

AMENDED AND RESTATED REDEVELOPMENT PLAN

for the:

ORMOND BEACH PROJECT AREA

Adopted by the:

OXNARD COMMUNITY DEVELOPMENT COMMISSION

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**AMENDED AND RESTATED REDEVELOPMENT PLAN
FOR THE
ORMOND BEACH PROJECT AREA**

I. [§100] INTRODUCTION

A. [§101] Scope

This is the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area in the City of Oxnard (the "City"), County of Ventura, State of California, and consists of the Text, the Project Area Map (Attachment A) the Legal Description of the Project Area Boundaries (Attachment B), the Eminent Domain Exclusions (Attachment C), the Proposed Public Projects (Attachment D), and the Redevelopment Land Use Map (Attachment E). This Amended and Restated Redevelopment Plan has been prepared by the Community Development Commission of the City of Oxnard (the "Commission" or "CDC") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.), the California Constitution and all applicable local laws and ordinances.

The original Redevelopment Plan for the Ormond Beach Project Area was adopted by Ordinance No. 1990 on November 22, 1983. It was amended by Ordinance 2346 on November 8, 1994, and Ordinance No. 2480 on January 12, 1999, to impose various operative dates and financial limits in compliance with Community Redevelopment Law. This Amended and Restated Redevelopment Plan was adopted by Ordinance No. 2527 on July 18, 2000 and revises various deadlines and financial limits, as provided in Community Redevelopment Law, and incorporates textual changes to reflect current law.

B. [§102] Definitions

Except where otherwise noted, the definitions appearing in this Section apply throughout this Plan.

1. [§103] "Community Redevelopment Law" or "CRL"

The term "Community Redevelopment Law" means and includes the provisions set forth in California Health and Safety Code Sections 33000 et.seq. Except as otherwise noted, the definitions of general terms which are contained in the Community Redevelopment Law ("CRL") govern the construction of this Plan.

2. [§104] "Redevelopment Plan" or "Plan"

"Redevelopment Plan" means the Amended and Restated Redevelopment Plan for the Ormond Beach Project Area adopted on July 18, 2000, by

City Council Ordinance No. 2527. The Amended and Restated Redevelopment Plan is hereafter referred to as "Redevelopment Plan" or "Plan."

3. [§105] "Project Area"

The term "Project Area" means and includes the area shown on the "Project Area Map" (Attachment A) and described in the "Legal Description of the Project Area Boundaries" (Attachment B).

C. [§106] Authority

The CDC is constituted under the authority of Section 34110 et seq. of the California Health and Safety Code. By Ordinance No. 2358 adopted on February 7, 1995, the City Council of the City of Oxnard is designated as the CDC for purposes of administering redevelopment and community development functions as are from time to time designated by the legislative body. This Plan provides the CDC with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Project Area. Because of the long-term nature of this Plan and the need to retain in the CDC the flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or select from among possible specific projects for the redevelopment, rehabilitation and revitalization of any area within the Project Area, nor does this Plan present an exhaustive list of potential programs and implementing actions that may be used to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established and specific solutions will be proposed, and by which tools are provided to the CDC to fashion, develop and proceed with such specific plans, projects and solutions.

D. [§107] General Plan Consistency

The proposed redevelopment of the Project Area is consistent with the General Plan for the City of Oxnard adopted by the City Council of the City of Oxnard (the "City Council") as it exists as of the date of adoption of this Plan. In the event of any conflict between the provisions of the Plan and the provisions of the City's General Plan, the General Plan shall control.

E. [§108] Project Area Goals and Objectives

The Redevelopment Plan provides a mechanism by which the CDC can utilize a range of projects and programs and work with residents, businesses and property owners, to alleviate the blighted conditions that exist in the Project Area. The following goals and objectives have been identified for the Project Area and the Community to attain the purposes of the CRL.

1. Establish, by effective use of the redevelopment process, a planning and implementation framework that will ensure proper, long-term development of identified blighted areas.

2. Eliminate and prevent the spread of blight and deterioration, and the conservation and rehabilitation of the Project Area in accordance with the City's General Plan, applicable Specific Plans, and other local codes and ordinances.

3. Re-plan, redesign, and redevelop underdeveloped or poorly developed areas that are underutilized or improperly utilized.

4. Strengthen the economic base of the Project Area by redevelopment and rehabilitation of structures and the installation of needed improvements.

5. Promote private sector investment within the Project Area.

6. Provide, through economic growth, for increased sales tax revenue, business licensee fees, and other fees, taxes and revenues to the City of Oxnard.

7. Eliminate or mitigate certain environmental deficiencies such as insufficient off-street and on-street parking, storm water drainage, and other similar public improvements, facilities and utility deficiencies that adversely affect the Project Area.

8. Create local job opportunities and preserve the existing employment base.

9. Preserve and rehabilitate existing low- and moderate-income housing.

10. Provide, by rehabilitation or new construction, improved housing for individuals and/or families of very-low, low or moderate incomes.

II. [§200] DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area are shown on the "Project Area Map," attached hereto as Attachment A, and described in the "Legal Description of the Project Area Boundary," attached hereto as Attachment B and incorporated herein by reference.

