

CITY ATTORNEY
REDEV. AGENCY 10
DAY 1
CITY 1
BOOK 5949 PAGE 403

BILL NO. B-103

INTRODUCED BY COUNCILMAN Stefano

ORDINANCE NO. 71-98

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADOPTING THE REDEVELOPMENT
PLAN FOR THE FRUIT/CHURCH PROJECT

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. AUTHORIZATION FOR REDEVELOPMENT OF AREA. The Board of Supervisors of the County of Fresno, by Ordinance No. 537, did duly authorize redevelopment of the project area of the Fruit/Church Project by the City of Fresno.

SECTION 2. JOINT PUBLIC HEARING. Pursuant to the Community Redevelopment Law of the State of California, the Council of the City of Fresno and the Redevelopment Agency of the City of Fresno, with the consent of both, held a joint public hearing on the Redevelopment Plan for the Fruit/Church Project on Thursday, September 30, 1971, at 8:00 o'clock a.m. of such date in Room 210, Fresno City Hall, after due notice of such hearing.

SECTION 3. LEGISLATIVE INTENT. The purposes and intent of the Council of the City of Fresno with respect to the project area are to provide sites for industrial uses and the attendant employment opportunities and to remove and prevent the recurrence of the environmental problems that have depressed the project area and the surrounding area.

SECTION 4. INCORPORATION OF PLAN; CITATION OF ORDINANCE. The document entitled Redevelopment Plan for the Fruit/Church Project is attached hereto and incorporated herein as though fully set forth, and is hereby approved and made a part of this ordinance. This plan may be cited as the Redevelopment Plan for the Fruit/Church Project.

SECTION 5. OFFICIAL REDEVELOPMENT PLAN. The Redevelopment Plan for the Fruit/Church Project is hereby designated as the official redevelopment plan of the project area.

PASSED OCT 7 1971
EFFECTIVE DEC 8 1971

71-98

SECTION 6. FINDINGS. The Council of the City of Fresno finds and determines as follows:

- (a) The project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law of the State of California.
- (b) The Redevelopment Plan for the Fruit/Church Project would redevelop the area in conformity with the Community Redevelopment Law and in the interest of the public peace, health, safety, and welfare.
- (c) The adoption and carrying out of the Redevelopment Plan for the Fruit/Church Project is economically sound and feasible.
- (d) The Redevelopment Plan for the Fruit/Church Project conforms to the General Plan for the Fresno-Clovis Metropolitan Area.
- (e) The redevelopment of the project area for predominantly nonresidential uses is necessary for the proper development of the community.
- (f) The carrying out of the Redevelopment Plan for the Fruit/Church Project would promote the public peace, health, safety, and welfare of the City of Fresno and would effectuate the purposes and policies of the Community Redevelopment Law.
- (g) The condemnation of real property, as provided for in the Redevelopment Plan for the Fruit/Church Project, is necessary to the execution of such redevelopment plan, and adequate provisions have been made for payment for property to be acquired as provided by law.
- (h) The Redevelopment Agency of the City of Fresno has a feasible method or plan for the relocation of families and persons displaced from the project area.
- (i) There are or are being provided within the project area or in other areas not generally less desirable in regard to public utilities and public and commercial

facilities and at rents or prices within the financial means of the family and persons displaced from the project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their place of employment.

SECTION 7. PERMANENT HOUSING. The Council of the City of Fresno is satisfied that permanent housing facilities will be available within three years from the time occupants of the project area are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

SECTION 8. INTENT TO UNDERTAKE AND COMPLETE NECESSARY PROCEEDINGS. The Council of the City of Fresno intends to undertake and complete any proceedings necessary to be carried out by the City of Fresno under the provisions of the Redevelopment Plan for the Fruit/Church Project.

SECTION 9. CONTRACTS; APPROVAL BY COUNCIL. Before entering into any contract for the sale, leasing, or other disposition of property acquired by the Redevelopment Agency of the City of Fresno in the project area, such Agency shall first submit such contract to the Council of the City of Fresno and obtain its approval.

SECTION 10. TRANSMITTAL OF COPY OF ORDINANCE; RESPONSIBILITY FOR CARRYING OUT PLANS. Upon the filing of this ordinance with the City Clerk of the City of Fresno, a copy of this ordinance shall be sent to the Redevelopment Agency of the City of Fresno, and such Agency is vested with the responsibility for carrying out the Redevelopment Plan for the Fruit/Church Project.

