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FRESNO COUNTY, CALIFORNIA  
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Donita Ghimenti

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ORDINANCE NO. 98-43

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING  
AND ADOPTING THE REDEVELOPMENT PLAN FOR THE SOUTH VAN NESS  
REDEVELOPMENT PROJECT.

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
 PROPOSED AND INITIATED BY \_\_\_\_\_ MOVED BY \_\_\_\_\_  
 \_\_\_\_\_ Ronquillo \_\_\_\_\_ SECONDED BY \_\_\_\_\_ Perea \_\_\_\_\_

BILL NO. 8-45  
 ORDINANCE NO. 98-43

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
 APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR  
 THE SOUTH VAN NESS REDEVELOPMENT PROJECT

WHEREAS, the Council of the City of Fresno (the "Council") has received from the Redevelopment Agency of the City of Fresno (the "Agency") the proposed Redevelopment Plan (the "South Van Ness Redevelopment Plan") for the South Van Ness Redevelopment Project (the "South Van Ness Project"), as approved and recommended by the Agency, a copy of which is on file at the offices of the City Clerk at 2600 Fresno Street, Fresno, California, and at the Agency at 2344 Tulare Street, Suite 200, Fresno, California; and

WHEREAS, the Council and the Agency are simultaneously considering the approval and adoption of a proposed Redevelopment Plan for the Fulton Redevelopment Project (the "Fulton Redevelopment Plan") and the approval and adoption of proposed amendments (the "Proposed Amendments") to the existing Amended Urban Renewal Plan for the Central Business District Project One, the Community Redevelopment Plan for the Chinatown Expanded Area, the Redevelopment Plan for the Convention Center Redevelopment Area, the Community Redevelopment Plan for the Jefferson Redevelopment Area, the Urban Renewal Plan for the Mariposa Project, the Urban Renewal Plan for the West Fresno Project One, the Urban Renewal Plan for the West Fresno Project Two and the Urban Renewal Plan for the West Fresno Project Three (the "Existing Redevelopment Plans"); and

Adopted 6-30-98  
 Approved 7-6-98  
 Effective 8-6-98

98-43

WHEREAS, the South Van Ness Redevelopment Plan, the proposed Fulton Redevelopment Plan and the Proposed Amendments being considered provide for the merger of the area included within the South Van Ness Redevelopment Plan (the "South Van Ness Project Area") with the areas included within the proposed Fulton Redevelopment Plan (the "Fulton Project Area") and the Existing Redevelopment Plans (the "Existing Project Areas"), which collectively are hereinafter referred to as the "Merged No. 1 Project Area," and

WHEREAS, the Council has also received from the Agency the Report of the Agency to the Council, as supplemented by a Supplemental Report of the Agency to the Council, on the South Van Ness Redevelopment Plan, the Fulton Redevelopment Plan and the Proposed Amendments (the "Agency's Report") including: (1) the reasons for selection of the South Van Ness Project Area and the reasons for the proposed merger of the South Van Ness Project Area, Fulton Project Area and Existing Project Areas; (2) a description of the physical and economic conditions existing in the South Van Ness Project Area; (3) a description of specific projects proposed by the Agency in the South Van Ness Project Area and an explanation as to how the proposed projects will improve or alleviate the conditions existing in the South Van Ness Project Area; (4) the proposed method of financing redevelopment of the South Van Ness Project Area, including an assessment of the economic feasibility of the redevelopment of the South Van Ness Project Area and an explanation of why the elimination of blight and redevelopment of the South Van Ness Project Area cannot be accomplished by private enterprise acting alone or by the Council's

use of financing alternatives other than tax increment financing; (5) a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities as a result of the South Van Ness Redevelopment Plan; (6) an analysis of the Preliminary Plan for the South Van Ness Project Area; (7) the Report and Recommendation of the Planning Commission of the City of Fresno (the "Planning Commission"); (8) a record of the summary of consultations with the Project Area Committee; (9) the Final Program Environmental Impact Report No. 10124; (10) a neighborhood impact report; (11) a summary of consultations with affected taxing agencies and responses to written objections and concerns expressed by affected taxing agencies during the consultations; and (12) an Implementation Plan for the South Van Ness Redevelopment Plan;

WHEREAS, the Planning Commission has reported that the South Van Ness Redevelopment Plan is consistent with the General Plan of the City of Fresno and has recommended approval of the South Van Ness Redevelopment Plan; and

WHEREAS, the Housing and Community Development Commission has considered the South Van Ness Industrial Redevelopment Plan at a scheduled Public Hearing on June 10, 1998, and has recommended approval of the South Van Ness Industrial Redevelopment Plan; and

WHEREAS, the Project Area Committee ("PAC") for the South Van Ness Project has submitted its report and recommendations concerning the South Van Ness Redevelopment Plan, and has recommended approval of the South Van Ness Redevelopment Plan; and

WHEREAS, the Council and Agency, as a co-lead agency, prepared and circulated a Draft Program Environmental Impact Report (the "Draft EIR") on the Merged No. 1 Project Area, which includes the South Van Ness Redevelopment Plan, in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq.), and environmental procedures adopted by the Agency and Council pursuant thereto, and the Draft EIR was thereafter revised and supplemented to incorporate comments received and responses thereto, and, as so revised and supplemented, a Final Program Environmental Impact Report No. 10124 (the "Final EIR") was prepared and certified by the Council and the Agency; and

WHEREAS, the Agency and the Council have reviewed and considered the Final EIR and have each adopted a Statement of Findings, Facts, and Overriding Considerations applicable to the environmental impacts identified in the Final EIR; and

WHEREAS, the Council and the Agency held joint and concurrent public hearings on the South Van Ness Redevelopment Plan, Fulton Redevelopment Plan and the Proposed Amendments in the Council Chambers, 2600 Fresno Street, Fresno, California, on June 23, 1998, to consider adoption of the South Van Ness Redevelopment Plan and certification of the Final EIR; and

WHEREAS, a notice of said joint and concurrent public hearings was duly and regularly published in the Fresno Bee, a newspaper of general circulation in the City of Fresno, once a week for four successive weeks prior to the date of said hearings, and a

Ordinance No. \_\_\_\_\_  
Adoption of South Van Ness  
Industrial Redevelopment Plan  
Page 5

copy of said notice and affidavit of publication are on file with the City Clerk and the Agency;  
and

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by first-class mail to the last known address of each assessee of each parcel of land in the proposed South Van Ness Project Area as shown on the last equalized assessment roll of the County of Fresno and copies of a statement concerning acquisition of property by the Agency were mailed by first-class mail to the last known address of each assessee of each parcel of land in the proposed South Van Ness Project Area whose property may be subject to acquisition by purchase or condemnation by the Agency; and

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by first-class mail to all residential and business occupants within the proposed South Van Ness Project Area; and

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the proposed South Van Ness Project Area; and

WHEREAS, the Council has considered the Agency's Report, the Report and Recommendation of the Planning Commission, the Report and Recommendation of the Housing and Community Development Commission, the Report and Recommendations of the PAC, the South Van Ness Redevelopment Plan, and the Final EIR; has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the South Van Ness

Ordinance No. \_\_\_\_\_  
Adoption of South Van Ness  
Industrial Redevelopment Plan  
Page 6

Redevelopment Plan; and has adopted written findings in response to each written objection to the South Van Ness Redevelopment Plan from an affected taxing entity or property owner within the South Van Ness Project; and

WHEREAS, all actions required by law have been taken by all appropriate public bodies;