III. [§300] PROPOSED REDEVELOPMENT ACTIONS

A. [§301] General

The CDC proposes to eliminate and prevent the spread of blight and deterioration in the Project Area and to accomplish the goals of this Plan as set forth in Section 108 by:

1. The acquisition of property;
2. The demolition or removal of certain buildings and improvements;
5. The provision for participation by owners of property in the Project Area and the extension of preferences to business occupants desiring to reestablish within the redeveloped portions of the Project Area;
6. The management of any property under the ownership and control of the CDC;
7. The provision of relocation assistance to displaced occupants of acquired property;
8. The installation, construction or reconstruction of streets, utilities and other public facilities and improvements;
9. The disposition of property for uses in accordance with this Plan;
10. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
11. The rehabilitation of structures and improvements by present owners, their successors and the CDC;
12. Assisting in the construction, improvement and preservation of affordable housing;
13. The assembly of adequate sites for the development and construction of industrial, retail, residential, and commercial facilities, and the resulting increase in employment opportunities; and
14. Other actions as appropriate.

In the accomplishment of these purposes and activities, and in the implementation and furtherance of this Plan, the CDC is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

B. [§302] Participation Opportunities and Extension of Preferences for Reentry Within Redeveloped Project Area

1. [§303] Owner Participation Rules

In accordance with this Plan and the rules for owner participation adopted by the CDC pursuant to this Plan and the CRL, persons who are owners of real property in the Project Area shall be given the opportunity to participate in redevelopment by rehabilitation, retention of improvements, or new development, by retaining all or a portion of their properties, acquiring and developing adjacent or other properties in the Project Area, or selling their properties to the CDC and purchasing and developing other properties in the Project Area.

If conflicts develop between the desires of participants for particular sites or land uses, the CDC is authorized to establish reasonable priorities and preferences among the participants.

In accordance with this Plan and the rules for preferences for business occupants to re-enter redeveloped areas within the Project Area, adopted by the CDC pursuant to this Plan and the CRL, the CDC shall extend reasonable preferences to persons who are engaged in business in the Project Area to re-enter in business within the redeveloped area if they otherwise meet the requirements prescribed by the Plan.

2. [§304] Owner Participation Agreements

The CDC may require that, as a condition to participating in redevelopment, each participant who has submitted an acceptable proposal to the CDC shall enter into a binding agreement with the CDC by which the participant agrees to rehabilitate, develop or use and maintain 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 to make the provisions of this Plan applicable to their properties.

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

In the event a participant fails or refuses to maintain, or rehabilitate or newly develop their real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the CDC.

C. [§305] Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the redevelopment of the Project Area. The CDC 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 CDC, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The CDC, however, will seek the cooperation of all public bodies, which own or intend to acquire property in the Project Area. Any public body, which owns or leases property in the Project Areas, will be afforded all the privileges of owner participation if such public body is willing to enter into a participation agreement with the CDC.

The CDC is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures or other improvements within or without the Project Areas, which land, buildings, facilities, structures or other improvements are or would be of benefit to the Project Area.

D. [§306] Property Acquisition

1. [§307] Real Property

Except as specifically exempted herein, the CDC may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law. The CDC shall not acquire, by eminent domain, any property on which any persons reside.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the CDC to acquire real property in the Project Areas which cannot feasibly be acquired by gift, devise, exchange, purchase or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the City Council ordinance adopting this Amended and Restated Redevelopment Plan becomes effective.

The CDC is authorized to acquire structures without acquiring the land upon which those structures are located. The CDC is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The CDC shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of this Plan, and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this Plan.

The CDC is not authorized to acquire real property owned by public bodies that do not consent to such acquisition. The CDC is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed.

The CDC is not authorized to acquire real property by eminent domain for those properties that conform to this Plan and for which a Certificate of Conformance has been issued prior to adoption of this Plan. Properties for which a Certificate of Conformance has been issued are listed in the "Eminent Domain Exclusions," attached hereto as Attachment C, incorporated by reference herein. The exclusion from eminent domain shall continue so long as the qualifying property continues to conform to this Plan and such further terms and conditions as the CDC may require as necessary or appropriate to carry out this Plan.

2. [\$308] Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the CDC is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain, except as to those properties for which a Certificate of Conformance has been issued pursuant to Section 305.

E. [\$309] Property Management

During such time as property, if any, in the Project Area is owned by the CDC, such property may be under the management and control of the CDC. Such property may be rented or leased by the CDC pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the CDC may adopt.

F. [\$310] Payments to Taxing Agencies

In accordance with Section 33401 of the CRL, in any year during which it owns property in the Project Area, the CDC is authorized, but not required, to 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.

G. [\$311] Relocation of Persons (including Individuals and Families),
Business Concerns and Others Displaced by CDC Undertakings

1. [\$312] Assistance in Finding Other Locations

In order to carry out the redevelopment of the Project Area with a minimum of hardship to persons (including individuals and families), business concerns and others, if any, displaced from their respective places of residence or business by

the CDC, the CDC, to the extent required by law, shall assist such persons (including individuals and families), business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations and otherwise suitable to their respective needs. The CDC may also provide housing inside or outside the Project Area for displaced persons.

2. [§313] Relocation Payments

The CDC shall make relocation payments to persons (including individuals and families), business concerns and others displaced by the CDC for moving expenses and direct losses of personal property and additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Section 7260 et seq.) and CDC rules and regulations adopted pursuant thereto. The CDC may make such other payments as may be appropriate and for which funds are available.

H. [§314] Demolition, Clearance, and Building and Site Preparation

1. [§315] Demolition and Clearance

The CDC is authorized to demolish and clear buildings, structures and other improvements from any real property acquired.

2. [§316] Preparation of Building Sites

The CDC is authorized to prepare, or cause to be prepared, as building sites, any real property in the Project Area owned or acquired by the CDC. In connection therewith, the CDC may cause, provide for or undertake the installation or construction of streets, utilities, parks, playgrounds and other public improvements necessary to carry out this Plan. The CDC is also authorized to construct foundations, platforms and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial and other uses provided in this Plan.

