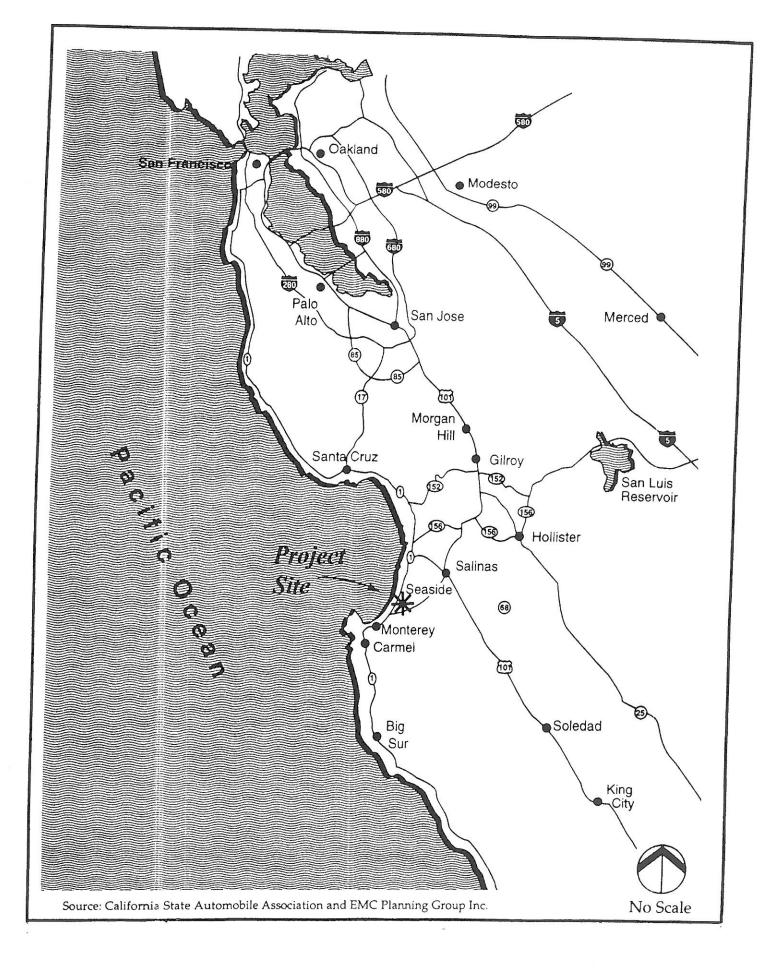
# CITY OF DEL REY OAKS REDEVELOPMENT PLAN

Former Fort Ord Redevelopment Project Area

Approved 2001

Del Rey Oaks Redevelopment Agency



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# City of Del Rey Oaks REDEVELOPMENT PLAN

# For The Fort Ord Redevelopment Project

# ARTICLE I INTRODUCTION

## SECTION 100 Legal Foundation

- This Redevelopment Plan (Plan) for the Fort Ord Redevelopment Project has been prepared by the Redevelopment Agency of the City of Del Rey Oaks, pursuant to the Community Redevelopment Law of the State of California Constitution, and all applicable local laws and ordinances. The Plan consists of the text and the attached Exhibits A (Land Use Map); B (Boundary Map); C (Legal Description); and D (List of Proposed Public Improvements); Attachments 1 (Capital Improvements) and 2 (Buildout Transportation Network).
- The proposed redevelopment conforms to the General Plan for the City of Del Rey Oaks revised and adopted by Resolution 97-1, on June 17, 1997 by the City Council, and the Fort Ord Reuse Plan adopted June 13, 1997 by the Fort Ord Reuse Authority.
- This Plan is based on a Preliminary Plan approved by Resolution of the Del Rey Oaks Planning Commission on January 17, 2001.
- This Plan sets forth the powers, duties and obligations of the Agency to implement the program generally formulated herein, in order to accomplish the redevelopment and revitalization of the area within the boundaries of the Project. This Plan describes a process and basic framework within which specific activities will be presented, evaluated and taken to achieve the objectives of the Plan.
- This Plan does not present a specific plan or establish priorities for specific project within the Project Area. Instead, this Plan present a process and basic framework within which specific development plans will be presented, priorities for specific projects will be established, and specific implementing actions will be taken. Financial and regulatory tools are provided by law to the Agency to create, develop, and implement said specific plans, projects and solutions.
- 100.6 The definitions of general terms, which are contained in the California Community Redevelopment Law, govern the construction of this Plan, unless more specific

terms and definitions are specified in this Plan. The term City Council means the City Council of the City of Del Rey Oaks which is the elected legislative body of the City, and the term "Agency" means the City of Del Rey Oaks Redevelopment Agency, established on January 26, 1999 by City Ordinance Number 250.

100.7 The proposed redevelopment area shall be known as the "CITY OF DEL REY OAKS FORT ORD PROJECT AREA (PROJECT AREA)" and this Plan shall be titled the: "CITY OF DEL REY OAKS FORT ORD REDEVELOPMENT PLAN (PLAN)."

# **SECTION 110** Project Objectives

- 110.1 The primary objective of the Redevelopment Plan is to mitigate or eliminate blighting conditions found within the former Fort Ord and the Project Area through the efforts of the Redevelopment Agency, in cooperation with other public and private parties. Specific objectives include:
  - A. Mitigating the economic and social degradation caused by the realignment of the former Fort Ord;
  - B. Remove existing obsolete and/or deteriorated sites and buildings;
  - C. Assemble and subdivide land into parcels suitable for commercial, office, retail and visitor serving development with proper vehicular and pedestrian circulation;
  - D. Assure participation in the revitalization and redevelopment of property by members of the community and the private sector;
  - E. Provide adequate vehicular, pedestrian and other forms of access to and within the Project Area;
  - F. Create additional and varied commercial and recreational opportunities;
  - G. Develop new employment opportunities;
  - H. Generate new revenue for the City;
  - I. Improve the supply of affordable housing for very low, low, and moderate-income persons, (Including housing for the elderly), by assisting in the development of new housing and rehabilitation of existing housing located in the community.
  - J. Improve the roads and infrastructure of the Project Area.