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

SECTION 1. That the purpose and intent of the Council with respect to the South Van Ness Project Area is to accomplish the following: (a) the elimination of blighting influences and the correction of environmental deficiencies in the South Van Ness Project Area, including, among others, , small and irregular shaped lots, obsolete and aged building types, deteriorated or dilapidated buildings, defective design, vacant buildings and lots, depreciated property values and impaired investments, low lease rates, residential overcrowding, incompatible and uneconomic land uses, and inadequate or deteriorated public improvements, facilities, and utilities; (b) the assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the South Van Ness Project Area; (c) the replanning, redesign, and development of portions of the South Van Ness Project Area which are stagnant or improperly utilized; (d) the provision of opportunities for participation by owners and tenants in the revitalization of their properties; (e) the strengthening of commercial and industrial functions in the South Van Ness Project Area; (f) the strengthening of the economic base of the South Van Ness Project Area and the community by the installation of needed site improvements to stimulate

new commercial and industrial expansion, employment, and social and economic growth; (g) the provision of adequate land for parking; (h) the installation of new or replacement of existing deteriorated or inadequate public improvements, utilities and facilities; (i) the establishment of a positive visual image through the implementation of performance criteria to assure high site design standards, environmental quality, compatibility with the cultural emphasis planned for the area, conservation of and compatibility with buildings of historical importance, and other design elements which provide unity and integrity to the entire South Van Ness Project; (j) the expansion, improvement, and preservation of the community's supply of housing available to low- and moderate-income persons and families' and (k) the encouragement of active and continuous participation of South Van Ness Project Area occupants in the formulation, refinement, and implementation of the South Van Ness Redevelopment Plan, in order to ensure that the South Van Ness Redevelopment Plan proposals are beneficial to the people who live and work within the South Van Ness Project Area, as well as the community in general.

SECTION 2. The Council hereby finds and determines that:

(a) The South Van Ness Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.). This finding is based upon the following facts, as more particularly set forth in the Agency's Report:

(1) The South Van Ness Project Area is predominantly urbanized.



(2) The South Van Ness Project Area is characterized by and suffers from a combination of blighting physical and economic conditions, including, among others: deteriorated and dilapidated ; buildings of defective design or physical construction; buildings that are obsolete and aged; buildings which have inadequate parking; incompatible uses; vacant buildings and lots; lots of irregular form and shape and of inadequate size for proper usefulness which are under multiple ownership; depreciated or stagnant property values and impaired investments; low lease rates; residential overcrowding; and inadequate public improvements, parking, and utilities.

(3) The combination of the conditions referred to in paragraph (2) above is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the South Van Ness Project Area to such an extent that it constitutes a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(b) The South Van Ness Redevelopment Plan will redevelop the South Van Ness Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare. This finding is based upon the fact that redevelopment of the South Van Ness Project Area will implement the objectives of the Community Redevelopment Law by: aiding in the elimination and correction of the conditions of blight; providing for planning, development, redesign, clearance, reconstruction, or rehabilitation of properties which need improvement; improving, increasing, and preserving the supply of low- and moderate-income housing within the

community; providing additional employment opportunities; and providing for higher economic utilization of potentially useful land.

(c) The adoption and carrying out of the South Van Ness Redevelopment Plan is economically sound and feasible. This finding is based on the facts, as more particularly set forth in the Agency's Report, that under the South Van Ness Redevelopment Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the South Van Ness Project Area; and that under the South Van Ness Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

(d) The South Van Ness Redevelopment Plan is consistent with the General Plan of the City of Fresno, including, but not limited to, the housing element, which substantially complies with state housing law. This finding is based upon the finding of the Planning Commission that the South Van Ness Redevelopment Plan is consistent with the General Plan of the City of Fresno.

(e) The carrying out of the South Van Ness Redevelopment Plan would promote the public peace, health, safety, and welfare of the City of Fresno and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by the South Van Ness Redevelopment Plan, will benefit the South Van Ness Project Area by correcting conditions of blight and by

coordinating public and private actions to stimulate development and improve the physical and economic conditions of the South Van Ness Project Area.

(f) The condemnation of real property, as provided for in the South Van Ness Redevelopment Plan, is necessary to the execution of the South Van Ness Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the South Van Ness Redevelopment Plan will be carried out and to prevent the recurrence of blight.

(g) The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the South Van Ness Project Area. This finding is based upon the fact that the Agency's plan for relocation, as contained in the Agency's Report, and the South Van Ness Redevelopment Plan provide for relocation assistance and benefits according to law and authorize the Agency to provide other assistance as determined to be appropriate under the circumstances.

(h) There are, or shall be provided, within the South Van Ness Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the South Van Ness 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 places of employment. This finding is

based upon the fact that in the event any residential displacement is caused by the South Van Ness Redevelopment Plan, no person or family will be required to move from any dwelling unit until suitable replacement housing is available.

(i) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law; and dwelling units housing persons and families of low or moderate income within the South Van Ness Project Area shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the Community Redevelopment Law.

(j) Inclusion of any lands, buildings, or improvements in the South Van Ness Project Area which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the entire area of which they are a part; and any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is based upon the fact that the boundaries of the South Van Ness Project Area were chosen as a unified and consistent whole to include all properties contributing to or affected by the blighting conditions characterizing the South Van Ness Project Area.

(k) The elimination of blight and the redevelopment of the South Van Ness Project Area could not reasonably be expected to be accomplished by private enterprise acting

alone without the aid and assistance of the Agency. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that because of the higher costs and more significant risks associated with development of blighted areas, individual developers are unable and unwilling to invest in blighted areas without substantial public assistance and that funds of other public sources and programs are insufficient to eliminate the blighting conditions.

(l) The South Van Ness Project Area is a predominantly urbanized area as defined by subdivision (b) of Section 33320.1. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that 100% percent of the land in the South Van Ness Project Area has either been or is developed for urban uses, is characterized by the existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership, or is an integral part of an area developed for urban uses.

(m) The time limitations in the South Van Ness Redevelopment Plan, which are the maximum time limitations authorized under the Community Redevelopment Law, are reasonably related to the proposed projects to be implemented in the South Van Ness Project Area and the ability of the Agency to eliminate blight within the South Van Ness Project Area. This finding is based upon the fact that redevelopment depends, in large part, upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards

and controls over a period of time sufficient to assure area stabilization. In addition, shorter time limitations would limit the revenue sources and financing capacity necessary to carry out proposed projects in the South Van Ness Project Area.

SECTION 3. The Council is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the South Van Ness Project Area are displaced and that, pending the development of the facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

SECTION 4. The merger of the South Van Ness Project Area with the Fulton Project Area and the Existing Project Areas will result in substantial benefit to the public and will contribute to the revitalization of the blighted areas within the Merged No. 1 Project Area through the increased economic vitality of such areas and through increased and improvement housing opportunities in and near such areas by enabling the areas within the Merged No. 1 Project Area to be planned and developed in a coordinated and integrated manner and allowing the Agency to better respond to economic opportunities throughout the Merged No. 1 Project Area that will benefit the entire Merged No. 1 Project Area.

SECTION 5. In order to implement and facilitate the effectuation of the South Van Ness Redevelopment Plan, certain official actions must be taken by the Council; accordingly, the Council hereby: (a) pledges its cooperation in helping to carry out the Fulton Redevelopment Plan; (b) directs the various officials, departments, boards, and [REDACTED] agencies of the City of Fresno having administrative responsibilities in the South Van Ness

Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the South Van Ness Redevelopment Plan; (c) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the South Van Ness Redevelopment Plan; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the South Van Ness Redevelopment Plan.

SECTION 6. The Council is satisfied that written findings have been adopted in response to each written objection received from affected taxing entities or property owners either before or at the noticed public hearing. Having considered all evidence and testimony presented for or against any aspect of the South Van Ness Redevelopment Plan, the Council hereby overrules all written and oral objections to the South Van Ness Redevelopment Plan.