I. [§317] Property Disposition and Development

1. [§318] Real Property Disposition and Development

a. [§319] General

For the purposes of this Plan, the CDC 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 CDC is authorized to dispose of real property by negotiated lease, sale or transfer without public bidding. Property acquired by the CDC for rehabilitation and resale shall be offered for resale within one (1) year after completion of rehabilitation or

an annual report concerning such property shall be published by the CDC as required by law.

Real property acquired by the CDC may be conveyed by the CDC without charge to the City and, where beneficial to the Project Area, without charge to any public body. All real property acquired by the CDC in the Project Area, except property conveyed by the CDC to the City or any other public body, shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

All purchasers or lessees of property acquired from the CDC 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 CDC fixes as reasonable, and to comply with other conditions which the CDC deems necessary to carry out the purposes of this Plan.

b. [§320] Disposition and Development Documents

The CDC shall reserve such powers and controls in the disposition and development documents as may be appropriate to assure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements and declarations of restrictions of the CDC may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the CDC, such documents, or portions thereof, shall be recorded in the office of the Recorder of the County.

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, religion, sex, marital status, national origin or ancestry 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 expressly subject by appropriate documents to the restriction that all deeds, leases or contracts for the sale, lease, sublease or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as required by law, including, but not limited to the clauses required by Section 33436 of the CRL.

c. [§321] Development by the CDC

To the extent now or hereafter permitted by law, the CDC is authorized to 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 that the buildings, facilities, structures, or other improvements are of benefit to the

Project Area or the immediate neighborhood in which the Project is located, and that no other reasonable means of financing such buildings, facilities, structures, or other improvements are available, and that the payment of funds involved will assist in the elimination of one or more blighting conditions inside the Project Area. The CDC 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 CDC under such contract, lease or agreement shall constitute an indebtedness of the CDC which may be made payable out of the taxes levied in the Project Area and allocated to the CDC under subdivision (b) of Section 33670 of the Redevelopment Law and under Section 500 of this Plan, or out of any other available funds. Payment for the acquisition of property and installation or construction of each facility referred to in the "Proposed Public Projects," attached hereto as Attachment D and incorporated herein by reference, is provided for in this Plan.

d. [\$322] Development Plans

All development in the Project Area must conform to this Plan and the applicable City and County design review standards.

2. [\$323] Personal Property Disposition

For the purposes of this Plan, the CDC is authorized to lease, sell, exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property which is acquired by the CDC.

J. [\$324] Rehabilitation, Conservation and Moving of Structures

1. [\$325] Rehabilitation and Conservation

The CDC is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the CDC. The CDC is also authorized and directed to advise, encourage and assist in the rehabilitation and conservation of property in the Project Area not owned by the CDC. The CDC is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

2. [\$326] Moving of Structures

As necessary in carrying out this Plan, the CDC 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.

K. §327 Low- and Moderate-Income Housing

1. §328 Replacement Housing

In accordance with Section 33413 of the CRL, whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of a redevelopment project that is subject to a written agreement with the CDC or where financial assistance has been provided by the CDC, the CDC shall, within four (4) years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units at affordable rents within the Project Areas or within the territorial jurisdiction of the CDC in accordance with all of the provisions of Sections 33413 and 33413.5 of said CRL. At least seventy-five percent (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing cost in the same income level of very low income households, lower income households, and persons and families of low and moderate income, as the persons displaced from those destroyed or removed units.

2. §329 Increased and Improved Housing Supply

Subject to any limitations and exceptions authorized by law and exercised by the CDC, not less than twenty percent (20%) of all taxes which are allocated to the CDC pursuant to subdivision (b) of Section 33670 of the CRL and Section 502 of this Plan shall be used by the CDC for the purposes of increasing, improving and preserving the City's supply of housing for persons and families of very low, low or moderate income. In carrying out this purpose, the CDC may exercise any or all of its powers, including but not limited to the following:

- a. Acquire land or building sites;
- e. Improve land or building sites with on-site or off-site improvements;
- f. Donate land to private or public persons or entities,
- g. Finance insurance premiums pursuant to Health and Safety Code Section 33136;
- h. Construct buildings or structures;
- i. Acquire buildings or structures;
- j. Rehabilitate buildings or structures;

k. Provide subsidies to or for the benefit of persons or families of very low, low or moderate income;

l. Develop plans, pay principal and interest on bonds, loans, advances or other indebtedness or pay financing or carrying charges;

m. Maintain the community's supply of mobile homes; and

k. Preserve the availability of affordable housing units which are assisted or subsidized by public entities and which are threatened with conversion to market rate housing units.

The CDC may use these funds to meet, in whole or in part, the replacement housing provisions in Section 330 above. These funds may be used inside or outside the Project Area provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project Area are made as required by Section 33334.2 of the CRL.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used. Any interest earned by such Low and Moderate Income Housing Fund shall accrue to the Fund.

3. [\$330] Inclusionary Housing

To the extent and in the manner provided by the CRL, at least thirty percent (30%) of all new and substantially rehabilitated dwelling units developed by the CDC, if any, shall be available at affordable housing cost to persons and families of low or moderate income. Not less than fifty percent (50%) of the dwelling units required to be available at affordable housing cost to persons and families of low or moderate income shall be available at affordable housing costs to, and occupied by, very low income households.

To the extent and in the manner provided by the CRL, at least fifteen percent (15%) of all new or rehabilitated dwelling units developed with the Constituent Project Areas by public or private entities or persons other than the CDC shall be available at affordable housing cost to persons and families of low or moderate income. Not less than forty percent (40%) of the dwelling units required to be available at affordable housing cost to persons and families of low or moderate income shall be available at affordable housing cost to very low-income households.