SECTION 11. RECORDATION. After the adoption of this ordinance by the Council of the City of Fresno, the City Clerk of the City of Fresno shall cause to be recorded with the County Recorder of the County of Fresno a description of the land within

the project area and a statement that proceedings for the redevelopment of the project area have been instituted under the Community Redevelopment Law of the State of California.

SECTION 12. BUILDING PERMITS. After the adoption of this ordinance, all applicants for building permits in the project area for a period of two years thereafter shall be advised by the Planning and Inspection Department of the City of Fresno that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

SECTION 13. SUBMISSION OF COPY OF ORDINANCE TO THE TAX OFFICERS. After adoption of this ordinance, the City Clerk of the City of Fresno shall transmit a copy of the description and statement recorded pursuant to Section 11, above, a copy of this ordinance, and a map or plat indicating the boundaries of the project area to the Auditor and Assessor of the County of Fresno, to the governing body of each of the taxing agencies which levies taxes on any property in the project area, and to the State Board of Equalization.

SECTION 14. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage, or on the effective date when the Redevelopment Plan for the Fruit/Church Project Area shall be approved by ordinance enacted by the Board of Supervisors of the County of Fresno, whichever is later.

AGM:ds
9/23/71

I hereby certify that the foregoing Ordinance was, at a regular meeting of the Council of the City of Fresno, held on the 30th day of September, 1911, introduced by Councilman Stefano, and action thereon under the rules was postponed to the regular meeting of said Council held on the 7th day of October, 1911, at which meeting it was, on motion of Councilman Stefano, seconded by Councilman Bell, duly adopted by said Council, by the following vote:

Ayes: Bell, Camarada, Logan, Stefano, Villa, Wasemiller, Wills

Noes: None

Absent: None

Dated this 7th day of October, 1911.

Attest: *Janet L. Kelly*
City Clerk

(SEAL)

By _____
Deputy

REDEVELOPMENT PLAN
for the
FRUIT/CHURCH PROJECT

in the

City of Fresno, County of Fresno
State of California

July 1971

The Redevelopment Agency of the
City of Fresno, State of California

INTRODUCTION

The Fruit/Church Project Area is a blighted area which constitutes a social and economic liability requiring redevelopment in the interest of the health, safety, and general welfare of the people of the City of Fresno and of the State of California. The blighted area is characterized by economic deterioration or disuse resulting from absence of planning, the existence of inadequate streets and utilities, social and economic maladjustment, and a growing or total lack of proper utilization of areas.

TABLE OF CONTENTS

	Page
Introduction	1
Article I The Plan	1
Article II Description of Project Area and Plan	1
Article III Land Use Plan	4
Article IV Land Use Provisions and Building Requirement	5
Article V Controls: Duration of Restrictions and Covenants	14
Article VI Project Proposals	17
Article VII Official Actions to Effect the Plan	23
Article VIII Financing	23
Article IX Changes of the Plan	27
Map No. 1 Project Area	
Map No. 2 Redevelopment Plan	
Map No. 3 Zoning Plan	
Map No. 4 Property Disposition Map	
Map No. 5 Acquisition and Owner Participation Map	

SECTION 101 Description of the Plan

This Redevelopment Plan (hereinafter called "Plan") is for and relates to an Urban Renewal Project in and for that certain project area known as "FRUIT/CHURCH PROJECT" in the City of Fresno and contiguous unincorporated territory within the County of Fresno, State of California, in accordance with the provisions of Section 33213 of the California Health and Safety Code, and is prepared under and pursuant to the Community Redevelopment Law (beginning at Section 33000 of the California Health and Safety Code). References to sections other than sections of this Plan shall refer to such Health and Safety Code unless otherwise identified.

As used in this Plan the words "Redevelopment Plan" shall refer to an urban renewal plan as defined in the United States Housing Act of 1949, as amended, and to a Community Redevelopment Plan as defined in the Community Redevelopment Law of the State of California.

As used in this Plan, "Agency" shall mean the Redevelopment Agency of the City of Fresno.

This Plan is a specific plan within the meaning of subsection (e) of Section 600 of the Charter of the City of Fresno.

Words not specially defined in this Plan shall have the same meanings herein as those words are defined or used in the Community Redevelopment Law and the Zoning Ordinance of the City of Fresno.

This Plan supplements in part: the Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area Project, Plan No. R-110; the West Fresno Community Plan, and the General Plan for the Fresno-Clovis Metropolitan Area as adopted in 1964.

Section 102 Objectives of the Plan

The principal objectives of this Plan are to:

- A. Provide sites for industrial uses and the attendant employment opportunities; and
- B. Remove and prevent the recurrence of the environmental problems that have depressed the Project Area and the surrounding area.