SECTION 7. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations made pertaining to the South Van Ness Redevelopment Plan, as identified in Council Resolution No. 98-190, adopted on June 30th, 1998, and Agency Resolution No. 1487, adopted on June 30th, 1998, were based upon consideration of the Final EIR and are incorporated and made part of the proposed South Van Ness Redevelopment Plan.

SECTION 8. That certain document entitled "Redevelopment Plan for the South Van Ness Industrial Redevelopment Project," a copy of which is on file in the office of the City

Clerk and attached hereto as Attachment 1, is hereby incorporated by reference herein and designated as the official "Redevelopment Plan for the South Van Ness Industrial Redevelopment Project."

SECTION 9. The City of Fresno Development Department is hereby directed for a period of at least two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the South Van Ness Project Area 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 10. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for [REDACTED] carrying out the South Van Ness Redevelopment Plan.

SECTION 11. The City Clerk is hereby directed to record with the County Recorder of Fresno County a notice of the approval and adoption of the South Van Ness Redevelopment Plan pursuant to this Ordinance, containing a description of the land within the South Van Ness Project Area and a statement that proceedings for the redevelopment of the South Van Ness Project Area have been instituted under the Community Redevelopment Law.

SECTION 12. The City Clerk is hereby directed to transmit a copy of the description and statement recorded pursuant to Section 11 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the South Van Ness Project Area, to the auditor and assessor of the County of Fresno to the governing body of each of the taxing



agencies which receives taxes from property in the South Van Ness Project Area, and to the State Board of Equalization within thirty (30) days following adoption of this Ordinance.

SECTION 13. Section 1000 of the South Van Ness Redevelopment Plan, approved and adopted by this Ordinance, provides for the merger of the area within the South Van Ness Project with the areas within the Fulton Redevelopment Plan and the Existing Redevelopment Plans (the "South Van Ness Merger Provision"). The Fulton Redevelopment Plan and the Proposed Amendments to the Existing Redevelopment Plans correspondingly provide for the merger of the areas within the Fulton Project and the Existing Projects with the South Van Ness Project (the "Other Project Merger Provisions"). When the South Van Ness Merger Provision takes effect and one or more of the Other Project Merger Provisions take effect, the South Van Ness Project Area shall be officially merged with all of the project areas for which the Other Project Merger Provisions take effect. If no Other Project Merger Provisions take effect, the South Van Ness Merger Provision shall have no effect.

SECTION 14. If any part of this Ordinance or the South Van Ness Redevelopment Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the South Van Ness Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the South Van Ness Redevelopment Plan if such invalid portion thereof had been deleted. It is the specific intent of the Council that the South Van Ness Merger Provision be considered wholly independent of the other provisions

Ordinance No. \_\_\_\_\_  
Adoption of South Van Ness  
Industrial Redevelopment Plan  
Page 17

of the South Van Ness Redevelopment Plan. In the event the South Van Ness Merger Provision or any portion thereof is determined to be invalid by a court of competent jurisdiction for any reason, that circumstance shall not affect the remaining provisions of the South Van Ness Merger Provision or South Van Ness Redevelopment Plan approved hereby.

SECTION 15. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

Attachment 1:        Redevelopment Plan for the South Van Ness Industrial Redevelopment Project

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CLERK'S CERTIFICATE

STATE OF CALIFORNIA    )  
COUNTY OF FRESNO    )   ss.  
CITY OF FRESNO        )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 30th day of JUNE, 1998, by the following vote.

AYES:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
NOES:	None
ABSENT:	None
ABSTAIN:	None

Mayor Approval: \_\_\_\_\_ 7/6 \_\_\_\_\_, 1998

Mayor Approval/No Return: \_\_\_\_\_ N/A \_\_\_\_\_, 1998

Mayor Veto: \_\_\_\_\_ N/A \_\_\_\_\_, 1998

Council Override Vote: \_\_\_\_\_ N/A \_\_\_\_\_, 1998

REBECCA E. KLISCH,  
City Clerk

By: Rebecca E. Klisch  
~~Deputy~~

APPROVED AS TO FORM:

HILDA CANTU MONTTOY  
City Attorney

By: [Signature]  
Deputy

REDEVELOPMENT PLAN  
FOR THE  
SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT

## TABLE OF CONTENTS

	<u>Page</u>
I.     [§100] INTRODUCTION	
II.    [§200] DESCRIPTION OF PROJECT AREA	
III.   [§300] PROPOSED REDEVELOPMENT ACTIONS	
A.   [§301] General	
B.   [§302] Participation Opportunities; Extension of Preferences for Reentry	
Within Redeveloped Project Area	
1.   [§303] Opportunities for Owners and Business Tenants	
2.   [§304] Rules for Participation Opportunities, Priorities, and Preferences	
3.   [§305] Participation Agreements	
4.   [§306] Conforming Owners	
C.   [§307] Cooperation with Public Bodies	
D.   [§308] Property Acquisition	
1.   [§309] Real Property	
2.   [§310] Personal Property	
E.   [§311] Property Management	
F.   [§312] Payments to Taxing Agencies to Alleviate Financial Burden	
G.   [§313] Relocation of Persons, Business Concerns, and Others Displaced by the Project	
1.   [§314] Assistance in Finding Other Locations	
2.   [§315] Relocation Payments	
H.   [§316] Demolition, Clearance, and Building and Site Preparation	
1.   [§317] Demolition and Clearance	
2.   [§318] Preparation of Building Sites	

- I.     [§319] Property Disposition and Development
    - 1.     [§320] Real Property Disposition and Development
      - a.     [§321] General
      - b.     [§322] Disposition and Development Documents
      - c.     [§323] Development by the Agency
      - d.     [§324] Development Plans
    - 2.     [§325] Personal Property Disposition
  - J.     [§326] Rehabilitation, Conservation, and Moving of Structures
    - 1.     [§327] Rehabilitation and Conservation
    - 2.     [§328] Moving of Structures
  - K.     [§329] Low- and Moderate-Income Housing
    - 1.     [§330] Replacement Housing
    - 2.     [§331] Inclusionary Housing
    - 3.     [§332] Increased and Improved Housing Supply
- IV.    [§400] USES PERMITTED IN THE PROJECT AREA
- A.     [§401] Redevelopment Land Use Map
  - B.     [§402] Designated Land Uses
    - 1.     [§403] Industrial Uses
  - C.     [§404] Other Land Uses
    - 1.     [§405] Public Rights-of-Way
    - 2.     [§406] Other Public, Semi-Public, Institutional, and Nonprofit Uses
    - 3.     [§407] Nonconforming Uses
  - D.     [§408] General Controls and Limitations
    - 1.     [§409] Construction
    - 2.     [§410] Rehabilitation and Retention of Properties
    - 3.     [§411] Limitation on the Number of Buildings
    - 4.     [§412] Number of Dwelling Units
    - 5.     [§413] Limitation on Type, Size, and Height of Buildings
    - 6.     [§414] Open Spaces, Landscaping, Light, Air, and Privacy
    - 7.     [§415] Signs
    - 8.     [§416] Utilities

- 9. [§417] Incompatible Uses
- 10. [§418] Nondiscrimination and Nonsegregation
- 11. [§419] Subdivision of Parcels
- 12. [§420] Minor Variations
- E. [§421] Design for Development
- F. [§422] Building Permits

- V. [§500] METHODS OF FINANCING THE PROJECT
  - A. [§501] General Description of the Proposed Financing Method
  - B. [§502] Tax Increment Funds
  - C. [§503] Bonds, Loans and Grants