### **SECTION 120.** Compliance and Cooperation

120.1 The Agency in cooperation with FORA and other public agencies will through the redevelopment process, remove, or assist in removing, the blighted conditions; install needed public improvements; and provide the catalyst to achieve the desired improvement and revitalization of the Project Area. All development in the Project Area will be done in accordance with the provisions of the City General Plan, the Fort Ord Reuse Plan (if applicable or if existent), City codes, ordinances and/or development agreements which control building construction, and limit the type, size, height, and use of all buildings in the City.

# ARTICLE II GENERAL DEFINITIONS

## **SECTION 200** Definitions

- The following definitions are used in this Plan unless otherwise noted in the text:
  - A. Affected Taxing Agency: any taxing entity (sometimes referred to as "Taxing Agency") having taxing jurisdiction within the Project Area.
  - B. **Agency**: the Redevelopment Agency of the City of Del Rey Oaks, Monterey County. State of California.
  - C. **Board**: the governing board of the Agency which shall be composed of the members of the City Council of the City of Del Rey Oaks, California.
  - D. City: The City of Del Rey Oaks, California
  - E. County: the County of Monterey, California.
  - F. **FORA**: the Fort Ord Reuse Authority.
  - G. **Plan**: this Redevelopment Plan for the portion of the former Fort Ord, which lies within the City Limits of the City of Del Rey Oaks.
  - H. **Planning Commission**: the Planning Commission of the City of Del Rey Oaks.
  - I. **Project Area**: the area included within the boundaries of the City of Del Rey Oaks Redevelopment Plan.
  - J. **Project**: the Del Rey Oaks Fort Ord Redevelopment Project.
  - K. Redevelopment Law: The Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000, et. seq.), including Chapter 4.5, Article 4 Sections 33492.70 through and including 33492.78 (Redevelopment Agency of Fort Ord)
  - L. State: the State of California.

### ARTICLE III

# PROJECT AREA BOUNDARIES

# SECTION 300 Boundaries

300.1 The boundaries of the entire Project Area are shown on the Redevelopment Project Area Boundary Map attached hereto as Exhibit B and made by reference a part hereof and are described in the Legal Description attached hereto as Exhibit C and made by reference a part hereof. The Project Area contains approximately 360 acres.

#### ARTICLE IV

# PROPOSED REDEVELOPMENT ACTIVITIES

# SECTION 400 General Redevelopment Actions

- 400.1 The Agency proposes to eliminate and prevent the spread of blight and blight causing factors; to strengthen the economic base of the Project Area and the City; and to obtain the objectives of the Plan as set forth in Section 110, through the following implementing actions:
  - A. Acquisition of property.
  - B. Surveying, mapping and creation of parcels for subsequent disposal to public and private parties.
  - C. Demolition, clearance, site preparation and construction of buildings, and public improvements.
  - D. Disposition of land, buildings and facilities, to private parties and public agencies for uses in accordance with this Plan.
  - E. Relocation assistance (if required for future displaced occupants).
  - F. Installation, construction, or re-construction of streets, curbs, gutters, sidewalks, utilities, sewers, water systems, pedestrian, bicycle, and equestrian trails or paths, public facilities and other eligible improvements.
  - G. Participation by owners and businesses.
  - H. Other actions as appropriate.
- In order to accomplish these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers in this Plan and all the powers now or hereafter permitted by law, which are not expressly limited by this Plan. The following Sections (410; 420; 430 and 440) describe the Agency's authority in regards to property acquisition; owner participation; and rights of reentry and are included in this Plan in the event the Agency may be required to exercise its authority sometime during the life of this Redevelopment Plan.

# **SECTION 410** Acquisition of Property

- The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, purchase, eminent domain, and other lawful methods whatsoever in order to implement this Plan.
- It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and to assure the execution of this Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area. However, the Agency shall not exercise the power of eminent domain to acquire a parcel of real property for which proceedings in eminent domain have not commenced within twelve (12) years after the

effective date of the ordinance approving and adopting this Plan, unless this Plan is amended to extend such period.

- The Agency may, but is not required to acquire interest in oil, gas or other mineral substances within the Project Area.
- The Agency is not authorized by law to acquire real property owned by public bodies which do not consent to such acquisition.
- The Agency is authorized to acquire personal property in the Project Area where necessary in the execution of this Plan.
- The Agency is authorized to acquire structures and/or improvements to real property without acquiring the land upon which those structures are located. The Agency is further authorized to acquire any other interest in real property that is less than fee interest.

# **SECTION 420** Rehabilitation and Moving of Structures

- The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area. The Agency is also authorized and directed to advise, encourage and assist in the rehabilitation of property in the Project Area not owned or acquired by the Agency.
- As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building, or any structure or building which can be rehabilitated, to a location within or outside the Project Area.

# **SECTION 430** Reentry by Businesses and Participation by Owners

- 430.1 The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to reenter in business within the redeveloped area if they otherwise meet the requirements and the rules prescribed by the Plan.
- Persons who are owners of real property in the Project Area shall be given the opportunity to participate in redevelopment if they otherwise meet the requirements prescribed by this Plan and the rules adopted pursuant to this Plan, by rehabilitation; by retention of improvements; or by new development, by retaining all or a portion of their properties; by acquiring and developing adjacent or other properties in the Project Area; or by selling their properties to the Agency and purchasing and developing other properties in the Project Area.
- In the event an owner participant fails or refuses to maintain, or rehabilitate or newly develop his or her real property pursuant to this Plan and a participation agreement (as defined in Section 430.8, the real property or any interest therein may be acquired by the Agency.