4. [\$331] Affordability Covenants

The aggregate number of replacement dwelling units and other dwelling units rehabilitated, developed, constructed, or price-restricted pursuant to Sections 326 and 328 shall remain available at affordable housing cost to persons and families of low or moderate income and very low income households for the longest

feasible time, as determined by the CDC, but for not less than the periods set forth in Section 800 for the duration of this Plan, except to the extent a longer period of time is required by other provisions of law.

All new or substantially rehabilitated housing units developed or otherwise assisted with moneys from the Low and Moderate Income Housing Fund pursuant to Section 327 shall remain available at affordable housing cost to persons and families of low or moderate income and very low income households for the longest feasible time, except to the extent a longer period of time may be required by other provisions of law, for a minimum of fifteen (15) years for rental units and a minimum of ten (10) years for owner-occupied units. However, the CDC may replace rental units with equally affordable and comparable rental units in another location with the City of Oxnard if: (i) the replacement units are available for occupancy prior to the displacement of any persons and families of low or moderate income residing in the units to be replaced; and (ii) the comparable replacement units are not developed with money's from the Low and Moderate Income Housing Fund. Furthermore, the CDC may permit sales of owner-occupied units prior to the expiration of the ten-year period pursuant to an adopted program which protects the CDC's investment of moneys from the Low and Moderate Income Housing Fund, including, but not limited to, an equity sharing program which establishes a schedule of equity sharing the permits retention by the seller of a portion of those proceeds based on the length of occupancy.

IV. [§400] LAND USES PERMITTED IN THE PROJECT AREA

A. [§401] Redevelopment Land Use Map

The "Redevelopment Land Use Map," attached hereto as Attachment E and incorporated herein by reference illustrates the location of the Project Area boundaries, major streets within the Project Area and the proposed land uses to be permitted in the Project Area for all land -- public, semi-public and private. The City will from time to time update and revise its General Plan. It is the intention of this Redevelopment Plan that the major and other land uses to be permitted within the Project Area shall be as provided within the City's General Plan, as it currently exists or as it may from time to time be amended, and as implemented and applied by City ordinances, resolutions and other laws. The major land uses authorized within the Project Area by the General Plan are described below. Other uses may be authorized from time to time by General Plan amendments. Attachment E shall be deemed amended without further CDC action to reflect changes in the City's General Plan from time to time.

B. §402 Designated Land Uses

1. §403 Residential Uses

The areas shown on the Redevelopment Land Use Map (Attachment E) for residential uses which are located in the Project Area shall be used for the permitted residential uses set forth and described in the City's General Plan.

2. §404 Commercial Uses

The areas shown on the Redevelopment Land Use Map (Attachment E) for commercial uses which are located in the Project Area shall be used for the permitted commercial uses set forth and described in the City's General Plan.

3. §405 Industrial Uses

The areas shown on the Redevelopment Land Use Map (Attachment E) for industrial uses which are located in the Project Area shall be used for the permitted industrial uses set forth and described in the City's General Plan.

4. §406 Open Space Uses

The areas shown on the Redevelopment Land Use Map (Attachment E) for open space uses which are located in the Project Area shall be used for the permitted open space uses set forth and described in the City's General Plan.

5. §407 Public/Semi-Public Uses

The areas shown on the Redevelopment Land Use Map (Attachment E) for public/semi-public uses which are located in the Project Area shall be used for the permitted public facilities uses set forth and described in the City's General Plan.

6. §408 Airport Compatible Use

The areas shown on the Redevelopment Land Use Map (Attachment E) for airport compatible uses which are located in the Project Area shall be used for the permitted industrial or commercial uses set forth and described in the City's General Plan.

7. §409 School Uses

The areas shown on the Redevelopment Land Use, Map (Attachment E) for schools which are located in the Project Area shall be used for the permitted uses set forth and described in the City's General Plan.

8. [\$410] Open Space

The areas shown on the Redevelopment Land Use Map (Attachment E) for open space uses which are located in the Project Area shall be used for the permitted industrial or open space uses set forth and described in the City's General Plan.

9. [\$41 1] Mixed Uses

The areas shown on the Redevelopment Land Use Map (Attachment No. 3) for mixed uses which are located in the City shall be used for the permitted uses set forth and described in the City's General Plan.

C. [\$412] Other Land Uses

1. [\$413] Public Rights-of-Way

The principal streets within each Project Area are shown on the Project Area Map in Attachment A. Additional public streets, alleys and easements may be created in the Project Area as needed for proper development. Existing streets, alleys and easements may be abandoned, closed or modified as necessary for proper redevelopment of the Project Area. Any changes in the existing interior or exterior street layout shall be in accordance with the City's General Plan, the objectives of this Plan and the applicable City's design standards, shall be effectuated in the manner prescribed by state and local law and shall be guided by the following criteria:

a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners under the rules for owner participation adopted by the CDC for the Project Area and any participation agreements executed thereunder;

b. The requirements imposed by such factors as topography, traffic safety and aesthetics; and

c. The potential need to serve not only the Project Area and new or existing developments but to also serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way.

2. §414 Other Public, Semi-Public, Institutional and Nonprofit Uses

In any area shown on the Redevelopment Land Use Map (Attachment E), the CDC is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, railroad rights-of-way and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The CDC, to the extent permitted by law, may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

3. §415 Interim Uses

Pending the ultimate development of land by developers and participants, the CDC is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan.

4. §416 Non-Conforming Uses

The CDC may permit an existing use to remain in an existing building in good condition which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property may be required to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The CDC may authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the CDC, such improvements would be compatible with surrounding Project uses and development.