VI. [§600] ACTIONS BY THE CITY

VII. [§700] ENFORCEMENT

VIII. [§800] DURATION OF THIS PLAN

IX. [§900] PROCEDURE FOR AMENDMENT

X. [§1000] MERGERS

#### ATTACHMENTS

- Attachment No. 1    Legal Description of the Project Area  
Boundaries
- Attachment No. 2    Project Area Map
- Attachment No. 3    Redevelopment Land Use Map
- Attachment No. 4    Proposed Public Improvements

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<date>



REDEVELOPMENT PLAN  
FOR THE  
SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT

I.    [§100]       INTRODUCTION

This is the Redevelopment Plan (the "Plan") for the South Van Ness Industrial Redevelopment Project (the "Project") in the City of Fresno (the "City"), County of Fresno, State of California; it consists of the text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), the Redevelopment Land Use Map (Attachment No. 3), and the Proposed Public Improvements (Attachment No. 4). This Plan was prepared by the Redevelopment Agency of the City of Fresno (the "Agency") 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 proposed redevelopment of the area within the boundaries of the Project (the "Project Area") as described in this Plan conforms to the General Plan for the City of Fresno (the "General Plan"), adopted by the City Council of the City of Fresno (the "City Council") by Resolution No. 84-470 on November 20, 1984.

This Plan is based upon a Preliminary Plan formulated and adopted by the Planning Commission of the City of Fresno (the "Planning Commission") by Resolution No. 10984 on May 21, 1997.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the Project Area. Because of the long-term nature of this Plan and the need to retain in the Agency 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 establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt 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

FRS/SVNRedevPlan  
02837/006

<date>

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 Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

The purposes of this Plan are to eliminate blight, reverse the trend of economic stagnation and ensure the realization of the Project Area's potential for commercial and industrial growth. The major goals of this Plan are:

- A. The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including, among others, small and irregular-shaped lots, obsolete and aged building types, deteriorated or dilapidated buildings, defective design, vacant buildings and lots, depreciated property values and impaired investments, low lease rates, residential overcrowding, incompatible and uneconomic land uses, and inadequate or deteriorated public improvements, facilities, and utilities.
- B. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- C. The replanning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized.
- D. The provision of opportunities for participation by owners and tenants in the revitalization of their properties.
- E. The strengthening of commercial and industrial functions in the Project Area.
- F. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new commercial and industrial expansion, employment, and social and economic growth.
- G. The provision of adequate land for parking.
- H. The installation of new or replacement of existing deteriorated or inadequate public improvements, utilities and facilities.
- I. The establishment of a positive visual image through the

implementation of performance criteria to assure high site design standards, environmental quality, compatibility with the cultural emphasis planned for the area, conservation of and compatibility with buildings of historical importance, and other design elements which provide unity and integrity to the entire Project.

- J. The expansion, improvement, and preservation of the community's supply of housing available to low- and moderate-income persons and families.
- K. The encouragement of active and continuous participation of Project Area occupants in the formulation, refinement, and implementation of this Plan, in order to ensure that Plan proposals are beneficial to the people who live and work within the Project Area, as well as the community in general.

Below is a summary of adopted plans and policies of the City that are applicable to the Project Area and their conformity with this Plan:

A. City General Plan

The City General Plan was adopted in 1984 and contains the broad scale plans and policies and the overall framework for planning of the Project Area.

B. Roosevelt and Edison Community Plans

The Roosevelt Community Plan was adopted in 1992 and the Edison Community Plan was adopted in 1977 (the "Community Plans"). The Community Plans, and any amendments thereto, pertain to certain portions of the Project Area and are designed to further refine the goals expressed in the City's General Plan and serves as the land use concept and policy framework for the applicable portions of the Project Area. The Community Plans envision the Project Area as a primarily commercial and industrial district.

II. [§200] DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area are described in the "Legal Description of

FRS/SVNRedevPlan  
02837/006

<date>

the Project Area Boundaries," attached hereto as Attachment No. 1 and incorporated herein by reference, and are shown on the "Project Area Map," attached hereto as Attachment No. 2 and incorporated herein by reference.

### III. [§300] PROPOSED REDEVELOPMENT ACTIONS

#### A. [§301] General

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by:

1. The acquisition of certain real property and the assembly of adequate sites for the development and construction of, commercial, industrial and public facilities;
2. The demolition or removal of certain buildings and improvements;
3. Providing for participation by owners and tenants presently located in the Project Area and the extension of preferences to business occupants and other tenants desiring to remain or relocate within the redeveloped Project Area;
4. The management of any property acquired by and under the ownership and control of the Agency;
5. Providing relocation assistance to displaced Project occupants;
6. The installation, construction, or reconstruction of streets, utilities, and other public improvements;
7. The disposition of property for uses in accordance with this Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan; and
9. The rehabilitation of structures and improvements by present owners, their successors, and the Agency.

FRS/SVNRedevPlan  
02837/006

<date>

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency 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; Extension of Preferences for Reentry Within Redeveloped Project Area

1. [§303] Opportunities for Owners and Business Tenants

In accordance with this Plan and the rules for participation adopted by the Agency pursuant to this Plan and subject to the Community Redevelopment Law, persons who are owners of real property in the Project Area will be given a reasonable opportunity to participate in the redevelopment of the Project Area consistent with the objectives of this Plan.

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to participate in the redevelopment of the Project Area or to reenter into business within the redeveloped Project Area if they otherwise meet the requirements prescribed in this Plan and the rules for participation adopted by the Agency.

2. [§304] Rules for Participation Opportunities, Priorities, and Preferences

In order to provide opportunities to owners to participate in the redevelopment of the Project Area and to extend reasonable preferences to businesses to reenter into business within the redeveloped Project Area, the Agency shall promulgate rules for participation by owners and the extension of preferences to business tenants for reentry within the redeveloped Project Area. If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and business tenants. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area; accommodation of as many participants as possible; similarity of land use; the necessity to assemble sites for integrated, modern development; conformity of a participant's proposal with the intent and objectives of this Plan; and service to the community of a participant's proposal.

In addition to opportunities for participation by individual persons and firms, participation shall be available for two or more persons, firms, or

institutions to join together in partnerships, corporations, or other joint entities.

Participation opportunities shall necessarily be subject to and limited by such factors as: (1) the elimination and changing of land uses; (2) the construction, widening, or realignment of streets; (3) the ability of participants to finance acquisition and development or rehabilitation in accordance with this Plan and development criteria adopted by the Agency in implementation of this Plan; (4) the reduction in the total number of individual parcels in the Project Area; (5) the construction or expansion of public facilities; and (6) any property acquisition of the Agency pursuant to Section 309 of this Plan or any other provision, statute, or local code authorizing acquisition by the Agency.

3. [§305] Participation Agreements

The Agency may require that, as a condition to participation in redevelopment, each participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, and 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 may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, and use and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

4. [§306] Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to: (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described

FRS/SVNRedevPlan  
02837/006

<date>

above as conforming; or (b) acquire additional property within the Project Area.

C. [§307] Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, 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 Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. To the extent now or hereafter permitted by law, the Agency 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 Area), which land, buildings, facilities, structures, or other improvements are or would be of benefit to the Project.

D. [§308] Property Acquisition

1. [§309] Real Property

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

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 Agency to acquire real property in the Project Area which cannot be acquired by gift, devise, exchange, purchase, or

any other lawful method. In cases where such purchase cannot be negotiated, property, at the sole discretion of the Agency, may be acquired by the Agency through the exercise of its power of eminent domain, which must be commenced within twelve (12) years from the date the ordinance adopting this Plan becomes effective.