- 430.3 If conflicts develop between the desires of potential participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among them.
- 430.3.1 In addition to opportunities for participation by individual persons and firms, participation to the extent it is feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations, or other joint entities.
- The Agency shall promulgate and, as appropriate, amend rules for owner participation and preferences for businesses to reenter into the Project Area.
- Participation opportunities are necessarily subject to and limited by factors such as the following:
  - A. Changes in land uses in the area and elimination of land uses inimical to the redevelopment of the Project Area;
  - B. Availability, capacity, removal, relocation or installation of public utilities, infrastructure and facilities;
  - C. Market conditions and project feasibility;
  - D. Necessity for reduction in the number of parcels in the Project Area, land assembly and the possibility of subdivisions or re-subdivision of land area;
  - E. Long term land planning and Agency resources;
  - F. Allocation and application of Agency funds and staff:
  - G. Ability of community resources to support an activity;
  - H. The impact of a proposed development on the community and its environment;
  - Conformance to the Redevelopment Plan and the implementation plans of the Agency;
  - J. The relationship of a proposed development to the surrounding community, its quality, configuration, appearance and service of community needs;
  - K. The contribution of the proposed development to the tax base of the community; and
  - L. The experience and financial capability of the participant.
- Agency shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop or use and maintain the property in conformance with the 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 to make the provisions of this Plan applicable to their properties.

Whether or not a person, firm or institution enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

#### **SECTION 440** RELOCATION

- The Agency shall assist all persons (including individuals and families), business concerns and others displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons (including individuals and families), if any, displaced from their respective places of residence or business by the Project, the Agency shall assist such persons in finding new locations that are decent, safe, sanitary, in reasonably convenient locations, and otherwise suitable to their respective needs.
- 440.2 The Agency shall make relocation payments to persons (including individuals and families), business concerns, and others displaced by the Project, for moving expenses and direct loss of personal property, for which reimbursement or compensation is not otherwise made, and shall make such additional relocation payments as may be required by law, such relocation payments shall be made pursuant to the Agency rules and regulations, the California Relocation Assistance Law (Government Code Sections 7260, et seq) and the guidelines of the California Department of Housing and Community Development adopted and promulgated pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.
- No persons or families of low-and-moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by the displaced person or family at rents comparable to those at the time of their displacement. The housing units shall be suitable to the needs of the displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwellings. The Agency shall not displace such person or family until such housing units are available and ready for occupancy.

### **SECTION 450** Creation of Parcels for disposition

- 450.1. The Agency may, or require others to plan; survey; subdivide; and record property parcel maps in preparation for the conveyance of property to private and public parties.
- The Agency may cause, or require to cause, the demolition; clearance; moving of certain buildings or structures; site preparation; and construction of buildings and public improvements as necessary to carry out the goals and objectives of this Plan.

# SECTION 460 Hazardous and Dangerous Waste Remedy and Removal

In the event a hazardous or dangerous waste problem occurs, the Agency may take any actions which it determines are necessary and which are consistent with other state and federal laws to remedy or remove hazardous or dangerous waste on, under or from property in

the Project Area in accordance with the requirements of Health and Safety Code Sections 33459-33459.8 or any other or successor legislation.

# SECTION 470 Disposition and Redevelopment of Property for Uses in Accordance with this Plan

- 470.1 The Agency may dispose of both real and personal property for uses in accordance with this Plan. The Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber by mortgage, deed of trust or otherwise dispose of any interest in real or personal property.
- To the extent and in the manner permitted by law, the Agency is authorized to dispose of real or personal property by negotiated lease or sale or transfer without public bidding.
- All real property acquired by the Agency in the Project Area shall be sold or leased for development for prices which shall not be less than fair value for the uses in accordance with this Plan. Property acquired by the Agency may be conveyed by the Agency without charge to the City of Del Rey Oaks or any other public body. Property acquired by the Agency for rehabilitation and resale 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 under 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 ensure that developments are carried out pursuant to this Plan and Redevelopment Law.
- All purchasers or lessees of property acquired from the Agency shall be made obligated to use the property for the purposes designated in this Plan; to begin and complete development of the property within a period of time which the Agency fixes as reasonable; and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.
- 470.6 To provide adequate safeguards that the work of redevelopment will be carried out in compliance with this Plan 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 and appropriate documentation. As determined by the Agency, documents or portions thereof may be recorded in the office of the County Recorder.
- All property in the Project Area is subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, sex, marital status, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of

property. 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 transfer of land in the Project Area shall contain such non-discrimination and non-segregation clauses as are required by law under the Health and Safety Code.

- To the extent and in the manner now or hereafter permitted by law, the Agency is authorized to pay for and may undertake, cause, provide or make provision with other agencies for the installation, or construction, expansion, rehabilitation or modernization of any building, facility, structure, or other improvement which is publicly owned, or other public improvements necessary for carrying out this Redevelopment Plan and located within or outside the Project Area and for which no other reasonable means of financing is available. The Agency may enter into contracts, leases, and agreements with the City or other public body or entity pursuant to this Section and the obligation of the Agency under such contract, lease or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Section 33670 of the Redevelopment Law and under this Plan or out of any other available funds. Such public improvements, facilities, and utilities include, but are not limited to those described in Exhibit D.
- All development plans, whether public or private, shall be submitted to the Agency for review and approval based upon conformity to and consistency with the Plan and adopted Guidelines for Development. The Agency may enter into a cooperative agreement with appropriate City departments and reviewing bodies. All development in the Project Area must conform to the requirements of this Plan as well as all applicable Federal, State, and local laws, and must receive the approval of the appropriate public agencies, including FORA if FORA is in existence.
- All development will abide by the Habitat Management Plan as adopted by the City. Compliance language shall be included in all Agency disposition agreements, leases or participation documents.
- During the period of redevelopment in the Project Area, the Agency shall ensure that the provisions of this Plan and of documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with disposition and development documents and time schedules.

# SECTION 480 Development of Public Improvements and Facilities

The Agency, in cooperation with the City, and (as appropriate) with other entities, may explore concepts and develop facilities to increase transportation efficiency. Possible concepts are: creation of new streets; bridging; decking or depression of streets; realignment of streets; widening of streets; creation of pedestrian bridges; improvements to state highways, including on-and off-ramps and bypasses; bike paths; and mass transit improvements.