ARTICLE II - DESCRIPTION OF PROJECT AREA AND PLANSECTION 201 General Boundaries of Project Area

There is attached hereto, marked "Map 1 - Project Area" and incorporated herein as part of this Plan, a map which "Map 1" designates the general boundaries of the Project Area.

SECTION 202 Description of Project Area

The project area is comprised of that land situated in the County of Fresno, State of California, described as follows:

Beginning at the intersection of the south right-of-way line of West California Avenue and the projected center line of South West Avenue; thence east along the south right-of-way line of West California Avenue to the west right-of-way line of South Fruit Avenue; thence southerly along the existing and projected west right-of-way line of South Fruit Avenue to the center line of West Church Avenue; thence westerly along the center line of West Church Avenue to the center line of South West Avenue; thence northerly along the projected center line of South West Avenue to the south right-of-way line of West California Avenue enclosing the area;

EXCEPTING THEREFROM the Urban Renewal Project Area for the Urban Renewal Plan for Southwest Fresno General Neighborhood Renewal Area Project, Ordinance No. 69-13 of the City of Fresno, recorded on January 17, 1969, in Volume 5652, Page 305, Records of Fresno County.

SECTION 203 Types of Proposed Renewal Actions

This Plan involves community redevelopment activities pursuant to the Community Redevelopment Law, and as such Law may hereafter be amended, urban renewal activities as provided in the United States Housing Act of 1949, or later

amended, and other statutes and ordinances for the elimination and for the prevention of the development or spread of slums and blight, and includes, to the extent permitted by law:

A. Acquisition of real property, including improved or unimproved land, structures, improvements, easements, incorporeal hereditaments, estates, and other rights in land, legal or equitable.

B. Provision of relocation assistance to residents and business concerns displaced by the execution of this Plan.

C. Demolition, removal, and rehabilitation of buildings and improvements, and development of building sites.

D. Installation, construction, or reconstruction of streets, utilities, and other improvements reasonable or necessary for the implementation of the renewal objectives.

E. Disposition of any property acquired in the Project area, including sale, leasing, or other disposition by the Agency, with the consent of the Council of the City of Fresno.

F. Rehabilitation or development of structures and improvements, or development of unimproved land as provided by law.

SECTION 204 Major Responsibilities of the Agency

The Agency shall be responsible for the administration and implementation of this Plan as follows:

A. Land Acquisition, Demolition and Clearance

1. The Agency may acquire such properties as are necessary to implementation of this Plan through negotiated purchase or eminent domain pursuant to the laws of the State of California.

2. The Agency may clear or cause to be cleared any real property acquired by the Agency in the

Project Area. Such clearance shall be in conformance with the Fresno Municipal Code. Permit fees and bonds shall be required of the Agency and private contractors doing work for the Agency. The Agency may clear individual properties as acquired and vacated.

B. Displacement and Relocation of Families, Individuals, and Businesses

The Agency, in discharging its responsibilities under this Plan, will provide assistance to any person displaced by the implementation of this Plan to relocate in decent, safe, and sanitary dwellings reasonably accessible to their place of employment and at rents within their means. The Agency has prepared and adopted, and shall keep current, a Relocation Plan which indicates that the Agency can feasibly relocate all persons displaced by the Agency. The Agency will also endeavor to encourage displaced families, individuals, and businesses to relocate and re-establish themselves within an area suitable to needs and purposes of the relocatees.

C. Land Disposition

The public interest requires that land in the Project Area be made available for redevelopment to assure the use of such land is consistent with the purposes and requirements of this Plan.

The public interest also requires that disposition of land be effected in a fair and equitable manner and conditioned upon the redevelopment and use of the property in conformity with this Plan.

Lots or blocks of lots, with clear titles, will be offered for sale or lease to individuals, corporations, private or public, or the City of Fresno at a fair market

price; or, in cases where regulations of the Department of Housing and Urban Development and State Law will allow (primarily in residential land use categories where housing for low and moderate income families and individuals is proposed), in accordance with land "write-down" procedures.

ARTICLE III - LAND USE PLAN

SECTION 301 Open Space and Public Use

There is attached hereto, marked "Map 2--Redevelopment Plan" and incorporated herein as part of this plan, a map which shows the approximate amount of open space and public use to be provided and the property to be devoted to public purposes and the nature of such purposes.