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

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

2. [§310] Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

E. [§311] Property Management

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

F. [§312] Payments to Taxing Agencies to Alleviate Financial Burden

Pursuant to Section 33607.5 of the Community Redevelopment Law, the Agency is required to and shall make payments to affected taxing entities to alleviate the financial burden and detriment that the affected taxing entities may incur as a result of the adoption of this Plan. The payments made by the Agency shall be calculated and paid in accordance with the requirements of Section 33607.5.

G. [§313] Relocation of Persons, Business Concerns, and Others

FRS/SVNRedevPlan  
02837/006

<date>



Displaced by the Project

1. [§314] Assistance in Finding Other Locations

The Agency, to the extent required by law, shall assist all persons, business concerns, and others displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons, business concerns, and others, if any, displaced by the Project, the Agency shall assist such persons, 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 Agency may also provide housing inside or outside the Project Area for displaced persons.

2. [§315] Relocation Payments

The Agency, to the extent required by law, shall make relocation payments to persons, business concerns, and others displaced by the Project 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 Agency rules and regulations adopted pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

H. [§316] Demolition, Clearance, and Building and Site Preparation

1. [§317] Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

2. [§318] Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection therewith, the Agency 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 Agency 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 the uses provided for in this Plan.

Prior consent of the City Council is required for the Agency to develop sites for commercial or industrial use by providing streets, sidewalks, utilities, or other improvements which an owner or operator of the site would otherwise be obliged to provide.

I. [§319] Property Disposition and Development

1. [§320] Real Property Disposition and Development

a. [§321] General

For the purposes of this Plan, the Agency 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 Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding. Property acquired by the Agency 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 Agency as required by law.

Real property acquired by the Agency may be conveyed by the Agency without charge to the City and, where beneficial to the Project Area, without charge to any public body. All real property acquired by the Agency in the Project Area 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 Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

b. [§322] Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

FRS/SVNRedevPlan  
02837/006

<date>

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency 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 Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Fresno 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 nonsegregation clauses as required by law.

c. [\$323] Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement either within or without the Project Area, for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment No. 4, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefor.

In addition to the public improvements authorized under Section 318 and the specific publicly-owned improvements identified in Attachment No. 4 of this Plan, the Agency is authorized to install and construct, or to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public utilities, including, but not limited to, the following: (1) over- and

FRS/SVNRedevPlan  
02837/006

<date>

underpasses; (2) sewers; (3) natural gas, electrical and telephone distribution systems; (4) water distribution systems; (5) parks, plazas, and pedestrian paths; (6) playgrounds; (7) parking facilities; (8) landscaped areas; and (9) street improvements.

The Agency may enter into contracts, leases, and agreements with the City or other public body or entity pursuant to this Section 323, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan or out of any other available funds.

d. [§324] Development Plans

All development plans (whether public or private) shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to City design review standards.

2. [§325] Personal Property Disposition

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

J. [§326] Rehabilitation, Conservation, and Moving of Structures

1. [§327] Rehabilitation and Conservation

The Agency 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 Agency. The Agency 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 Agency. The Agency is also authorized to acquire, restore, rehabilitate, move, and conserve building or structures of historic or architectural significance.

2. [§328] Moving of Structures

As necessary in carrying out this Plan, the Agency is

authorized to move, or to cause to be moved, any standard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

K. [§329] Low- and Moderate-Income Housing

1. [§330] Replacement Housing

In accordance with Section 33334.5 of the Community Redevelopment Law, 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 the Project, the Agency 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 housing costs within the Project Area or within the territorial jurisdiction of the Agency in accordance with all of the provisions of Sections 33413 and 33413.5 of said Community Redevelopment Law.

2. [§331] Inclusionary Housing

Whenever new or rehabilitated dwelling units are developed by the Agency or by other public or private entities or persons within the Project Area, the Agency shall comply with the inclusionary housing requirements set forth in Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law.

3. [§332] Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Section 33670 of the Community Redevelopment Law and Section 502 of this Plan shall be used by the Agency 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 unless certain findings are made as required by that section to lessen or exempt such requirement. In carrying out this purpose, the Agency may exercise any or all of its powers.

The Agency may use these funds to meet, in whole or in part,

FRS/SVNRedevPlan  
02837/006

<date>

the replacement housing provisions in Section 330, above, or the inclusionary housing provisions in Section 331, 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 are made as required by said Section 33334.2 of the Community Redevelopment Law.

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.

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

##### A. [§401] Redevelopment Land Use Map

The "Redevelopment Land Use Map," attached hereto as Attachment No. 3 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 for all land, public, semi-public and private.

##### B. [§402] Designated Land Uses

###### 1. [§403] Industrial Uses

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

##### C. [§404] Other Land Uses

###### 1. [§405] Public Rights-of-Way

The public rights-of-way within the Project Area are shown on the Redevelopment Land Use Map.

Public streets, alleys, easements and railroad rights-of-way 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 development of the Project.

2. [\$406] Other Public, Semi-Public, Institutional, and Nonprofit Uses

In any area shown on the Redevelopment Land Use Map (Attachment No. 3), the Agency 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 and as permitted under the Land Use Element of the General Plan. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

3. [\$407] Nonconforming Uses

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

D. [\$408] General Controls and Limitations

All real property in the Project Area is made subject to the controls and requirements of this Plan. 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. [\$409] Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time, including, but

not limited to, any specific or community plans. Therefore, all construction in the Project Area shall comply with both the controls and requirements of this Plan and applicable state and local laws and codes including, but not limited to, specific and community plans, and compliance with this Plan does not eliminate the need to comply with applicable planning and zoning requirements of the City. 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 Agency to control and direct redevelopment activities in the Project Area.

2. [§410] Rehabilitation and Retention of Properties

Any existing structure within the Project Area approved by the Agency 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. [§411] Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed the number of buildings permitted under the General Plan.

4. [§412] Number of Dwelling Units

The number of dwelling units permitted in the Project Area shall not exceed the number of dwelling units permitted under the General Plan.

5. [§413] 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. [§414] Open Spaces, Landscaping, Light, Air, and Privacy

The approximate amount of open space to be provided in the Project Area 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 consistent with the City's General Plan. 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 consistent with the City's General Plan.

7. [§415] Signs

All signs shall conform to the City's General Plan, any City sign ordinances and other requirements as they now exist or are hereafter amended. Design of all proposed new signs shall be submitted to the Agency and/or the City prior to installation for review and approval pursuant to the procedures of this Plan.

8. [§416] Utilities

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

9. [§417] Incompatible Uses

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

10. [§418] Nondiscrimination and Nonsegregation

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. [§419] Subdivision of Parcels

No parcel in the Project Area, including any parcel retained by a participant, shall be subdivided without the approval of the Agency.

12. [§420] Minor Variations

Under exceptional circumstances, the Executive Director of the Agency, or designee, is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Executive Director of the Agency must first find all of the following:

- 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 which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Executive Director of the Agency 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 Executive Director of the Agency hereunder shall not supersede any other approval required under applicable City codes and ordinances.

Within fifteen (15) calendar days after the publication of a notice pursuant to the applicable provisions of Section 12-401-C of the City's Zoning Ordinance, of the decision by the Executive Director of the Agency, the decision may be appealed to the Housing and Community Development Commission. Any appeal to a decision of the Executive Director of the Agency shall be pursuant to the procedures within the City's Municipal Code.

E. [§421] Design for Development

Within the limits, restrictions, and controls established in this Plan, the

FRS/SVNRedevPlan  
02837/006

<date>

Agency 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 Area.