- To the extent now or hereafter permitted by law, the Agency may, with the 480.2 consent of the City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without the Project Area, if the City Council determines: (1) that such buildings, facilities, structures, or other improvements are of benefit to the Project or the immediate neighborhood in which the Project is located, regardless of whether such improvements are within another project area or in the case of a project area in which substantially all of the land is publicly owned, that such improvements are of benefit to an adjacent project of the Agency; (2) that no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the community, and (3) that the payment of funds for acquisition of land or the cost of buildings, facilities, structures, or other improvements will assist in the elimination of one or more blighting conditions inside the project area or provide housing for low or moderate income persons, and is consistent with any implementation plan adopted pursuant to California Community Redevelopment Law. Such determinations by the Agency and the Council shall be final and conclusive.
- As more fully set forth in Health and Safety Code Sections 33445 and 33679, the 480.3 Agency is authorized to acquire, install and construct or cause to be acquired, installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements and public utilities, include, but are not limited to, the construction, expansion, rehabilitation or modernization of over-or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, public transportation facilities and services (including rail and bus facilities and services), sewers, sewage treatment facilities, waste water disposal areas, storm drains, flood control facilities, traffic signals and other traffic control devices, electrical distribution systems, communication systems, fire fighting facilities police and criminal justice facilities, education facilities, community and civic centers, natural gas distribution systems, potable and reclaimed water treatment and distribution systems (including upgrading of storage facilities, water mains, laterals and fire hydrants), other public buildings, parks and open space area, off-street parking, plazas, landscaped area, and under grounding of existing utilities. Anticipated public improvements, facilities and utilities that may be acquired, installed or constructed, or caused to be acquired, installed or constructed, by the Agency include, but are not limited to, those public improvements, facilities and utilities set forth in the attached Exhibit D, the Initially Proposed Programs and Projects.
- Among the techniques the Agency may employ to cause the financing and construction, expansion, rehabilitation, or modernization 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, expansion, rehabilitation, or modernization of such public improvements and public facilities.

# **SECTION 490** Other Appropriate Actions

- 490.1 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.
- During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management, maintenance, and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.
- The Agency is authorized, but is not required, in any year during which it owns property in the Project Area, to make payments from tax increments, actually received by the Agency, after the required housing set aside and payments to FORA and other taxing entities are deducted (in lieu of property taxes), to taxing agencies for whose benefit a tax would have been levied upon such property had it not been exempt by reason of the Agency's ownership.

#### ARTICLE V

#### PERMITTED USES AND PLANNING CONSIDERATIONS

## **SECTION 500** Land Use and Plan Development Considerations

The Land Use Map (Exhibit A) sets forth the proposed public rights-of-way and land uses proposed in the Project Area. All development will conform to the requirements of the Redevelopment Plan and the requirements of applicable State statutes and local codes as they now exist or are hereafter amended. All development will comply with the requirements of applicable State statutes and local codes as they now exist or are hereafter amended. The following describes the allowed land uses:

# 500.2 Public Streets and Roads

The major public streets to be located in or adjacent to the Project Area that will serve the Project Area are:

General Jim Moore Boulevard South Boundary Road State Highway 68 State Highway 218 East/West Express Way \* Highway 68 By-Pass \*

- \* May be deleted from FORA Reuse Plan.
- Streets and roads may be constructed, altered and improved as traffic conditions warrant. All streets, roads, and alleys may be widened, altered, realigned, abandoned, depressed, decked or closed as necessary for the proper development of the project area. Additional public and private streets, right-of-ways and easements may be created for appropriate development purposes.
- Storm and sanitary sewer, water, gas, electrical and tele-communication and other public utility systems or facilities may be installed, replaced, removed, or realigned as necessary to serve the Project Area.
- Air rights over public rights of way may be used for private uses, buildings, platform decks, transportation systems, vehicular and pedestrian traffic and other public improvements, utilities, and activities subject to Agency approval.
- The Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or non-profit uses in any portion of the Project Area.
- The City has adopted a General Plan which is in full conformance with the State requirements for general plans and is in compliance with FORA's Reuse Plan.

- The permitted land uses, land use standards and other evaluation guidelines of this Plan shall be those set forth in the General Plan, as it now exist or may hereafter be amended. It is further intended that all provision of the Zoning Ordinance, as it now exist or may hereafter be amended, shall be applicable to developments in the Project Area, and that all development in the Project Area shall comply with all applicable state and local laws, codes and ordinances in effect from time to time in the City, in addition to any requirement of the Agency imposed pursuant to this Plan.
- Finally, the applicable City zoning and planning process (including any moratoria or temporary development restrictions imposed by the City) shall continue to have full effect and shall continue to serve as the primary determinant for land use decisions in the Project Area. Without limiting the generality of the foregoing, the Planning Commission, the City Council, City departments and other City boards and commissions shall perform the same functions for consideration and approval or disapproval of development applications, permits and other entitlement for properties within the Project Area that are subject to this Plan, as for properties outside the Project Area that are not subject to this Plan.
- All land uses are subject to City zoning, density, set back, lot line, parking, height, design standards and all applicable codes and regulations of the City.

### **SECTION 510** General Controls and Limitations

- All real property in the Project Area is hereby made subject to redevelopment pursuant to the controls and requirements of this Plan and any adopted Guidelines for Development requirements. No real property shall be developed, rehabilitated or otherwise changed after the date of the adoption of the Plan, contrary to the provisions of any implementing agreements, plans or other documents pertaining to such property.
- All new construction within the Project Area shall comply with all applicable State and local laws in effect from time to time including, without limitation, this Plan, any adopted Guidelines for Development requirements, all applicable codes and zoning regulations of the City of Del Rey Oaks.
- The Plan calls for over 18 acres to be set aside for open space and habitat preservation. In addition, the approximate amount of open space to be provided for individual developments, exclusive of public rights-of-way, will not be less than that found sufficient to meet set back, parking and loading space requirements. Landscaping shall be developed in the Project Area to ensure the optimum use of living plant material. In all areas sufficient space shall be maintained between buildings to provide adequate light, air and privacy. The amount of open space in specific developments will be determined by the requirements of local codes, ordinances, adopted Guidelines for Development and other applicable planning documents.