SECTION 302 Street and Highway Plan

The classifications and alignments of all streets shall be as shown on "Map 2--Redevelopment Plan." Design of all streets shall conform to the standards of Section 12-1011 of the Fresno Municipal Code, or as such section may hereafter be amended or superseded, and the Standard Specifications approved and adopted by the Council of the City of Fresno as may be in effect at the time when such streets are constructed or reconstructed, and any other rule or regulation applicable to the standards of design of the subject streets. West California Avenue and South West Avenue shall be arterial streets with rights of way not less than 100 feet in width. West Church Avenue and South Fruit Avenue shall be collector streets with rights of way not less than 80 feet in width and all interior streets shall be local streets with rights of way for residential areas not less than 60 feet in width and for industrial areas, 64 feet in width.

SECTION 303 Zoning Plan

The zone symbols (e.g. "R-1," "R-3" and "M-1" and "M-3") shown on the document attached hereto, marked "Map 3 - Zoning Plan" and incorporated herein as part of this Plan,

designate the land use zoning districts regulating uses, type, size, height and number of buildings and other property development standards. Such designations of land use zoning districts constitute a specific plan for land use, and no ordinance changing the land use zoning district of any property in the Project Area shall be enacted except as now or hereafter provided in such specific plan. In the event of any conflict between local ordinances regulating land uses and private property development standards, the more restrictive shall control, except that, where ordinances may be in conflict but neither is necessarily more restrictive, the Zoning Ordinance of the City of Fresno shall control.

ARTICLE IV - LAND USE PROVISIONS AND BUILDING REQUIREMENT

SECTION 401 Purposes

In addition to the provisions of any zoning or building ordinance, statute, rule, or regulation now or hereafter enacted, and in order to achieve the objectives of this Plan and any contract or transaction entered into by the Agency with respect to the Project Area, including its contract with the Federal Government, and its contracts, deeds, and other instruments made with or to private or other parties in connection with the disposition of land in the Project Area for redevelopment or with respect to the use of land in such area, the land lying within and constituting the Project Area, including land not acquired by the Agency, shall be subject to the requirements and restrictions specified in this Article IV and Article V.

SECTION 402 Land Use and Development

Any change of use, re-use, any reconstruction, or any development of property in the Project Area shall first be subject to review by the City of Fresno for conformance with applicable city ordinances and by the Agency, as provided in Section 607 of this plan, for conformance with those provisions.

of this Plan which are in addition to the Fresno Municipal Code. The City of Fresno shall not be compelled to issue any permits for construction, rehabilitation, or remodeling of improvements not found by the Agency to be in conformance with the additional requirements imposed by this Plan. Residential development shall be permitted only under a Conditional Use Permit for a Unit Planned Development in the manner and in accordance with the provisions and procedures provided by the Zoning Ordinance of the City of Fresno. Development of all other property shall be only pursuant to a Site Plan Special Permit.

SECTION 403 Land Use Proposals

There is attached hereto, marked "Map 3--Zoning Plan" and incorporated herein as part of this plan, a map; said Map 2 and Map 3 designate the overall proposals for the development of the project area. As indicated thereon the entire Project Area will be devoted to single family, multi-family residential, light manufacturing and heavy manufacturing uses. A circulation scheme provides for the movement of traffic throughout the Project Area and provides access to the local street and highway system outside the Project Area.

The proposed regulations, controls and restrictions on land use and physical development which are to be applied to land use and properties within this Project Area are contained in this Plan and are generally indicated below:

Land use categories indicated for properties within this Redevelopment Area are shown on "Map 3, Zone Plan," and include the following district:

- "R-1" Single family residential district
- "R-3" Medium density multi-family residential district
- "M-1" Light manufacturing district
- "M-3" Heavy industrial district

"BA" Boulevard Area district

A. In the "R-1" Single Family Residential District, the following uses shall be permitted:

1. Single family dwellings
2. Accessory buildings, including garages (home occupations, day nurseries, and private schools shall not be permitted)
3. Private greenhouses and horticultural collections, flower and vegetable gardens
4. The keeping of household pets, subject to the provisions of Section 12-105-H "Household Pets," but not more than three dogs at any dwelling
5. Public purposes permitted in the "R-1" district by the Zoning Ordinance of the City of Fresno.

B. In the "R-3" Medium Density Multiple Family Residential District, the following uses shall be permitted:

1. Multiple family dwellings
2. Single family dwellings and multiple family dwellings in combination subject to a Conditional Use Permit for a Unit Plan Development under the Zoning Ordinance of the City of Fresno
3. Accessory buildings and uses customarily incident to any of the above uses and not involving the conduct of a business (home occupations, sanitariums, hospitals, private schools, rooming and boarding houses, transient housing, fraternities and sororities shall not be permitted)
4. Churches
5. Public purposes permitted in the "R-3" district by the Zoning Ordinance of the City of Fresno.

