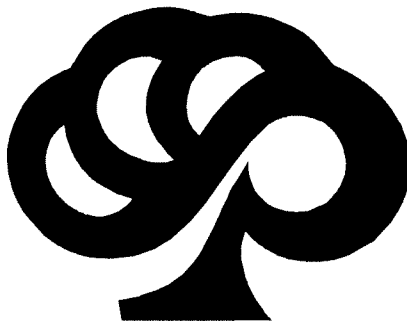


AMENDED AND RESTATED  
RULES FOR OWNER PARTICIPATION

PLEASANT HILL COMMONS AND SCHOOLYARD  
REDEVELOPMENT PROJECT AREAS



Adopted by the  
PLEASANT HILL REDEVELOPMENT AGENCY

by Resolution No. 400-92 on April 6, 1992

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I. POLICY OF THE AGENCY

The California Community Redevelopment Law (State Health & Safety Code, Section 33000 et seq.) provides that the owners of property within Redevelopment Project Areas shall be given reasonable opportunity to participate in the Project, provided such participation is in conformity with the Plan.

It is the policy of the Redevelopment Agency of the City of Pleasant Hill to encourage the participation of property owners within its Project Areas, as such is necessary if the redevelopment process is to be successful in revitalizing the Project Areas.

The Pleasant Hill Commons and Schoolyard Redevelopment Plans provide for acquisition of real property within the Project Areas pursuant to those guidelines, conditions and requirements set forth within the Plans. While it is the policy of the Agency to minimize real property acquisition, it is also the policy of the Agency that, when acquisition is undertaken, the participation of property owners within the Project Area shall be vigorously pursued.

To these ends, the Agency has established basic rules to implement owner participation within the Project Areas.

II. 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 a 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. The Agency shall give the record owners of all affected parcels ten (10) days written notice and the opportunity to be heard by the Agency prior to the proposed adoption of a resolution determining that several parcels are to be assembled and developed by 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

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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 II.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.
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.
7. If a master development agreement cannot be executed within the negotiations period established by the Agency, or if, following execution, the master development agreement is subsequently terminated prior to completion of the contemplated development, the Agency may take such actions as it deems appropriate to negotiate with another qualified developer, solicit additional proposals, modify its concept for unified development of

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the affected parcels, or otherwise fulfill the objectives of the Plan and these Rules for such parcels. Such Agency actions shall not require further solicitation of proposals from or involvement of the owners of the affected parcels.

### **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 II.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 agreement with the Agency pursuant to the requirements of subsection II.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 II.B.2 or II.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.

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- b. Within thirty (30) 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 sixty (60) 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 II.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; provided, however, that the Agency may exercise its powers of eminent domain only in the circumstances and manner otherwise authorized by the Plan.