- Except as may be set forth in other sections of this Plan, the height, type and size buildings shall be limited by applicable state statues, local codes and ordinances and such Guidelines for Development which may be adopted by the Agency pursuant to this Plan.
- The current number of buildings/structures in the Project Area is estimated at 30. There are no dwelling units located within the Project Area.
- All signs shall conform to City ordinances as they now exist or are hereafter amended and to any Guidelines for Development which may be adopted by the Agency pursuant to this Plan. In approving of any implementing agreement, plans or other documents, the Agency will require that all overhead utilities be placed underground when physically and economically feasible, as determined by the Agency.
- The Agency may authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan, but are found to be in general compliance with the Redevelopment Plan, where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project Area uses and developments.
- Uses or structures, which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors shall be located and developed so as to be as compatible as possible with the surrounding areas or structures. Within the Project Area, except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration beyond a depth established by the Agency for any purpose of any property in the Project Area.
- After development pursuant to the Plan, no such parcel in the Project Area, shall be subdivided without Agency approval.
- The Agency is authorized to permit a variation from the limits, restrictions, and controls established by the Plan. In order to permit such variation, the Agency must determine that:
  - A. The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships, which would make development inconsistent with the general purposes and intent of the Plan.
  - B. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property, which do not apply generally to other properties having the same standards, restrictions, and controls.
  - C. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the Project Area or contrary to the objectives of the Plan and the City's General Plan.

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

# ARTICLE VI GUIDELINES FOR DEVELOPMENT

# SECTION 600 Guidelines for Development

- Within the limits, restrictions and controls established in this Plan, the Agency is authorized to develop criteria for heights of buildings, land coverage, setback requirements, landscaping requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area.
- No new improvement shall be constructed or substantially modified, altered, repaired, or rehabilitated in the case of property which is the subject of an implementing agreement, plan or other document, except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency.

# **SECTION 610** Building and Other Permits

- No zoning variance, conditional use permit, building permit, demolition permit, or other land development entitlement shall be issued for the construction of any new building or any addition to a future building in the Project Area from the date of adoption of this Plan until the application for such permit has been reviewed and approved by the Agency. Any permit that is issued hereunder must be in conformance with the provisions and intent of this Plan and any applicable Guidelines for Development. The Agency may adopt guidelines to implement this Section, including but not limited to, establishing criteria as to the type and extent of entitlements or development for which review may be required or exempted.
- No new improvements shall be constructed and no existing improvements shall be substantially modified, altered, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency.

#### **ARTICLE VII**

#### METHODS FOR FINANCING THE PROJECT

# SECTION 700 General Description of the Proposed Financing Methods

- The Agency is authorized to finance this Project with financial assistance from the City, County, State, and Federal governments; property tax increments; special assessment districts; donations; interest income; Agency bonds; loans from private and public financial institutions; the lease of Agency owned property; sale of Agency owned property; and/or any other available source. The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds and indebtedness may be paid from tax increments or any other funds available to the Agency.
- Advances and loans for planning and for administration of this Project may be provided by the City and/or private parties. Additional funds may be obtained from any of the sources identified above until adequate tax increments or other funds are available or sufficiently assured to permit the borrowing of adequate working capital and to repay the loans. The City may supply additional assistance by obtaining loans and grants for various public facilities.
- As available, gas tax funds from the State and City may be used for street improvements and public transit facilities. A portion of transit and or public parking facilities may be installed through a parking or transit authority or other public or private entities.
- Any other loans, grants, or financial assistance from the government, or any other public or private source, will be utilized if available.

### **SECTION 710** Agency Bonds, Advances and Indebtedness

- The Agency is authorized to issue bonds or other debt instruments if appropriate and feasible in an amount sufficient to finance all or any part of the Project. Bonded indebtedness secured by a pledge of tax increments from the Project shall not exceed \$30,000,000 in principal amount outstanding at any one time without an amendment to this Plan.
- Neither the members of the Agency nor any persons executing the bonds are personally liable for the bonds by reason of their issuance.
- The bonds and other obligations of the Agency are not a debt of the City or the State, nor are any of its political subdivisions liable for them. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.
- To the extent provided by law, the time limits on the establishment of indebtedness shall not prevent the Agency from refinancing, refunding or reconstructing indebtedness after

these time limits if no increase in indebtedness is involved and the time to repay such indebtedness is not increased. These time limits shall not prevent the Agency from incurring debt to be paid from the Agency's low -and-moderate-income Housing Trust Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law.

- 710.5 The Agency shall not issue any bonds without the express approval of the City Council.
- The Agency is authorized to make pledges to specific advances, loans and indebtedness as appropriate in carrying out the Project.

#### **SECTION 720** Tax Increments

- 720.1 The Project assessed valuation base will be established in accordance with State law as described herein. Any tax increments will be used to defray Project expenses to the extent allowable from the increment itself or from the sale of tax allocation bonds.
- Pursuant to Health & Safety Code Section 33492.75 (d), the Fort Ord Reuse Plan adopted by FORA on June 13, 1997 is deemed to be a redevelopment plan for the area of the former Fort Ord base. Accordingly, all taxes levied upon taxable property within the Project each year by or for the benefit of the State, County, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the date on which FORA adopted the Fort Ord Reuse Plan shall be divided in accordance with Article 6, Section 33670 of the California Community Law as follows:
  - "(a). That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of that property by such taxing agency, last equalized prior to the effective date of the Fort Ord Reuse Plan, shall be allocated to and when collected, shall be paid to the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid. (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such Fort Ord Reuse Plan, but to which that territory has been annexed or otherwise included after that effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date) and
  - (b). Except as provided for in paragraph (e). hereof, or in Section 33492.15, that portion of the levied taxes each year in excess of that 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, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this project. Unless and until the total assessed valuation of the taxable property in

the Project exceeds the total assessed value of the taxable property in that Project as shown by the last equalized assessment roll referred to in subdivision (a), all the taxes levied and collected upon the taxable property in the redevelopment project shall be paid to the respective taxing agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the redevelopment project shall be paid to the respective taxing agencies as taxes on all other property are paid.

