesterly line of Chester Street 100.00 feet; thence Southwesterly along the rear property, lines of lots fronting on Willow Road 270.00 feet to the Northeasterly line of Durham Street; thence Southwesterly 50 feet, more or less, to a point on the Southwesterly line of Durham Street, distant along said Southwesterly line Southeasterly 107.83 feet from the Southeasterly line of Willow Road; thence along the rear and side property lines of lots fronting on Willow Road Southwesterly 290.00 feet, Northwesterly 60.00 feet and Southwesterly 121 feet, more or less, to the Northeasterly line of O'Keefe Street; thence Southwesterly 50 feet, more or less, to a point on the Southwesterly line of O'Keefe Street, distant along said Southwesterly line Southeasterly 112.62 feet from the Southeasterly line of Willow Road; thence Northwesterly along the Southwesterly line of O'Keefe Street 50.00 feet; thence Southwesterly along the rear line of a lot fronting on Willow Road 140.00 feet to the Northeasterly line of the Lands of Ravenawood City School District; thence along the boundary of the last mentioned Lands and the Lands of the City of Menlo Park the following courses and distances: Southeasterly 660 feet, more or less, to an angle point, Southwesterly 125.00 feet, Southeasterly 52.76 feet to the Northwesterly line of Beacon Street, Southwesterly along Beacon Street 197.71 feet to the Northwesterly line of West O'Connor Street, Southwesterly along the last mentioned line 27.35 feet, Northeasterly 21.27 feet, Northwesterly 146 feet, more or less, to an angle point, Southwesterly 336.60 feet, Northwesterly 77.88 feet, Southwesterly 167.30 feet, southeasterly 144.10 feet to the Northwesterly line of Pope Street, Southwesterly along the last mentioned line 89.40 feet, Northwesterly 516.66 feet, Southwesterly 274.48 feet and Northwesterly 410.37 feet; thence along the prolongation of the last mentioned course, 151.68 feet; thence along the side and rear lines of lots fronting on Willow Road southwesterly 61.67 feet, Northwesterly 74.14 feet and southwesterly 88.33 feet to the Northeasterly line of Gilbert Avenue; thence southwesterly 50.00 feet to a point on the Southwesterly line of Gilbert Avenue, distant Northwesterly 265.00 feet from the center line of Marmona Drive; thence Northwesterly along the Southwesterly line of Gilbert Avenue 40 feet, more or less, to the most Easterly corner of the lot adjoining Willow Road; thence along the side and rear lines of lots fronting on Willow Road Southwesterly 97.13 feet, Southwesterly 112.07 feet, Northwesterly 4.00 feet, southwesterly 1278.75 feet, Northwesterly 26.44 feet and Southwesterly 98.99 feet to the Northeasterly line of Blackburn Avenue; thence southwesterly 50 feet, more or less, to a point on the Southwesterly line of Blackburn Avenue at the East corner of a lot adjoining Willow Road; thence along the side and rear lines of lots fronting on Willow Road Southwesterly 91.00 feet, Southeasterly 17.00 feet and Southwesterly 120.00 feet to the Northeasterly line of Clover Lane; thence Southwesterly 50 feet, more or less, to the point of intersection of the Southwesterly line of Clover Lane with the Southeasterly line of a 20 foot alley; thence along the Southeasterly and Northeasterly lines of said alley, Southwesterly 141 feet, more or less, to an angle point and Southeasterly 350 feet, more or less, to the Westerly line of Baywood Avenue; thence Southerly