C. In the "M-1" Light Manufacturing District, any use permitted in the "M-1" district by the Zoning Ordinance of the City of Fresno will be permitted as provided in such Zoning Ordinance, subject to the provisions of this Plan.

D. In the "M-3" Heavy Industrial District, any use permitted in the "M-1" district by the Zoning Ordinance of the City of Fresno will be permitted as provided in such Zoning Ordinance, subject to the provisions of this Plan.

SECTION 404 Standards for Industrial Districts

The following regulations shall apply in all industrial land use zoning districts.

A. Atmospheric Pollutants

No person shall cause, maintain, or permit any odor, originating on property in an industrial land use zoning district and possessed or controlled by such person, which is materially detrimental to persons, property, or uses in any nonindustrial land use zoning district. Notwithstanding the above requirements, all uses shall comply with the appropriate standards established by the City, County, or State agencies.

B. Sound Control

No person shall cause, maintain, or permit any sound, originating on property in an industrial land use zoning district and possessed or controlled by such person, which is materially detrimental to persons, property, or uses in a nonindustrial land use zoning district. Notwithstanding the above requirements, all uses shall comply with the appropriate standards established by the City, County or State Agencies.

C. Fire Protection

All new buildings or structures, except buildings or structures housing group "G" occupancies, shall be equipped with an automatic fire-extinguishing system.

D. Violation

Any building or structure set up, erected,

constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this section, and any use of land, building, or premises established, conducted, or operated or maintained contrary to the provisions of this section shall be, and the same is hereby declared to be, unlawful and a public nuisance, and for every day during any portion of which any violation is committed, continued, or permitted shall be a separate offense. Violation of this section shall be a misdemeanor.

ARTICLE V - CONTROLS: DURATION OF RESTRICTIONS AND COVENANTS

SECTION 501 Duration and Covenants to Run with the Land

The regulations and restrictions specified in Article IV and this Article V shall be in force and effect for a period of forty (40) years from the effective date of the ordinance adopting this Plan and shall be incorporated in all deeds, contracts, and other instruments of land disposition, leases, and other contracts and instruments as appropriate, as covenants running with the land for said period of forty (40) years. However, the covenant in respect to restrictions on the basis of race, color, religion, sex, or national origin shall run in perpetuity.

SECTION 502 Time Limit on Development

A. Nongovernmental purchasers of land from the Agency within the Project Area shall commence construction not later than six (6) months after conveyance of title to the purchaser. Construction shall be completed within such time limits as may be specified by the Agency. The time limits of this section may be extended for suitable periods by the members of the Agency for reason of extenuating circumstances relating to unusual hardships, strikes or improvements in the development which would add measurably to the objectives of the project.

SECTION 503 Nondiscrimination

No person shall execute, or cause to be executed, any deed, contract, or other instrument whereby any property in the Project Area is restricted as to title, possession, or use upon the basis of race, color, religion, sex, or national origin.

No person who owns, possesses, or otherwise controls any property in the Project Area shall, as to such property, cause or permit discrimination on the basis of the race, color, religion, sex, or national origin in the sale, lease, or other transfer or enjoyment thereof.

All deeds, leases, or contracts for the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of any land in the Project shall be submitted to the Agency for approval and shall contain express provisions in substantially the following form:

A. In deeds the following language shall appear--

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

B. In leases the following language shall appear--

"The lessee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through them, and this lease is made and accepted upon and subject to the following conditions: that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, or national origin in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased, nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

C. In contracts entered into by the Agency relating to the sale, transfer or leasing of land or any interest therein acquired by the Agency within the Project, the foregoing provisions in substantially the forms set forth shall be included and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties, and any subcontracting party or parties, or other transferees under the instrument.

ARTICLE VI -- PROJECT PROPOSALS

SECTION 601 - Extent of Acquisition, Demolition and Clearance

As indicated in Section 203 hereof, this Project involves clearance, redevelopment, and rehabilitation activities. Accordingly, the Agency will acquire, by purchase or eminent domain, all real property including improved or unimproved land, structures, improvements, easements, incorporeal hereditaments, estates, and other rights in land, legal or equitable.

situated and lying within the Project Area and will demolish and clear the area of all buildings, structures, or improvements located therein necessary to prepare the land for its new uses, except that the Agency does not now propose to acquire, demolish, or clear those properties indicated as "may not be acquired (subject to owner participation)" provided, however, that the Agency, in the overall interests of the Project, may acquire or demolish or clear any or all of such properties which "may not be acquired (subject to owner participation)," as the Agency subsequently determines such action to be necessary to carry out this Plan.