- (e). That portion of taxes in excess of the amount identified in subdivision (a). hereof which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenue in an amount sufficient to make annual repayments of the principal of and the interest on, or any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid to the fund of that taxing agency...."
- 720.3 The portion of taxes mentioned in paragraph 720.2.(b). above are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.
- The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as are appropriate in carrying out the Project.
- 720.5 No tax increment, generated pursuant to Health & Safety Code Section 33670, may be allocated to and received by the Agency more than forty five (45) years from the date of the final day of the first fiscal year in which the County Auditor certifies to the Director of Finance, pursuant to Health & Safety Code Section 33492.9, that One Hundred Thousand Dollars (\$100,000) or more of tax increment funds from the Project area are paid to the Agency.
- The total number of dollars of taxes which may be divided and allocated to the Agency for the Project pursuant to Section 620.2 shall not exceed the amount of Sixty Million dollars (\$60,000,000), except by amendment of this Plan.

#### **SECTION 730** Bonds, Advances and Indebtedness

- 730.1 The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.
- 730.2 No loan, advance or other indebtedness to finance the Project and to be repaid from the division and allocation of taxes to the Agency pursuant to Section 720.2 shall be established or incurred by the Agency after twenty (20) years from the date the County Auditor certifies to the Director of Finance, pursuant to Health & Safety Code Section 33492.9, the date of the final day of the first fiscal year in which One Hundred Thousand Dollars (\$100,000) or

more of tax increment funds from the Project Area are paid to the Agency. However such loans, advances or other indebtedness may be repaid over a period of time which extends beyond such date. This time limitation may be extended only be amendment of this Plan.

# **SECTION 740** Cooperation With Other Entities

740.1 The Agency will work cooperatively with FORA and taxing agencies regarding the implementation of the redevelopment plan.

# SECTION 750 Economic Development Loans

- 750.1 The Agency is authorized to establish and implement loan programs to assist owners or tenants in rehabilitating and or development of commercial buildings or structures located within the Project Area.
- The Agency is authorized to establish and implement loan programs to assist in financing facilities or capital equipment including, but not limited to, pollution control devices, and removal of dangerous or hazardous material. Provision of this form of assistance may be undertaken only after the conducting of a public hearing and making of specified findings of necessity.

#### ARTICLE VIII

#### **ACTIONS BY THE CITY**

# SECTION 800. Actions By The City

The City, shall aid and cooperate with the Agency in carrying out this Plan and shall take at its discretion all actions necessary to ensure the fulfillment of the purposes of this Plan and to prevent the recurrence or spread of conditions causing blight. Actions by the City may include, but are not necessarily limited to, the following:

- A. Acquisition of any real or personal property inside or outside the Project Area required for public use, (but different from redevelopment public uses) demolition and removal of structures on such acquired property; and preparation of such property for construction. The costs to the City of such acquisition, demolition and site preparation may be reimbursed by the Agency from project revenues to the extent and in the manner permitted by law.
- B. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, roads, and other public rights-of-way, and for other necessary modifications of the streets, the street layout and other public rights-of-ways in the Project. Such action by the City may include the requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.
- C. Institution and completion of proceedings necessary for changes and improvements in publicly owned public utilities or facilities within or affecting the Project.
- D. Revision of zoning within the Project to permit the land uses and development authorized by this Plan.
- E. Imposition wherever necessary (by covenant or restrictions, conditional use permits, zoning 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.
- F. Provisions for administrative enforcement of this Plan shall be made by the City after redevelopment has been completed.
- G. Performance of the above, and all other functions and services relating to public health, safety, and physical development which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

#### ARTICLE IX

### ADMINISTRATION AND IMPLEMENTATION OF THE PLAN

# SECTION 900 Administration and Implementation of the Plan

900.1 The City and/or Agency shall perform the administration and implementation of this Plan or other documents implementing the Plan. 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 provision which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

#### ARTICLE X

#### TIME LIMITS ON ACTIVITIES

#### **SECTION 1000** Time limits

- The following time limitations are required by the California Community Redevelopment law.
  - A. Time limits on establishing loans, advances and indebtedness to be paid from tax increment shall be 20 years from the date of adoption of the Redevelopment Plan.
  - B. A time limit of 30 years from date of adoption of the Redevelopment Plan to effectuate the plan. After 30 years, the Agency shall have no authority to act pursuant to the Redevelopment Plan, except to pay incurred indebtedness and enforce covenants and contracts.
  - C. A time limit of 45 years from the adoption of the Redevelopment Plan to repay indebtedness with tax increment proceeds.
  - D. A time limit of 12 years from the adoption of the Redevelopment Plan for commencement of eminent domain proceeding to acquire property within the Project Area.
  - E. The Agency may not have outstanding bonds in excess of \$30,000,000 that are to be repaid from tax increment at any one time, except by amendment to this Redevelopment Plan. Such limitation is exclusive of: 1) any payments to be made from such principal amount by the Agency to any taxing agency; and 2) any funds required by the Community Redevelopment Law to be deposited by the Agency in a low to moderate income housing funds as a result of such payments to taxing agencies 3) operating costs of the Agency. Cost of issuance fees and interest on the repayment are not included in the cap of \$30,000,000.
- 1000.2. The above time limitations may be extended or otherwise modified by amendment to this Redevelopment Plan in accordance with the law in effect at the time of amendment.

# ARTICLE XI

# PROCEDURE FOR AMENDMENT

# SECTION 1100 Procedure for Amendment

This Plan may be amended by means of the procedures established under the Redevelopment law, or by any other procedures hereafter established by law.

