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RULES FOR BUSINESS TENANT PREFERENCE

AND OWNER PARTICIPATION

IN THE WEST PITTSBURG PROJECT AREA

CONTRA COSTA COUNTY REDEVELOPMENT AGENCY

I. POLICY OF THE AGENCY

The Community Redevelopment Law requires that the Contra Costa County Redevelopment Agency (the "Agency") extend reasonable preferences to persons who are engaged in business in the West Pittsburg Project Area (the "Project Area") to re-enter in business within the area if they otherwise meet the requirements of the West Pittsburg Redevelopment Plan (the "Plan"). The Community Redevelopment Law further provides that the owners of property be given the reasonable opportunity to participate in the Project provided such participation is consistent with the requirements and goals and objectives of the Plan.

It is the policy of the Agency to encourage the participation of property owners and businesses within the Project Area, as such participation is necessary if the redevelopment process is to be successful in revitalizing the proposed Project Area.

It is anticipated that the Plan to be adopted by the Contra Costa County Board of Supervisors will provide for limited acquisition of certain real property within the Project Area pursuant to those guidelines, conditions and requirements set forth in the Plan. It is the policy of the Agency to minimize acquisition if at all possible, and therefore the Agency's policy of encouraging participation of

property owners and businesses within the Project Area shall be vigorously pursued.

To that end, the Agency has established basic rules to implement business preferences and owner participation within the Project Area.

II. RULES TO IMPLEMENT PREFERENCES TO DISLOCATED BUSINESSES

A. Names and addresses of all businesses which are displaced by Agency activities within the Project Area will be maintained by the Agency to assist redevelopers in tenant selection for space within the Project Area.

B. All land disposition documents related to the Project Area shall contain a provision indicating the Agency's preference for dislocated businesses and require the redeveloper to extend reasonable preferences to dislocated businesses which desire to remain or return to the Project Area, provided that the relocated business conforms to the requirements of the Plan.

C. At such time as third party redevelopers are in a position to seek business tenants for new developments within the Project Area, the Agency shall cause notice of such space availability to be sent to all businesses relocated from the Project Area and shall offer reasonable non-financial

assistance to such businesses as may be necessary to help secure the desired relocation.

III. RULES TO IMPLEMENT OWNER PARTICIPATION

A. Development of Multiple Parcels by Master Developer

1. The Agency may determine, in its reasonable discretion, by resolution, that it is in the best interest of the Project Area that several parcels be assembled and developed by a single developer (a "master developer") as a unified development. Such determination may be made at the Agency's own direction or in response to an application by a property owner to become a master developer. Any individual or other entity may apply in writing to the Agency to become a master developer.

2. Upon determination that several parcels will be assembled and developed as a unified development, the Agency shall notify the owners of all affected parcels of such determination and shall invite the owners to submit proposals to become the master developer. In its discretion, the Agency may also invite non-owner entities to submit proposals to become the master developer.

3. In soliciting proposals, the Agency shall establish criteria for master developer selection which, in

the Agency's reasonable determination, are appropriate to the size, scope, character and quality of the envisioned development. These selection criteria may include without limitation, as appropriate: the nature and quality of the proposed development; the financial capability of the prospective master developer; the technical and professional quality of the prospective master developer development team, including architects, engineers, contractors, marketing consultants and others; and the record of experience of the prospective master developer in completing other projects of comparable size, scope and complexity.

4. The Agency shall select a master developer according to the selection criteria established pursuant to subparagraph III A 3 above based on the proposals submitted by prospective master developers. In reviewing proposals that meet the minimum standards established by the Agency for selection, the Agency shall give such preference as it deems appropriate under the circumstances to existing owners of one or more of the parcels that will be part of the unified development. If, in the Agency's reasonable determination, no proposal meets the minimum standards for selection, the Agency may reject all proposals and take such actions as it deems appropriate to solicit additional proposals, modify its concept for unified development of the affected parcels, or otherwise fulfill the objectives of the Plan and these Rules for such parcels.

5. Following selection of a master developer, the Agency and the master developer shall negotiate and execute, if possible, a master development agreement setting forth the rights and obligations of the Agency and the master developer with respect to the unified development of the affected parcels in accordance with the Plan. If a master development agreement cannot be executed within the time established by the Agency, the Agency may terminate negotiations and take such actions as it deems appropriate to negotiate with another qualified developer, solicit additional proposals, modify its concept for unified development of the affected parcels, or otherwise fulfill the objectives of the Plan and these Rules for such parcels.

6. Once the Agency has determined that several parcels are to be assembled and developed by a master developer, it may acquire such parcels if the Agency determines such acquisition is in the interest of the Project Area. The owners of property acquired by the Agency prior to selection of a master developer shall be entitled to submit a proposal for development of the several parcels that will be assembled.

B. Development of Individual Parcels by Existing Owner

Provided that the Agency does not determine, in its reasonable discretion, by resolution, that it is in the best

interest of the Project Area that a particular parcel be assembled with other parcels and developed by a master developer as part of a unified development, then that parcel may be developed by its existing owner in accordance with the rules set forth below.

1. Each parcel in the Project Area shall be considered to conform to the Plan unless and until the Agency has determined by resolution that such parcel does not conform to the Plan. A determination of non-conformance may be made by the Agency at its own direction or in response to a request for a determination regarding conformance by a property owner in the Project Area.

2. If the Agency determines a parcel does not conform to the Plan, the owner of such parcel shall be required to enter into an owner participation agreement with the Agency pursuant to the requirements of subsection III B 4 below.

3. If the Agency has made no determination of non-conformance with respect to a parcel, the owner of such parcel may continue ownership without an owner participation agreement subject to the limitations set forth in the following sentence. In the event (a) the Agency makes a subsequent determination that the parcel does not conform to the Plan, (b) the owner intends to construct any additional

improvements or substantially alter or modify existing structures on the parcel, or (c) the owner intends to acquire additional real property within the Project Area, then the Agency may require such owner to enter into an owner participation with the Agency pursuant to the requirements of subsection III B 4 below.

4. If a property owner is required to enter into an owner participation agreement with the Agency pursuant to the provisions of subsections III B 2 or III B 3 above, the Agency shall notify the property owner in writing of such a requirement. The property owner may then become an owner participant by meeting the following requirements:

(a) All participants must agree to record or permit to be recorded on their property, a declaration of restrictions which is designed to protect the future use of the land as being consistent with the Plan.

(b) Within sixty (60) days of the notification described above, the owner shall meet with Agency staff to discuss necessary requirements to bring the owner's property into conformity with the Plan.

(c) Within ninety (90) days thereafter, the owner shall submit preliminary improvement plans and a general

statement of plans for financing such improvements for review by the Agency.

(d) The Agency may reasonably extend these time periods when it is in the best interest of the Project Area to do so.

(e) Upon acceptance of the plans described in subdivision (c) above, as revised or corrected if necessary, the owner shall enter into an owner participation agreement with the Agency to assure the orderly development of the required improvement to the property.

5. If an owner who is required to enter into an owner participation agreement fails or refuses to enter into such agreement pursuant to subsection III B 4 above, or if such owner fails to perform any of the owner's obligations under an executed agreement, the owner shall, at the sole discretion of the Agency forfeit his/her rights to participation under the Plan and these Rules. In addition, failure by an owner to participate as required by the Plan and these Rules may cause the Agency to seek any and all remedies available to achieve such participation and may subject the property to acquisition by the Agency if the Agency determines that it is in the interest of the Project Area to undertake such acquisition.