"Map 2 - Redevelopment Plan" and "Map 5 - Acquisition and Owner Participation," indicate the proposed land use for all land in the Project Area and all land to be acquired for clearance and public facilities.

SECTION 602 Lots or Portions of Properties Which May Not Be Acquired (subject to owner participation)

The following parcels are designated as property which "may not be acquired (subject to owner participation)" as shown on the map entitled "Map 5--Acquisition and Owner Participation," which map is attached hereto and made a part of this plan. Improvements on such properties are structurally sound or have been determined to be feasible for rehabilitation and also generally conform to the uses permitted by this plan.

477-04-01t	477-05-15
-02m	-16
-02st	-23
-03	-24
-13	-25
-14	-27
-15	-28
-16	-35
-17	-36s
-18	-37m
-19t	-40
-20t	-42
-27	-45
477-05-01m	-47
-01s	-48m
-02	-48s
-11m	-49
-13	

This Agency will negotiate action to effect agreements with owners of the above properties whereby these properties will be subject to the regulations and controls of this Plan as covenants running with the land. In the event that any owner is unable or for any reason refuses to enter into such an agreement, his action shall constitute, in addition to any other basis, a basis for the Agency's acquisition of the property in question and all interest therein sufficient to insure compliance with the provisions and controls of this Plan.

Owners of all or part of the properties other than those listed above may participate in the redevelopment of property in the Project Area, if they agree to participate in the redevelopment in conformity with this Plan and enter into binding agreement with the Agency.

SECTION 603 Methods and Manner of Achieving Rehabilitation

A. Method of Achieving Rehabilitation

Rehabilitation of structures and improvements shall be undertaken and accomplished by the owners at their own expense pursuant to an agreement with the Agency which agreement, among other things, will obligate such owners and their heirs and assigns to:

1. Devote such property to uses permitted by this Plan and to abide by all the other provisions and conditions of this Plan for the period of time that this Plan is in force and effect;
2. To begin and complete within reasonable times to be specified by such agreement the required improvements to the property; and
3. Such other conditions as the Agency deems necessary to carry out this Plan and incorporate in said agreement.

B. Manner of Carrying Out

The owner of any property to be rehabilitated will be notified by the Agency as soon as possible after final determination that rehabilitation of such property is feasible and the necessary agreement is ready for execution. Upon execution of such agreement, the Agency will, to the extent permitted by law, assist the owner in bringing about the rehabilitation of the property.

1. In the event that an owner refuses or fails to execute an offered owner participation agreement, the Agency may acquire the subject property as provided in Article II of this Plan, and may either sell the property as is for redevelopment or rehabilitation by others pursuant to an appropriate agreement, or may demolish and clear the structures and improvements on such property prior to disposition of the land for uses in accordance with this Plan.

SECTION 604 Standards for Satisfactory RehabilitationA. Residential, Commercial and Industrial Rehabilitation

Residential, commercial and industrial structures to be rehabilitated shall meet the following standards:

1. Upon completion of rehabilitation, each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue during the life of any new or existing mortgage and extend the remaining economic life of the property to a minimum of forty years for residential property and twenty-five years for industrial property.

2. Where not less restrictive than this plan, any such property shall conform to the applicable

regulations of the City, County, State, and Federal government, and particularly the following existing ordinances of the City of Fresno or as hereafter amended.

a. Zoning Ordinance, Articles 1 through 4, inclusive, Chapter 12 of the Fresno Municipal Code.

b. Subdivision Ordinance, Article 10, Chapter 12 of the Fresno Municipal Code.

c. Parcel Map Ordinance, Article 12, Chapter 12 of the Fresno Municipal Code.

d. Building Regulations, Article 1, Chapter 13 of the Fresno Municipal Code.

e. Dangerous Building Ordinance, Article 12, Chapter 13 of the Fresno Municipal Code. Changes or repairs necessitated by this requirement shall meet the requirements of the Uniform Building Code, as now or hereafter adopted or amended by the City of Fresno.

f. Health and Safety Regulations, Chapter 9 of the Fresno Municipal Code.

g. Fresno Housing Code, Article 11, Chapter 13 of the Fresno Municipal Code.

B. The Agency's acceptance of the performance of any owner under an owner participation agreement shall be subject to prior certification by the City of Fresno officials charged with the administration of the above ordinances of compliance with such ordinances.