# ARTICLE XII

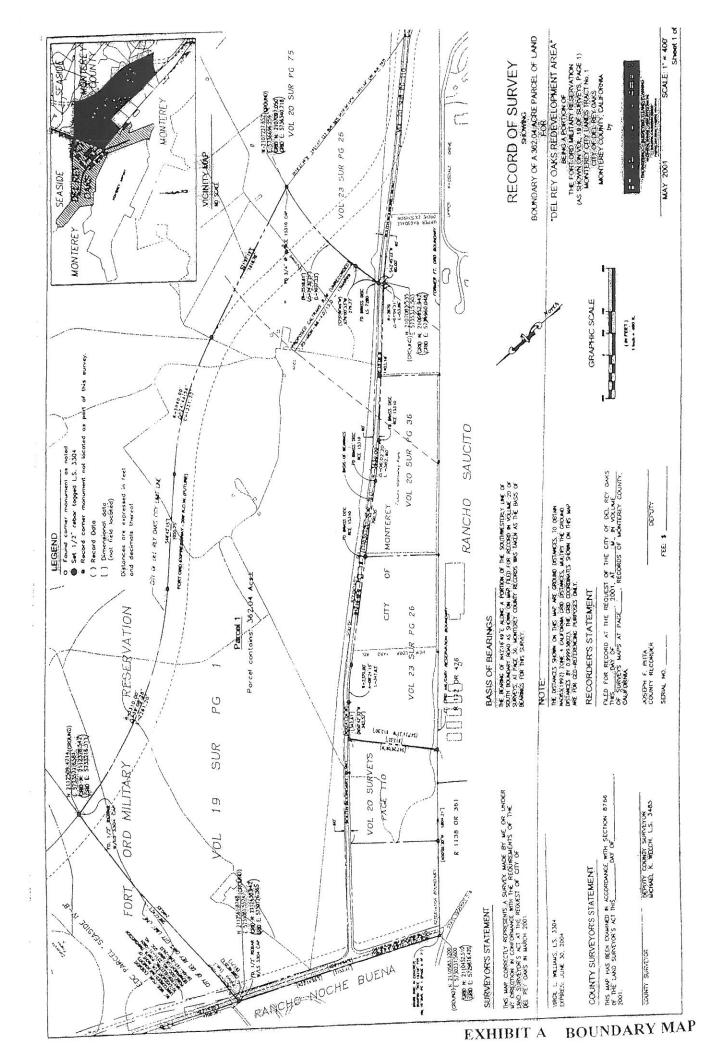
# **SEVERABILITY**

# SECTION 1200 Severability

1200.1 If any provision, section, subsection, subdivision, sentence, clause or phrase of the Plan is for any reason held to be invalid, unenforceable, or unconstitutional, such decision shall not affect the validity and effectiveness of the remaining portion or portions of the Plan.

# **EXHIBITS**

- A. BOUNDRY MAP
- B. LEGAL DESCRIPTION
- C. LAND USE MAP



# H. D. PETERS Co., Inc. and Associates

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# LEGAL DESCRIPTION

OF

# THE BOUNDARY OF 362.04 ACRE "DEL REY OAKS REDEVELOPMENT AGENCY" LANDS

All that real property situate in the City of Del Rey Oaks, County of Monterey, State of California described as follows:

A portion of land shown on that certain map entitled "Record of Survey Showing the Perimeter Boundary of Fort Ord Military Reservation" filed for record in Volume 19 of Survey Maps at Page 1, on September 7, 1994, Records of Monterey County, California, more particularly described as follows:

Beginning at the southwesterly corner of the Fort Ord Military Reservation, as shown on the aforementioned map and being the common corner to the Rancho Noche Buena, Rancho Saucito, and Monterey City lands Tract No. 1 standing at the intersection of the westerly line of General Jim Moore Boulevard (formerly North - South Road) with the northerly boundary of California State Highway Route 218 (Canyon Del Rey Road) said corner having NAD83(1992) California State Plane Zone 4, Lambert Projection "grid" coordinates of N2110452.51, E5729876.42; thence along the southerly line of the Fort Ord Military Reservation,

- (1) South 50° 05' 20" East, 1804.21 feet, thence leaving said Fort Ord Military Reservation boundary line,
- (2) North 47° 26' 06" East, 913.35 feet to said southerly line of said SouthBoundary Road (Parcel 18), as said line is shown on that certain map filed for record at Volume 20 of "Surveys", at Page 110, on January 31, 1997, Records of Monterey County, California; thence along said southerly line, the following (6) courses
- (3) South 50° 41' 04" East, 342.61 feet; thence
- (4) Southeasterly along the arc of a tangent circular curve, concave to the southwest, having a radius of 2370.00 feet, through a central angle of 8° 24' 15", for an arc distance of 347.63 feet; thence tangentially

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- (5) South 42° 16' 49" East, 1710.55 feet; thence
- (6) Southeasterly along the arc of a tangent circular curve, concave to the northeast, having a radius of 3630.00 feet, through a central angle of 6° 02' 20", for an arc distance of 382.60 feet; thence tangentially
- (7) South 48° 19' 09" East, 1403.10 feet; thence
- (8) Southeasterly along the arc of a tangent circular curve, concave to the southwest having a radius of 2870.00 feet, through a central angle of 1° 04' 31", for an arc distance of 53.86 feet; thence non-tangentially leaving said southerly line of said South Boundary Road,
- (9) North 42° 45' 22" East, a distance of 60 feet to a point on the northerly line of said South Boundary Road, said point also being the most westerly corner of Parcel "C", as said parcel is shown and so designated on the map filed for record in Volume 23 of "Surveys", at Page 26, Records of Monterey County, California, thence along the northwesterly line of said Parcel "C"
- (10) North 76° 00' 33 East, 279.77 feet; thence
- (11) Easterly along the arc of a tangent circular curve, concave to the south, having a radius of 2518.61 feet, through a central angle of 24° 30' 21", for an arc distance of 1077.23 feet to a point of cusp, said point also being the northeasterly corner of said Parcel "C"; thence non-tangentially leaving the boundary of said Parcel "C"
- (12) North 21° 57' 19" West, 1618.78 feet; thence
- (13) Northwesterly along the arc of a tangent circular curve, concave to the southwest, having a radius of 3060.00 feet, through a central angle of 24° 44′ 56″, for an arc distance of 1321.77 feet; thence tangentially

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North 46° 42' 15" West a distance of 1055.75 feet; thence

Northerly along the arc of a tangent circular curve, concave to the northeast, having a radius of 3310.00 feet, through a central angle of 39° 08' 26", for an arc distance of 2261.17 feet; thence non-tangentially

North 88° 47' 40" West, a distance of 2490.65 feet to a point on said boundary line of said Fort Ord Military Reservation; thence southwesterly along said line

South 23° 14' 55" West, a distance of 2153.41 feet to the point of beginning. containing 362.04 acres, more or less.