D. §417 General Controls and Limitations

All real property in the Project Area is made subject to the controls and requirements of this Plan in addition to applicable City controls and requirements. No real property shall be developed, rehabilitated or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

1. §418 Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable

codes, ordinances or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the CDC to control and direct redevelopment activities in the Project Area.

2. [\$419] Rehabilitation and Retention of Properties

Any existing structure within the Project Area approved by the CDC for retention and rehabilitation shall be repaired, altered, reconstructed or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

3. [\$420] Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed the number of buildings permitted within such area under the City's General Plan.

4. [\$421] Number of Dwelling Units

There are no known dwelling units presently in the Project Area. Dwelling units shall not exceed the number of dwelling units permitted under the City's General Plan.

5. [\$422] Limitation on Type, Size and Height of Buildings

Except as set forth in other sections of this Plan, the type, size and height of buildings shall be as limited by applicable federal, state and local statutes, ordinances and regulations.

6. [\$423] Open Spaces, Landscaping, Light, Air and Privacy

The approximate amount of open space to be provided in the Project Areas is the total of all areas, which will be in the public rights-of-way, the public ground, the space around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

Sufficient space shall be maintained between buildings in all areas to provide adequate light, air and privacy.

7. [\$424] Signs

All signs shall conform to the applicable City sign ordinances as they now exist or are hereafter amended.

8. [\$425] Utilities

The CDC shall require that all utilities be placed underground whenever physically and economically feasible.

9. [\$426] Incompatible Uses

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

10. [\$427] Non-Discrimination and Non-Segregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area.

11. [\$428] Minor Variations

Under exceptional circumstances, the CDC is authorized to permit a variation from the limits, restrictions and controls established by this Plan. In order to permit such variation, the CDC must determine that:

a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;

b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property that 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 area; and

d. Permitting a variation will not be contrary to the objectives of this Plan or of the applicable General Plan of the City.

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 variation, the CDC shall impose such conditions as are necessary to protect the public peace, health, safety or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the CDC hereunder shall not supersede any other approval required under applicable City codes and ordinances.

E. [\$429] Design for Development

Within the limits, restrictions and controls established in this Plan, the CDC is authorized to establish heights of buildings, land coverage, setback 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 Areas.

No new improvement shall be constructed, and no existing improvements shall be substantially modified, altered, repaired or rehabilitated except in accordance with this Plan and any such controls.

F. [\$430] Building Permits

No permit shall be issued for the construction of any new building or for any construction of an existing building in the Project Area unless the application for such permit has been made and processed in a manner consistent with all applicable City requirements.

V. **[\$500] FINANCING PLAN**

A. [\$501] General Description of the Proposed Financing Method

The CDC is authorized to finance redevelopment of the Project Area with financial assistance from the City, County, State of California, federal government, tax increment funds, interest income, CDC bonds, donations, loans from private financial institutions, the lease or sale of CDC-owned property or any other available source, public or private.

The CDC is also 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 CDC. Advances and loans for survey and planning and for the operating capital for administration of the Project may be provided by the City until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances and loans and to permit borrowing adequate working capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City, County or any other public CDC may expend money to assist the CDC in carrying out redevelopment of the Project Area. As available, funds from the City's capital improvements program derived from gas tax funds from the state and county may be used for street improvements and public transit facilities.

The CDC may enter into joint powers authorities and other mechanisms for cooperative development of public facilities or arrange for other public entities to provide those facilities.

B. [\$502] Tax Increment Funds

1. [\$503] Base Allocation

In substance, the interest and principal on CDC bonds, as well as any other loans, monies advanced to, or indebtedness incurred by the CDC to finance or refinance, in whole or in part, the project will be paid by the increase in tax revenues which will be realized because of the redevelopment of the project area. Accordingly, pursuant to the provisions of Chapter 6, Article 5 and 6 of the CRL, the taxes, if any, levied upon taxable property in the project each year by or for the benefit of the State of California, and city, county, city and county, district, or other public corporation (herein sometimes called "taxing agencies") after the effective date of the ordinance approving the original Redevelopment Plan, shall be divided 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 said 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 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 are paid (for the purpose of allocating taxes levied by or for said taxing agency or agencies which did not include the territory in a redevelopment project 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 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. 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 CDC to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such agency to finance or refinance, in whole or in part, the 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 the project as shown by the last equalized assessment roll referred to in Paragraph A hereof, all of the taxes levied and collected upon the taxable property in such 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 into the funds of the respective taxing agencies.

c. In any redevelopment project in which taxes have been divided pursuant to this section prior to 1968, located within any county with total assessed valuation subject to general property taxes for the Fiscal year 1967-1968 between two billion dollars (\$2,000,000,000) and two billion one hundred million dollars (\$2,100,000,000) if the total assessed valuation of taxable property within the redevelopment project for the fiscal year 1967-1968 was reduced, the total sum of the assessed value of taxable property used as the basis for apportionment of taxes under subdivision (a) shall be reduced by 10 percent for the fiscal year 1968-1969 and fiscal years thereafter.

2. [\$504] Distribution to Affected Taxing Entities

To the extent required by applicable law, the CDC shall make the required payments to affected taxing entities.

C. [\$505] Limitation on Taxes

The amount of tax which may be divided and allocated to the CDC from the Ormond Beach Project Area shall not exceed \$343,200,000.

D. [\$506] Establishment and Payment of Debt

All loans, advances, and indebtedness to finance the project in whole or part shall be established by January 1, 2014. No indebtedness to finance, in whole or in part, the implementation of the Plan in the Project Area and which is to be repaid from the division and allocation of taxes to the CDC shall be repaid with such taxes beyond 50 years from the date of adoption of the original Redevelopment Plan by the City Council, or November 21, 2033.