SECTION 605 Standards for Satisfactory New Construction

A. Where not less restrictive than this Plan, any new development shall conform to the applicable regulations of the City, County, State, and Federal governments, and

particularly the following existing ordinances of the City of Fresno or as hereafter amended.

1. Zoning Ordinance, Articles 1 through 4, inclusive, Chapter 12 of the Fresno Municipal Code.
2. Subdivision Ordinance, Article 10, Chapter 12 of the Fresno Municipal Code.
3. Parcel Map Ordinance, Article 12, Chapter 12 of the Fresno Municipal Code.
4. Building Regulations, Article 1, Chapter 13 of the Fresno Municipal Code.
5. Health and Safety Regulations, Chapter 9 of the Fresno Municipal Code.
6. Fresno Housing Code, Article 11, Chapter 13 of the Fresno Municipal Code.

B. The Agency's acceptance of the performance of any owner under an owner participation agreement shall be subject to prior certification by the City of Fresno officials charged with the administration of the above ordinances of compliance with such ordinances.

SECTION 606 Developers; Scope of Article

The provision of this article shall apply to only a developer. Developer as used in this article shall mean any nongovernmental entity or person who acquires property in the Project Area. This section shall not except any governmental entity from the general laws applicable to such entity.

SECTION 607 Review of Plans

A. No construction shall be commenced in the Project Area by any developer until the proposed development shall have been approved by the Agency and the City of Fresno, as required in Section 402, respectively, in writing.

B. The review by the Agency provided in Section 402 of this Plan shall be as provided in this section.

Approval shall be granted if the proposed development plan is consistent with the purposes of this Plan. For Redevelopment Plan Special Review, a developer's plans shall include:

1. Boundaries of the subject property.
2. Location of any building on the subject property with its maximum coverage noted.
3. Point(s) of vehicular ingress and egress, and major and local streets principally affected by the proposed development.
4. Off-street parking, if any, and, if applicable, off-street loading.
5. A narrative statement, sufficient in such detail to indicate clearly any existing environmental problems which exist upon or within improvements and property. A plan shall accompany the narrative statement which shall include a method and time schedule to show how and when such environmental problems will be resolved, and, a statement of the method of financing, and economic feasibility to accomplish such plan.
6. Present and proposed land use in sufficient detail to indicate clearly any proposed or intended use, including any activity which may create environmental problems or violate the standards of this Plan.
7. Landscaping and any other design features.
8. General location of any outdoor advertising. Outdoor advertising shall be depicted with sufficient detailing to indicate size, height, face(s), style, square footage of face(s) and any lettering, symbol or color coding.

9. A statement indicating that the developer or his agent has researched: the West Fresno Community Plan; the Urban Renewal Plan for the Southwest Fresno General Neighborhood Renewal Area; the General Plan for the Fresno-Clovis Metropolitan Area; this Plan; and showing whether the proposed development may conflict with these plans, above, in his opinion.

10. Other information and documentation as required by the Agency.

SECTION 608 Prevention of Speculation in the Holding of Land

It is deemed to be in the public interest to develop the Project Area in conformity with this Plan in the shortest possible time and to prohibit unreasonable holding of land. No developer shall, except with the prior written consent of the Agency, resell, lease, sublease, or otherwise dispose of land in the Project Area until the construction of improvements on such land has been completed and all the obligations imposed on such developer by this Plan have been discharged.

ARTICLE VII - OFFICIAL ACTIONS TO EFFECT THE PLAN

SECTION 701 Initiation of Zoning Changes

Upon request by the Agency, the Council of the City of Fresno shall initiate proceedings to redistrict property in the Project Area.

SECTION 702 Enforcement of Plan

The standards and requirements of this Plan and the obligations of any owner participation agreement may be specifically enforced in a civil suit.

ARTICLE VIII - FINANCINGSECTION 801 Methods of Financing the Project

A. The proposed method of financing the redevelopment of the Project Area is as follows:

1. A grant in the amount of \$442,899.00 which shall be sought by the City of Fresno from the United States of America (hereinafter called the "Federal Government") pursuant to the Public Works and Economic Development Act of 1965, Public Law 89-136, or as such act may be amended or superseded.

2. In addition to the foregoing, the Agency may, from time to time, make application to the Government for project temporary loans in the estimated amount of \$1,000,000.00. The obligations evidencing the Agency's indebtedness to the Government for the project temporary loan shall be in a form satisfactory to the Government. Said obligations shall not be a debt of the City of Fresno, the State of California or any of its political subdivisions. Neither the City of Fresno nor the State of California shall be liable on said obligations nor in any event shall the obligations be payable out of any funds or properties other than those of the Agency, and the obligations shall so state on their face.