No new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan and any such controls and, in the case of property which is the subject of a disposition and development or participation agreement with the Agency and any other property, in the discretion of the Agency, in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

In addition, as specified in Section 409 of this Plan, new improvements shall comply with applicable state and local laws and codes including, but not limited to, specific and community plans.

F. [§422] Building Permits

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been approved by the Agency as consistent with this Plan and processed in a manner consistent with all City requirements, including, but not limited to, specific and community plans.

The Agency is authorized to establish permit procedures and approvals in addition to those set forth above where required for the purposes of this Plan. Where such additional procedures and approvals are established, a building permit shall be issued only after the applicant for same has been granted all approvals required by the City and the Agency at the time of application.

V. [§500] METHODS OF FINANCING THE PROJECT

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

The Agency is authorized to finance this Project with financial

FRS/SVNRedevPlan  
02837/006

<date>

assistance from the City, the State of California, the federal government, tax increment funds, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private.

The Agency 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 Agency. Advances and loans for survey and planning and for the operating capital for nominal administration of this 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 or any other public agency may expend money to assist the Agency in carrying out this Project. As available, gas tax funds from the state and county may be used for street improvements and public transit facilities.

B. [§502] Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Fresno, the City, any district, or any other public corporation (hereinafter sometimes called "taxing agencies"), after the effective date of the ordinance approving this 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 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 any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise

included after such effective date, the assessment roll of the County of Fresno, last equalized on the effective date of said ordinance, shall be used in determining the assessed valuation of the taxable property in the Project on said effective date).

2. Except as provided in subdivision 3, below, 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 Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the 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 moneys 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.
3. That portion of the taxes in excess of the amount identified in subdivision 1, above, which are attributable to a tax rate levied by a taxing agency which was approved by the voters of the taxing agency on or after January 1, 1989, for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency.

The portion of taxes mentioned in subdivision 2, above, are hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

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The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in subdivision 2 above which can be outstanding at any one time shall not exceed ONE HUNDRED ELEVEN MILLION DOLLARS (\$111,000,000).

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Project with tax increments beyond twenty (20) years from the date of adoption of this Plan. Loans, advances, or indebtedness may be repaid from tax increments over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness set forth immediately below in this Section 502.

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 502 beyond forty-five (45) years from the date of adoption of this Plan.

C. [\$503] Bonds, Loans and Grants

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

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

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<date>

VI. [§600] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency 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. Provision of advances, loans, or grants to the Agency or the expenditure of funds for projects implementing this Plan as deemed appropriate by the City and to the extent funds are available therefor.
- C. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- D. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- E. 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.
- F. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area

throughout the duration of this Plan.

- G. Preservation of historical sites.
- H. 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.
- I. The undertaking and completing of any other proceedings necessary to carry out the Project.

The foregoing actions to be taken by the City do not involve or constitute any commitment for financial outlays by the City unless specifically agreed to and authorized 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 Agency 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 Agency 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 Area may be enforced by such owners.

#### VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation 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 thirty (30) years from the date of adoption of this Plan by the City Council; provided, however, that subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other

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<date>



obligations. After the termination of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such 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 Section 33354.6 and/or 33450-33458 of the Community Redevelopment Law or by any other procedure hereafter established by law.

X. [§1000] MERGERS

Upon the effective date of the ordinance adopting this Plan, the Project Area is hereby merged with those project areas for which an ordinance has become effective providing for merger with this Project Area (the "Other Merger No. 1 Ordinances"). Such other project areas may include: the areas of the existing Chinatown Expanded Area Community Development Plan, Central Business District Urban Renewal Plan, Convention Center Redevelopment Plan, Jefferson Community Redevelopment Plan, Mariposa Urban Renewal Plan, West Fresno Project One Urban Renewal Plan, West Fresno Project Two Urban Renewal Plan and West Fresno Project Three Urban Renewal Plan. In addition, the area of the Redevelopment Plan for the Fulton Redevelopment Project may be one of the project areas merged if an ordinance adopting that redevelopment plan, including the merger of such area with this Project Area, becomes effective. Upon the effective date of the ordinance adopting this Plan and the Other Merger No. 1 Ordinances, the Project Area and the areas for which Merger No. 1 Ordinances become effective may hereinafter be known and referred to as the Merger No. 1 Project Area.

ATTACHMENT NO. 1

**LEGAL DESCRIPTION OF THE  
SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT**

The South Van Ness Industrial Redevelopment Project Area is an area of land consisting of approximately 606.29 +/- acres south of Ventura Avenue, generally between Freeway 41 and East Avenue, specifically described as follows:

BEGINNING at the intersection of the South line of East Church Avenue, with the West right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence Northerly, along the West right-of-way line of said Railroad and along the Northerly production of the West right-of-way line of said Railroad, to the intersection with the North line of East Butler Avenue; thence Easterly, along the North Line of said East Butler Avenue, to the intersection with the Easterly line of South Parallel Avenue; thence Northerly, and Northwesterly, along the Easterly and Northeasterly line of said South Parallel Avenue, to the intersection with the East line of said South Parallel Avenue; thence Northerly, along the East line of said South Parallel Avenue, -and along the Northerly production of the East line of said South Parallel Avenue, to the intersection with the south line of East Ventura Avenue; thence Northwesterly, along the south line of said East Ventura Avenue, and Southwesterly along the south line of Ventura Avenue, to the Northwesterly production of the Southwesterly line of Topeka Avenue; thence Southeasterly along the Northwesterly production of the Southwesterly line of Topeka Avenue, and Southeasterly along the Southwesterly line of said Topeka Avenue, to the intersection with the Northwesterly right-of-way line of the State Highway No. 41 Freeway; thence Southwesterly, along the various courses of the Northwesterly right-of-way line of said State Freeway No. 41., to the intersection with the center line of "O" Street; thence Southeasterly, along the center line of said "O" Street, to the intersection with the Northwesterly right-of-way line of said State Freeway No. 41; thence Southwesterly, along the various courses of the Northwesterly right-of-way line of said State Freeway No. 41, to the intersection with the center line of "M" Street; thence Northwesterly along the center line of said "M" Street, to the intersection with the Northwesterly right-of-way line of said State Freeway No. 41; thence Southwesterly, along the various courses of the State Freeway No. 41, to the intersection with the Northeast line of Broadway; thence Southeasterly, along the Northeast line of said Broadway, to the intersection with the right-of-way line of said State Freeway No. 41, thence Easterly, Southerly, and Southwesterly, and Southerly, along the Westerly right-of-way line of said State Freeway No. 41, to the Westerly production of the South line of East California Avenue; thence Easterly, along the Westerly production of the South line of said East California Avenue, to the intersection with the Easterly right-of-way line of said State Freeway No. 41; thence Southerly, and Southeasterly, along the various courses of said State Freeway No. 41, to its intersection with the Northeasterly right-of-way line of the California State Freeway No. 99; thence Southeasterly along the various