E. [\$507] Limit on Bond Indebtedness

The amount of bond indebtedness which may be outstanding at one time shall not exceed \$148,600,000.

F. [\$508] Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the United States, the State of California or any other public or private source may be utilized if available.

VI. [\$600] ACTIONS BY THE CITY

The City shall aid and cooperate with the CDC in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this

Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to, the following:

A. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way 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 the requirement of abandonment, removal and relocation by the public utility companies of their operations of public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal and relocation to be borne by others than those legally required to bear such cost.

B. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned public utilities within or affecting the Project Area.

C. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.

D. 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.

E. Provision for administrative enforcement of this Plan by the City after development.

F. Performance of the above actions and of all other functions and services relating to public peace, health, safety and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

G. The undertaking and completing of any other proceedings necessary to carry out the Plan in the Project Area.

The foregoing actions to be taken by the City do not involve or constitute any commitment for financial outlays by the City.

VII. [§700] ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the CDC and/or the City.

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 CDC or the City. Such

remedies may include, but are not limited to, specific performance, damages, reentry, 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 Areas, may be enforced by such owners.

VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and non-segregation 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 the period ending 40 years from the date of adoption of the original Redevelopment Plan, or November 21, 2023. After the time limit on the effectiveness of the Redevelopment Plan, the CDC shall have no authority to act pursuant to the Redevelopment Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the CDC has not completed its housing obligations pursuant to Section 33413 of the CRL, in which case the CDC shall retain its authority to implement requirements under Section 33413, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as is reasonably possible.

IX. [§900] PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in the CRL or by any other procedure hereafter established by law.

**ATTACHMENT A
PROJECT AREA MAP**

**ATTACHMENT B
PROJECT AREA
BOUNDARY DESCRIPTION**

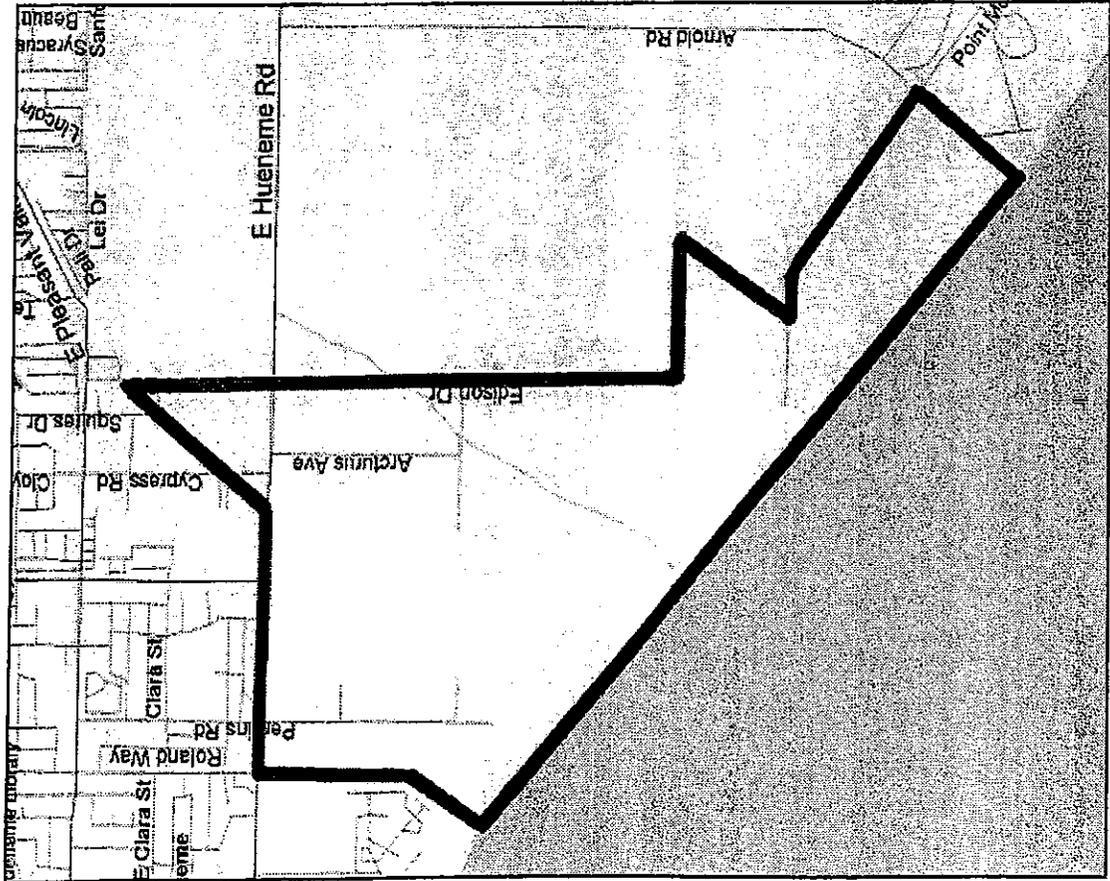
ATTACHMENT B ORMOND BEACH REDEVELOPMENT PROJECT

Legal Description

A portion of subdivision 76, 80, 81, 83, 84 and 85 of the Rancho El Rio De Santa Clara O La Colonia, as delineated on a map filed at the office of the County Clerk of Ventura County, State of California, in an action entitled "Thomas A. Scott, et al., Plaintiffs, vs. Rafael Gonzales, et al., Defendants," and more particularly described as follows:

Beginning at the intersection of a point 500 feet beyond the ordinary high tide line of the Pacific Ocean with the southwesterly prolongation of the northwesterly line of a strip of land 70.50 feet wide described in the Deed of the City of Oxnard to Ventura Flood Control District recorded in the office of the County Recorder of Ventura County, in Book 1482, Page 113, of Official Records; thence, along said northwesterly prolongation, and westerly line for the first three courses,