100 feet, more or less, to the center line of San Francisquito creek at a point 150.00 feet Northeasterly from the intersection of the last mentioned center line with the Southwesterly line of Middlefield Road; thence Southwesterly along the center line of San Francisquito Creek 150.00 feet to the Southwesterly line of Middlefield Road; thence Northwesterly along the Southwesterly line of Middlefield Road 700 feet, more or less, to a point on the Southwesterly prolongation of the side and rear property lines of lots fronting on the Northwesterly line of Willow Road; thence Northeasterly along the last mentioned lines 2100 feet, more or less, Southeasterly 75.00 feet and Northeasterly 118 feet, more or less, to the Southwesterly line of Gilbert Avenue; thence Northwesterly along the Southwesterly line of Gilbert Avenue 175 feet, more or less, to the Southwesterly prolongation of the Northwesterly line of the lot at the North corner of Willow Road and Gilbert Avenue; thence along said prolongation and the rear and side lines of lots fronting on Willow Road Northeasterly 300.00 feet, Southeasterly 258 feet, more or less, Northeasterly 113 feet, more or less, Southeasterly 52 feet, more or less, and Northeasterly 90 feet, more or less, to the Southwesterly line of Coleman Avenue; thence Northwesterly along the Southwesterly line of Coleman Avenue 1440 feet, more or less, to the Southwesterly prolongation of the Southeasterly line of College Avenue; thence Northeasterly along said prolongation, said Southeasterly line and the Northwesterly line of the Lands of the United States Government (Veterans Hospital) and its Northeasterly prolongation 2830 feet, more or less, to the Northeasterly line of Bay Road; thence along the last mentioned line Southeasterly 680 feet, more or less, to an angle point and North 89° 20' East 103.68 feet; thence North 220° 05' East 120.00 feet; thence South 89° 20' West 21.02 feet; thence North 220° 05' East 320 feet, more or less, to the Southwesterly line of Bayshore Freeway; thence Northwesterly along the last mentioned line 3070 feet, more or less, to the Northeasterly prolongation of the Southeasterly line of Iris Lane; thence Southwesterly along said prolongation and the Southeasterly line of Iris Lane 550 feet, more or less, to the Southeasterly line of Flood Park; thence Southwesterly along the last mentioned line and its Southwesterly prolongation 1000 feet, more or less, to the Southwesterly line of Bay Road; thence Northwesterly along the Southwesterly line of Bay Road 1600.00 feet; thence Northeasterly 60 feet, more or less, to the Northeasterly line of Bay Road at the most Westerly corner of Flood Park; thence along the Northwesterly boundary of Flood Park and its Northeasterly prolongation Northeasterly 680 feet, more or less, to an angle point and Northeasterly 1165 feet, more or less, to the Northeasterly line of Bayshore Freeway; thence Northwesterly along said Northeasterly line 490 feet, more or less, to the point of beginning.

Prepared By:

/s/ Edwin H. Smith

Edwin H. Smith, Civil Engineer
Redwood City, California

August 12, 1981

ATTACHMENT B
POTENTIAL COMMUNITY DEVELOPMENT AGENCY PROJECTS

PLANNING AND CODE ENFORCEMENT:

- Residential Land Use Planning
- Commercial/Industrial Land Uses Planning
- 1100 Block Willow Road Specific Plan
- Code Enforcement

REAL ESTATE DEVELOPMENT AND IMPROVEMENTS:

- Single Family Housing Assistance, Rehabilitation and/or New Construction
- Multi-family Housing Assistance, Rehabilitation and/or New Construction
- Willow Road Land Use Plan Implementation
- Hamilton Avenue Redevelopment
- Haven Industrial Area Rehabilitation/Redevelopment
- Willow Road/O'Brien Drive Industrial Areas Rehabilitation/Redevelopment
- Property Contamination Clean-up

PUBLIC INFRASTRUCTURE AND FACILITIES IMPROVEMENTS:

- Storm Water Treatment Plant
- New Storm Drain System along Laurel Avenue
- Undergrounding of Storm Water Drainage on O'Brien Drive
- Installation of Pump Station and Storm Drain at O'Brien and Kavanaugh
- Replace/Rehabilitate Curbs, Gutters and Sidewalks In the Belle Haven Area
- Resurface Streets In the Belle Haven Area
- Underground Utilities in the Belle Haven Area
- Installation of Street Lights in the Belle Haven Area
- Installation of Storm Drain Laterals In the Belle Haven Area
- Storm Drain for Onetta Harris Community Center
- Installation of a Flood Wall/Dike and/or Sound Wall in the Belle Haven Area
- Resurface Streets and Reconstruct Curbs and Gutters in the Haven Industrial Area
- Undergrounding of Utilities and Installation of New Street Lights In the Haven Industrial Area
- Landscaping
- Water Storage Tanks
- Construction of New Fire Station
- Construction of New Police Faculty
- Railroad Grade Separations
- Sound Wall(s) at Highway 101/Willow Road
- Pedestrian/Bicycle Overpass at Highway 101/Willow Road

COMMUNITY FACILITIES:

- School Grounds Improvements
- Construction of a Senior Citizen Center
- Improvements to the Onetta Hams Community Center, including Child Care Center, Expansion of Reading Room, and Improvements to Computer and Communication Facilities

MISCELLANEOUS PROJECTS:

- Efforts to Reduce Crime and Drug Problems
- Employment Opportunities
- Bus Shelters
- Housing Accessibility Improvements to Aid Disabled Persons
- Housing Anti-Discrimination Efforts
- Home Sharing Assistance
- Home Painting Assistance