Prepared by:

Virgil L. Williams, L.S. 3304



Polygon 29a:	Conference Center
Office Park, Ho	tel, Business Park,
	mercial Uses, Golf
Course, Public I	acilities
Polygon 31a:	Open Space/Habitat

		Strate Country Strategy
A	LDR(R)	LOW DENSITY RESIDENTIAL (RESIDENTIAL)
	MOR(D)	MEDIUM DENSITY RESIDENTIAL - DESIGN (RESIDENTIAL - DESIGN)
N	NG(C-1)	NEIGHBORHOOD COMMERCIAL
	<b>SC</b> (C)	SERVICE COMMERCIAL (COMMERCIAL)
	GC(C-1-V)	GENERAL COMMERCIAL - VISITOR (NEIGHBORHOOD COMMERCIAL -VISITOR)
	0	OFFICE - PROFESSIONAL
	P	PUBLIC/ QUASHPUBLIC (PUBLIC)

LEGEND

BOUNDARIES

EXHIBIT C

LAND USE MAP

# **ATTACHMENTS**

PUBLIC IMPROVEMENTS

**FUTURE ROADWAYS** 

# ATTACHMENT NUMBER 1

#### CAPITAL IMPROVEMENTS

Following are the estimated public improvements to be installed in the Redevelopment Project Area. Public Improvements include street lights, traffic signals, landscaping, sidewalks, curbs, gutters, drains, and drainage systems, utility poles or other conduits, public transportation facilities, telecommunication systems, bridges, retaining and sound walls, parks, playgrounds, pedestrian walkways, bicycle lanes and trails, fire prevention systems, fire/public safety stations, libraries and other public facilities and buildings as allowed under redevelopment law. Included in the following list are improvements required as mitigation measures by the FORA certified Environmental Impact Report. The Agency may be required to pay their fair share portion of the cost of mitigation.

#### A. MAJOR ROADS AND STREETS

- 1) General Jim Moore Boulevard
- 2) South Boundary Road
- 3) East West Express Way \*
- 4) Highway 68 By Pass \*
- 5) State Highway 218
- 6) Interior Roads and Streets

# B. REGIONAL IMPROVEMENTS WHICH SERVE THE PROJECT AREA, BUT ARE LOCATED OUTSIDE THE PROJECT

- 1) State Highway One
- 2) Highway 68
- 3) Highway 156
- 4) Highway 183 (Salinas to Castroville)
- 5) Westside Bypass (US 101 to Blanco)
- 6) Del Monte Blvd.
- 7) Fremont Blvd.
- 8) Inter-Garrison Road
- 9) 2<sup>nd</sup> Ave.
- 10) 11<sup>th</sup> Street
- 11) 8<sup>th</sup> Street

# C. POTABLE /NON POTABLE WATER IMPROVEMENTS

- 1) Water Supply Wells
- 2) Disinfection Station
- 3) Booster Pumps
- 4) Water Storage Tanks/Reservoirs/with connecting lines.
- 5) Distribution Systems
- 6) Metering
- 7) Additional Water Supply (Desalination Facility)

# D. WASTEWATER COLLECTION SYSTEM & PUMP STATION

- 1) Sewage Pump and Lift Stations
- 2) Trunk Sewers and Force Mains
- 3) By Pass Lines
- 4) Interceptor Sewer
- 5) Collection systems
- 6) Outfall systems
- 7) Treatment Plant Expansion

## E. PARKS AND PLAYGROUNDS

- 1) Play Fields (baseball, soccer, etc.)
- 2) Playgrounds
- 3) Picnic Areas
- 4) Equestrian Trails and Facilities
- 5) Swimming pools/facilities
- 6) Tennis Courts
- 7) Basketball Courts
- 8) Recreation Centers
- 9) Parking
- 10) Landscaping/irrigation/paved walkways

# F. HABITAT MANAGEMENT IMPROVEMENTS

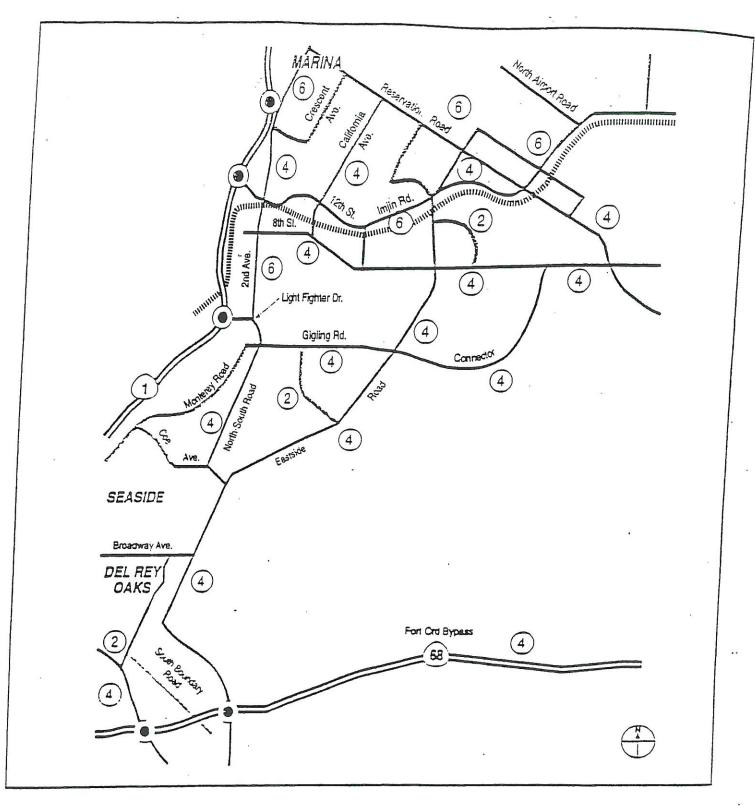
- 1) Restoration/revegetation
- 2) Fencing
- 3) Lighting
- 4) Barriers
- 5) Signage
- 6) Drainage/irregation

### G. FIRE PROTECTION

- 1) Facilities
- 2) Hydrants
- 3) Water lines

### H. COMMUNITY FACILITIES

- 1) Community Center/Library
- 2) Civic Center



· · · · T	EGENIU.
	Freeway
	Arterial
	Collector
116444111411111	Multimodal Corridor ROW
- ₫	Interchange
(I)	Number of Lanes

ATTACHMENT 2

**Buildout Transportation Network**