- 1st: North $34^{\circ} - 58'$ - $30''$ East 2,081 feet to a tangent curve concave to the northwest and having a radius of 582.32 feet and a delta of $35^{\circ} - 00' - 00''$; thence, along said course
- 2nd: Northeasterly, Northerly 356 feet to a tangent line; thence, along said tangent line,
- 3rd: North $00^{\circ} - 01'$ - $30''$ West 1,484 feet to the north boundary of Hueneme Road (100 feet wide); thence, along said north boundary,
- 4th: East 2,564 feet to the easterly line of Saviers Road (100 feet wide); thence, along said easterly line,
- 5th: South 25 feet to the northerly line of Hueneme Road (50 feet wide); thence, along said northerly line,
- 6th: East 979 feet to the northwesterly line of Ventura County Railway Company (50 feet wide); thence, along said northwesterly line for the next five courses,
- 7th: North $42^{\circ} - 20'$ East 840 feet more or less to a tangent curve concave to the southeast having a radius of 2,889.40 feet and a delta of $07^{\circ} - 16' - 25''$; thence, along said curve
- 8th: Northeasterly, 367 feet to a tangent line; thence, along said tangent line,
- 9th: North $49^{\circ} - 36' - 25''$ East 1,675 feet to a tangent curve concave to the northwest having a radius of 1,110.85 feet and a delta of $30^{\circ} - 16' - 25''$; thence, along said curve
- 10th: Northeasterly 587 feet to a tangent line; thence, along said tangent,



ATTACHMENT B (Continued) ORMOND BEACH REDEVELOPMENT PROJECT

Legal Description

11th: North 19° - 20' East 61 feet to the west line of property 30 feet wide called "Shoestring to the Pacific Ocean," recorded in Book 787, Page 149, of said County; thence, along said west line,

12th: South 2,565 feet to the south boundary of said Hueneme Road (50 feet wide); thence, along said south boundary;

13th: South 89° - 54' - 00" East 330 feet to the northeast property corner recorded in Book 3233, Page 19, of said County; thence, along the east line of said Book 3233, Page 19,

14th: South 00° - 01' - 00" East 2,614.92 feet to the southeast property corner of said Book 3233, Page 19; thence, along the south line of said Book 3233, Page 19,

15th: North 89° - 54' - 00" West 300.00 feet to the northeast corner of Lot 6, of said subdivision 84; thence, along the east line of said Lot 6,

16th: South 00° - 00' - 45" East 2,645.13 feet to the southeast corner of said Lot 6; also being the southwest corner of Lot 5, of said subdivision 84; thence, along the south line of said Lot 5,

17th: South 89° - 57' - 30" East 1,853.24 feet to the easterly end of the 7th course of Annexation No. 61-3 to the City of Oxnard recorded as Document No. 25610 recorded on June 16, 1961; thence, along the boundary of said Annexation No. 61-3 for the next six courses,

18th: South 13° - 31' - 30" West 1,286.20 feet; thence,

19th: South 02° - 04' - 30" West 1,292.60 feet; thence,

20th: South 16° - 35' - 23" East 104.30 feet; thence,

21st: South 89° - 56' - 30" East 513.25 feet; thence,

22nd: South 53° - 42' - 30" East 1,511.81 feet to the southeasterly line of Arnold Road (60 feet wide); thence, along said southeasterly line,

23rd: South 40° - 10' - 30" West 2,512 feet to a point 500 feet beyond the line of ordinary high tide of the Pacific Ocean; thence, along said line 500 feet from the ordinary tide line,

24th: Northwesterly to the Point of Beginning, and containing 1,334 acres.

**ATTACHMENT C
PROJECT EMINENT
DOMAIN EXCLUSIONS**

ATTACHMENT C EMINENT DOMAIN EXCLUSIONS

<p>Navarro Farms, Inc. Attn: Jack Ota, President 5655 Arcturus P.O. Box 1268 Oxnard, CA 93032 (805) 488-6488</p>	<p>Kimtruss Corporation Attn: Lee Miller 5851 Arcturus Oxnard, CA 93033 (805) 488-0873</p>	<p>Halliburton Company Attn: Sam Wiley, District Manager 5800 Perkins Road Oxnard, CA 93033</p>
<p>Western Kraft Paper Group Attn: Robert Sagnay 5936 Perkins Road Oxnard, CA 93033 (805) 986-3881</p>	<p>Southern California Edison Generating Plant Attn: Mike Montoya, Regional Manager</p>	<p>Arco Oil and Gas Company Attn: R.T. Sproul, Material Operations Manager 5901 Arcturus Oxnard, CA 93033 (805) 986-1706</p>
<p>Exxon Company Production Warehouse 5901 Arcturus Oxnard, CA 93033</p>	<p>Offshore Crane and Service Company, Inc. Attn: Ed Walker 5851 Arcturus Oxnard, CA 93033 (805) 488-4475</p>	<p>Koppers Company, Inc. Attn: Mr. Fahnoe, Plant Manager 5980 Arcturus Oxnard, CA 93033 (805) 488-0831</p>
<p>Diamond Shamrock Chemical Company Attn: Roger Newton, Plant Manager 6000 Arcturus Oxnard, CA 93033 (805) 488-4461</p>	<p>Arcturus Manufacturing Corporation Attn: J.M. Sheehan, President 6001 Arcturus P.O. Box 2829 Oxnard, CA 93033 (805) 488-4481</p>	<p>Kaiser Aluminum and Chemical Sales, Inc. Attn: John Ball, Plant Manager 1001 McWane Boulevard Oxnard, CA 93033 (805) 488-4401</p>
<p>Pennington Manufacturing Attn: Wes Pennington, Owner 5901 South Edison Drive Oxnard, CA 93033 (805) 659-0421</p>		

**ATTACHMENT D
PROPOSED
PUBLIC PROJECTS**

ATTACHMENT D

PROPOSED PUBLIC PROJECTS

Resource Enhancement and Protection: Facilitate restoration, maintenance and protection of sensitive coastal resources including wetlands, dunes and beach access.