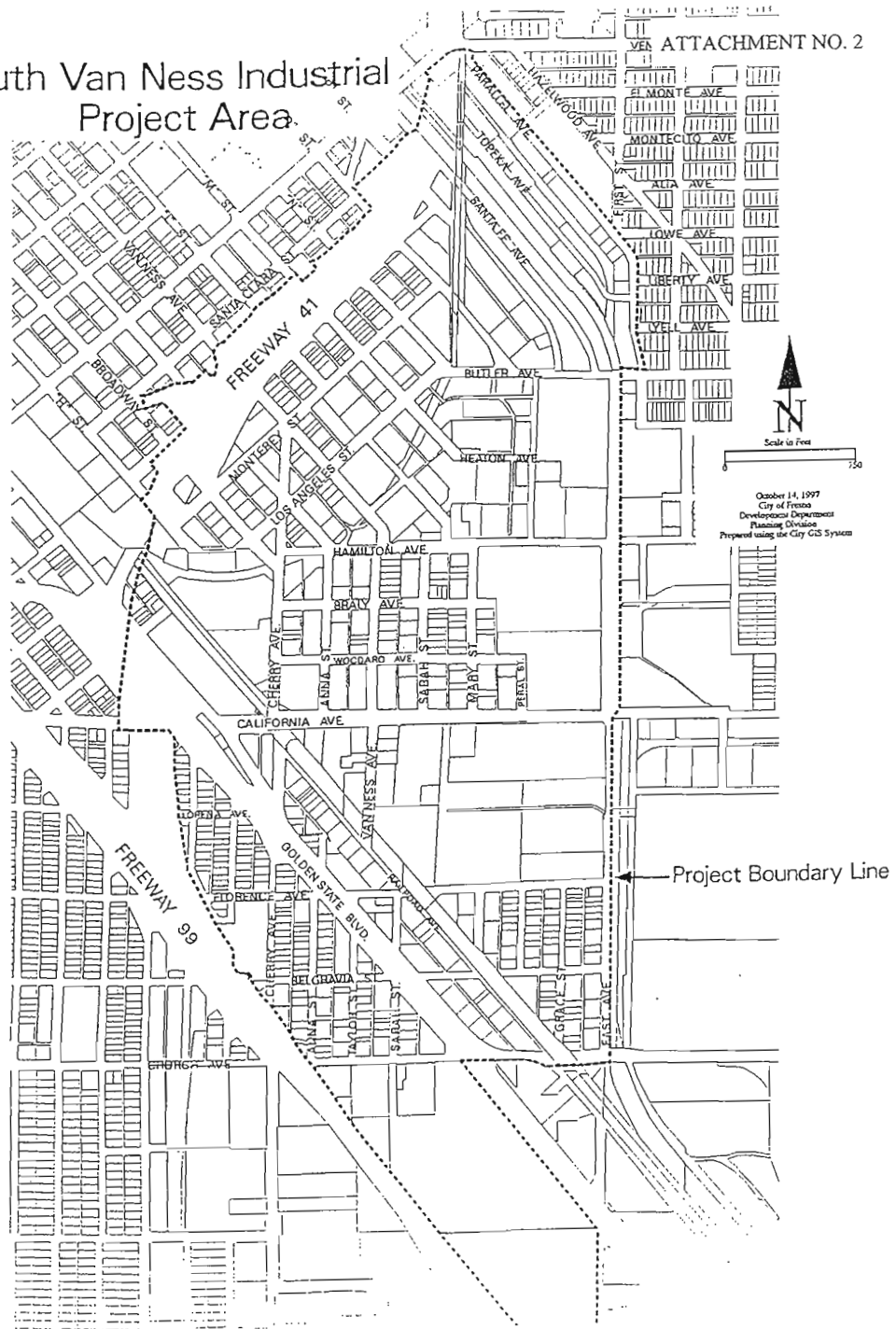
Legal Description  
SVNI Project Area  
Page 2

courses of the Northeasterly right-of-way line of said State Freeway No. 99, to the intersection with Northern boundary line of lot 1, of Fresno County Tract map 2079 plat book 23 page 16; thence Easterly along the North line of said lot 1; to the intersection with West right-of-way line of South East Avenue; thence Northerly, along the West right-of-way line of the said South East Avenue to the intersection with Westerly right-of-way line of the Northwesterly right-of-way Golden State Boulevard; thence Northwesterly, along the Westerly right-of-way line of the said Golden State Boulevard, to the intersection of South right-of-way line of the East Church Avenue; thence Easterly, along the South right-of-way line of said East Church Avenue, to the POINT OF BEGINNING.

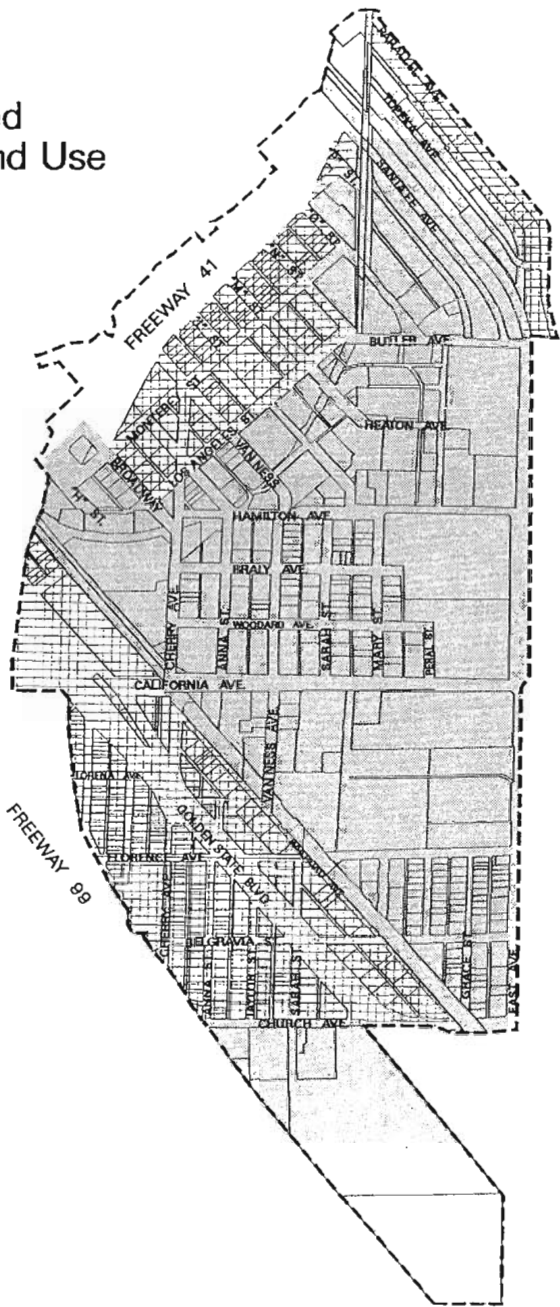
RY/SVNI 98 BOUNDARY DESC3

# South Van Ness Industrial Project Area

VER ATTACHMENT NO. 2



Proposed  
Plan Land Use



LEGEND

- Light Industrial
- Heavy Industrial



South Van Ness Industrial Redevelopment Project Area

ATTACHMENT NO. 4

SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT  
PROPOSED PUBLIC IMPROVEMENTS

1. Street improvements, including but not limited to curbs, gutters, sidewalks, paving, landscaping and irrigation systems, turning lanes, median islands, parking spaces, and street widening and extensions associated with plan implementation, including the realignment and extension of Van Ness Avenue across Golden State Boulevard.
2. Sewer improvements, including but not limited to lift stations, sewer mains, service lines, manholes, bore and jack casings, and related temporary pavement and payment restoration work as required with plan implementation.
3. Water improvements, including but not limited to water wells, fire hydrants, water and service lines, water mains, and bore and jack casings, wet ties, and related pavement restoration work as required with plan implementation.
4. Storm drain improvements, including but not limited to outfalls and inlets, manholes, pipes, bore pipes, and related temporary pavement and pavement restoration as required.
5. Traffic signal and safety lighting improvements associated with plan implementation.
6. Utility installation, relocation and /or undergrounding, including but not limited to telephone, electrical, gas, cable TV, etc.
7. Public parking lots and structures improvements as necessary to support implementation of Redevelopment Plan.
8. Railroad route and crossing safety improvements, including but not limited to closure, re-routing, or extension of spur lines; the railroad right-of-way and properties along the southwest frontage of Topeka Avenue and northeast frontage of Santa Fe Avenue between Freeway 41 and Butler Avenue, the north frontage of California Avenue, and the northeast frontage of Railroad Avenue; and the railroad crossings at Butler Avenue, Cherry Avenue, Anna Street, Van Ness Avenue, Sarah Street, Mary Street, Peral Street, and California Avenue.
9. Streetscape Improvements of major streets, including but not limited to Van Ness Street, "O" Street, East Avenue, Butler Avenue, Los Angeles Street, Church Avenue, California Avenue, and Golden State Boulevard; and the historic restoration/relocation of the existing Van Ness Entryway Arch at Van Ness Street and Railroad Avenue.