3. The Agency may from time to time borrow money by any means legally available to it, including the issuance of bonds, and it may expend such money for any or all of the following purposes:

a. Repayment of moneys lent or advanced by the Federal Government or by the City of Fresno or by any other public or private entity for planning this Redevelopment Project.

b. Acquisition of Project land and existing improvements.

c. Demolition and clearing of property acquired by the Agency pursuant to the provisions of this Plan.

d. Expenses in connection with disposition of Project land.

e. Expenses of administering this Plan, including repayment of interest on loans to the Agency.

4. The City of Fresno and/or other local public or private bodies may grant sums of money to the Agency or may undertake to provide certain site improvements or supporting facilities in accordance with the provisions of this Plan. Any such contributions in connection with the Project shall be included in the gross project cost to the extent that they are determined to be eligible for such inclusion and shall further be held to be a portion of the local share of the net project cost.

B. The Agency may issue bonds, and such bonds may be sold, as the Community Redevelopment Law may now or hereafter be amended to provide.

C. All taxes levied upon taxable property in the Project Area each year by or for the benefit of the State of California, County of Fresno, City of Fresno, and any district or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Urban Renewal Plan, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in the Project Area on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County of Fresno last equalized on the effective date of the annexation ordinance shall be used in determining the assessed valuation of the taxable property in the Project Area on such effective date); and

2. That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, 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 Urban Renewal Project. (Unless and until the total assessed value of the taxable property in the Project Area exceeds the total

assessed value of the taxable property in the Project Area 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 the Project Area shall be paid into the funds of the respective taxing agencies.) When said bonds, loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

D. The portion of taxes mentioned in paragraph b are hereby, and in any proceedings of the Agency for the advance of moneys or making of loans or issuance of bonds shall be, irrevocably pledged for the payment of the principal of and interest on such loans, advances, bonds, or other indebtedness.

E. It is estimated that expenditures by the Agency and other public bodies for the planning and execution of this Plan are estimated at \$1,000,000.00, which sum is claimed as eligible for financing under loan and grant provisions of Title I of the Housing Act of 1949, as amended. Such sum is subject to revision.

SECTION 802 Payment for Property Condemned

The project temporary loan and/or any funds borrowed by any or all of the means described above will include funds to pay for property acquired by the Agency. The Agency will pay the fair market value of all properties acquired. In the condemnation of any real property, the Agency will comply with all the provisions of the statutes and Constitution of the State of California relative to the exercise of the right of eminent domain.

ARTICLE IX - CHANGES OF PLANSECTION 901 Amendment of Plan

After adoption of the Plan by the Council of the City of Fresno, the provisions of the Plan may be amended by said Council only by formal written amendment duly approved and recommended by the Agency and within the provisions of Chapter 4, Article XII of the Community Redevelopment Law of the State of California.

SECTION 902 Variations Permitted

Under exceptional circumstances the Executive Director of the Agency is authorized to permit a variation from the standards, restrictions, controls or other provisions of this Plan. In order to permit such a variation the Executive Director must first find that:

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

B. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not generally apply to other properties having the same standards, restrictions, and controls.

C. Permitting a variation will not be detrimental to the public welfare or injurious to property or improvements in the area.

D. Permitting a variation will not be contrary to the objectives of the Plan.

SECTION 903 Conditions

The granting of any variation may be made subject to

such conditions as shall be deemed appropriate or necessary to assure compliance with the intent and purpose of this Plan or to protect the public health, safety, or welfare. Any condition shall be reasonably related to the needs of the public, or the needs of owners or occupants of the affected property or properties in the neighborhood, which may be caused by the proposed development or use.

SECTION 904 Appeal

Within fifteen days after a decision granting or denying a variation by the Executive Director, any interested person may appeal to the members of the Agency from such decision or the conditions of granting a variation. The appeal shall be in writing, stating the reasons therefor, on a form or in such form as may be required by the Executive Director. The members of the Agency, subject to the requirement of findings in Section 902, above, may affirm, reverse, or modify the decision or the conditions appealed from.

SECTION 905. Use Variations

A variation shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by this Plan and the land use zoning district governing the parcel of property.

SECTION 906 Variation Defined

Variation shall mean approval of a deviation from any part of this Plan to the extent that such deviation is not in conflict with or in violation of any law which would otherwise be applicable. No variation shall authorize anything in conflict with any provision of the Fresno Municipal Code or any procedure prescribed thereunder.