Visitor-Serving Development: Establish coordinated and harmonious land use patterns that attract and encourage tourist and visitor serving activities while protecting sensitive coastal resources. Potential projects include hotel-resort, interpretative center, golf course and pier/boardwalk.

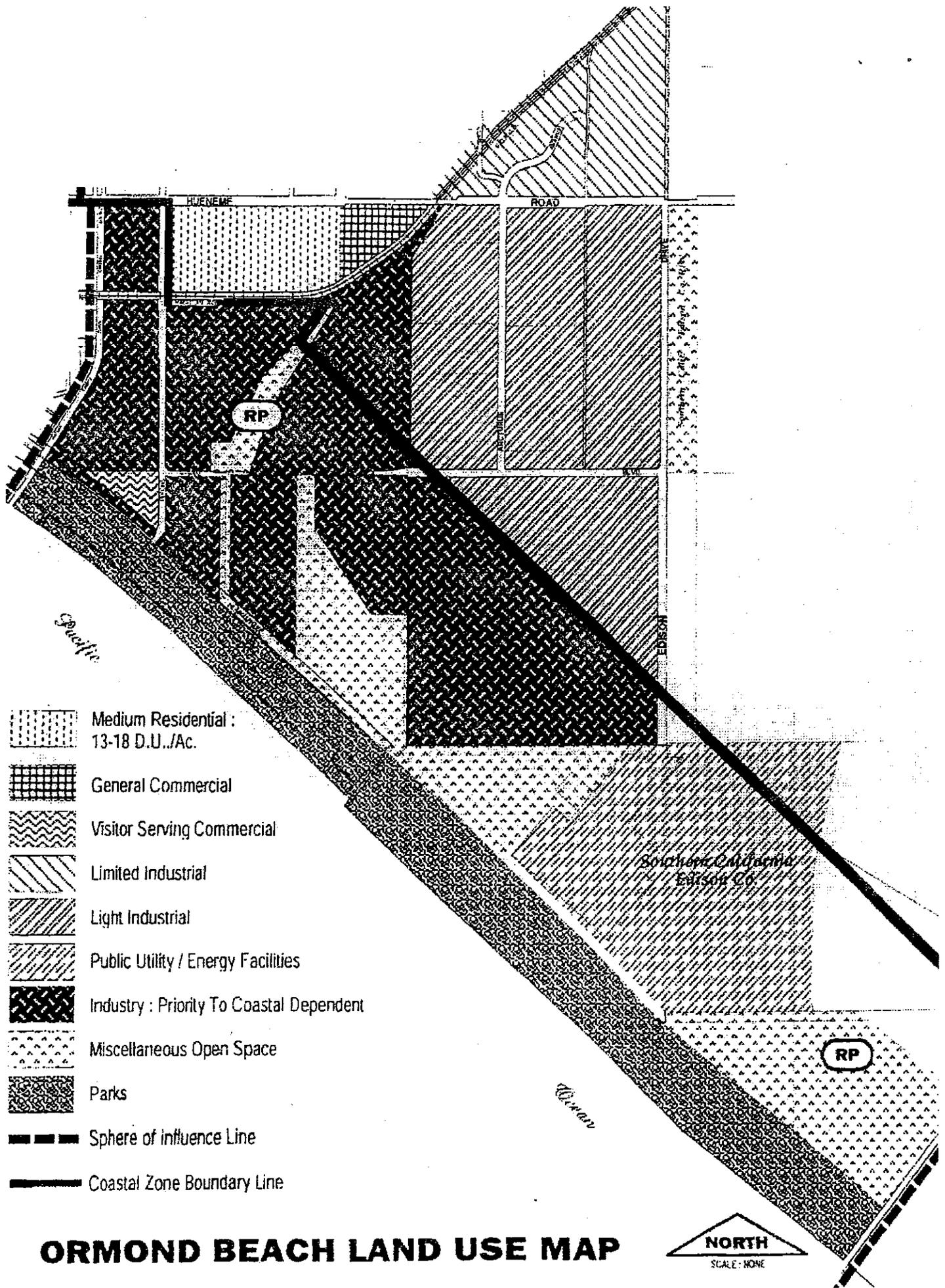
Urban Design Improvements: Public information signage, median landscaping along Hueneme Road and similar streetscape improvements to entice new development.

Drainage Improvements: Re-engineer existing storm drain system. Projects include rebuilding or relocating the existing storm drain south of Hueneme Road to the ocean outlet.

Water and Sewer Improvements: Replace old and undersized water and sewer lines throughout the Project Area, cap the existing sewer treatment plant outflow, expand the sewer plant capacity and construct cosmetic improvements to minimize the plant's visual impact on surrounding property.

Street Improvements: Complete street improvements on Perkins Road, Hueneme Road and McWane, including infrastructure, extend Saviers Road south of Hueneme Road, including infrastructure, widen Hueneme Road to Highway 1 and extend Rice Avenue to Hueneme Road.

**ATTACHMENT E
REDEVELOPMENT
LAND USE MAP**



ORMOND BEACH LAND USE MAP

NORTH
SCALE: NONE