July 1, 1998

TO: MAYOR JIM PATTERSON  
FROM: REBECCA E. KLISCH, City Clerk  
SUBJECT: TRANSMITTAL OF COUNCIL ACTION  
FOR APPROVAL OR VETO


Council Adoption: \_\_\_\_\_  
Mayor Approval: \_\_\_\_\_  
Mayor Veto: \_\_\_\_\_  
Override Request: \_\_\_\_\_  
By: \_\_\_\_\_  
Deputy

At the Council meeting of June 30, 1998, Council adopted the attached Ordinance No. 98-43, entitled RDA Plan and merger of South Van Ness Industrial RDA Proj., by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before 7/13/98. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

\*\*\*\*\*  
APPROVED: 

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

  
\_\_\_\_\_  
Jim Patterson, Mayor

Date: 7/6/98

COUNCIL OVERRIDE ACTION:

Date: \_\_\_\_\_

Ayes  
Noes :  
Absent :  
Abstain :

c: Jeff Reid, City Manager  
Hilda C. Montoy, City Attorney

RECEIVED  
JUL 7 1998  
CITY CLERK

CLERK'S CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF FRESNO     )  
CITY OF FRESNO         )

On July 14<sup>th</sup> 1998, before me, Jocelyne Gueret, personally appeared Rebecca E. Klisch, City Clerk, known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument(s) the person(s), or the entity upon behalf of the City of Fresno of which the person(s) acted, executed the instrument.

WITNESS my hand and official City Seal.

REBECCA E. KLISCH  
CITY CLERK

BY: Jocelyne Gueret  
DEPUTY



NOTICE OF ADOPTION OF REDEVELOPMENT PLAN FOR THE  
SOUTH VAN NESS INDUSTRIAL REDEVELOPMENT PROJECT

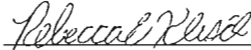
NOTICE IS HEREBY GIVEN that the City Council of the City of Fresno adopted Ordinance No. 98-43, on June 30, 1998, and signed by the Mayor on July 6, 1998, approving and adopting the Redevelopment Plan for the South Van Ness Industrial Redevelopment Project. The Ordinance will become effective thirty-one days after the Mayor's approval.

A legal description of the boundaries of the Project Area is attached hereto as Exhibit A and incorporated herein by reference.

Proceedings for the redevelopment of the Project Area have been instituted under the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.).

Filed for recordation with the County Recorder of Fresno County by order of the City Council of the City of Fresno, California.

Dated: July 15, 1998

  
REBECCA E. KLISCH  
City Clerk, City of Fresno

Attachment: Exhibit A - Legal Description

## EXHIBIT A

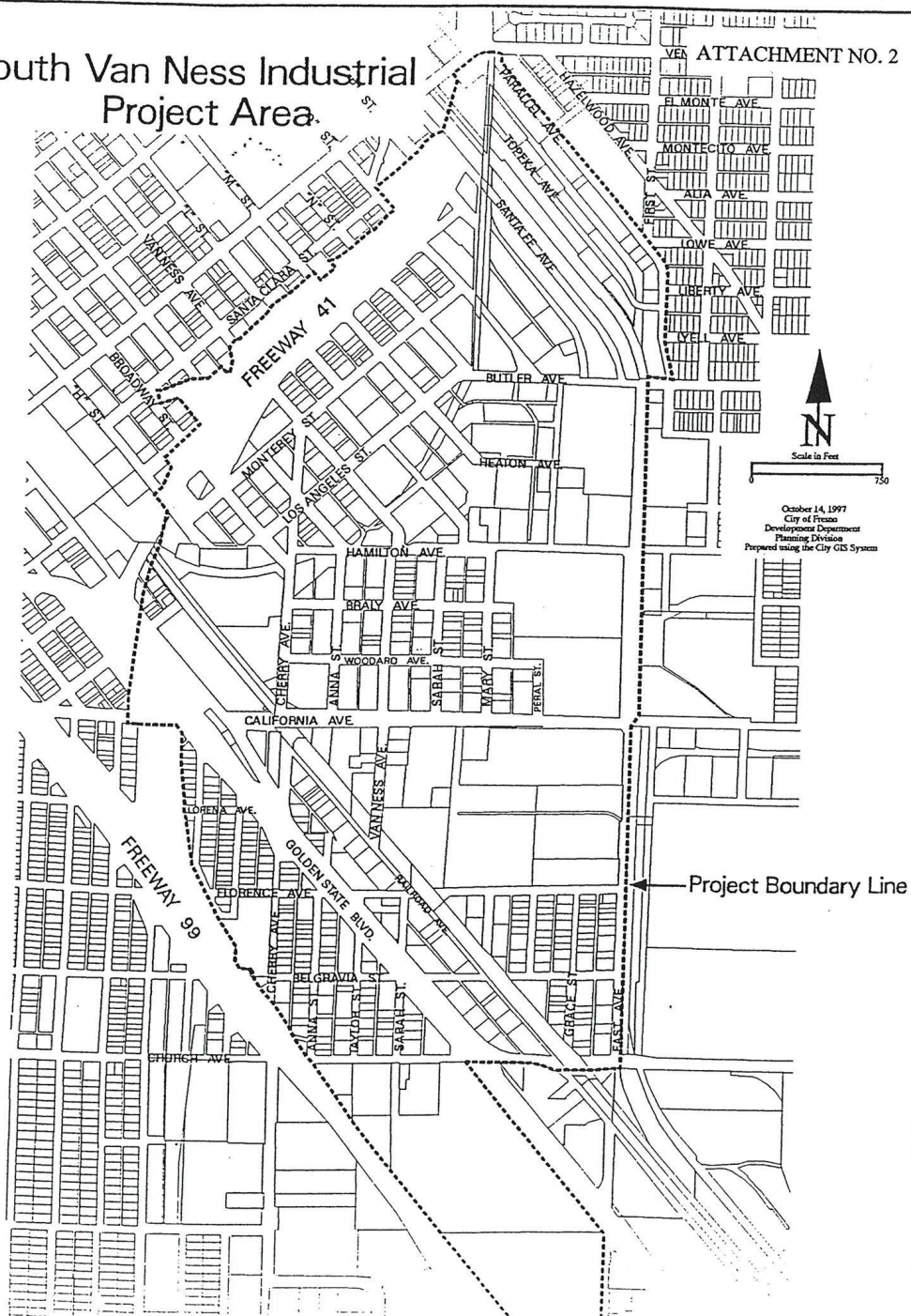
### Legal Description of the South Van Ness Industrial Redevelopment Project Area

The South Van Ness Industrial Redevelopment Project Area is an area of land consisting of approximately 606.29 +/- acres south of Ventura Avenue, generally between Freeway 41 and East Avenue, specifically described as follows:

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# South Van Ness Industrial Project Area

VEA ATTACHMENT NO. 2



October 14, 1997  
City of Fresno  
Development Department  
Planning Division  
Prepared using the City GIS System

Project Boundary Line