

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

BILL NO. B-47
ORDINANCE NO. 98-45

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING
AND ADOPTING THE 1998 AMENDMENT TO THE COMMUNITY
REDEVELOPMENT PLAN FOR THE CHINATOWN EXPANDED AREA

WHEREAS, the Council of the City of Fresno (the "Council"), established the Chinatown Expanded Area, initially named the West Fresno Business District Rehabilitation Project (the "Project"), and approved and adopted the Community Redevelopment Plan for the Project by Ordinance No. 6663, on July 22, 1965, and amended the Redevelopment Plan by Ordinance No. 86-13 on January 28, 1986, and Ordinance No. 94-116 on December 6, 1994 (the "Chinatown Plan"); and

WHEREAS, the Council has received from the Redevelopment Agency of the City of Fresno (the "Agency") a proposed 1998 Amendment to the Chinatown Plan (the "Chinatown Amendment"), a copy of which is on file at the offices of the City Clerk at 2600 Fresno Street, Fresno, California, and 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 and a proposed Redevelopment Plan for the South Van Ness Industrial Redevelopment Project (the "Proposed New Redevelopment Plans"), and the approval and adoption of proposed amendments (the "Other Proposed Amendments") to the Amended

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

98-45

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Urban Renewal Plan for the Central Business District Project One, 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 "Other Existing Redevelopment Plans"); and

WHEREAS, the Chinatown Amendment, the Other Proposed Amendments and the Proposed New Redevelopment Plans provide for the merger of the area included within the Chinatown Plan (the "Chinatown Project Area") with the areas included within the Other Existing Redevelopment Plans (the "Other Existing Project Areas") and the areas included within the Proposed New Redevelopment Plans (the "Proposed New Project Areas"), which collectively are hereinafter referred to as the "Merged No. 1 Project Area;" and

WHEREAS, the purposes of the Chinatown Amendment are to: (1) increase the limitations on the time for incurring debt and the time for repaying debt, (2) increase the dollar limitation on the allocation of tax increments from the Chinatown Project Area and the amount of bonded indebtedness that can be outstanding at one time, (3) re-establish the time limit of the Agency's power of eminent domain, (4) amend the land use provisions to be consistent with the current General Plan of the City of Fresno (the "General Plan"), (5) merge the Chinatown Project Area with the Other Existing Project Areas and the Proposed New Project Areas, and (6) make certain other textual changes to update and

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clarify certain provisions so that the provisions conform with current redevelopment law or are made consistent with existing City standards; 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 Chinatown Amendment, the Other Proposed Amendments and the Proposed New Redevelopment Plans (the "Agency's Report") in accordance with Section 33352 of the Community Redevelopment Law (Health and Safety Code Section 33000, et seq.); 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 Chinatown Amendment, 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

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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 Planning Commission of the City of Fresno has submitted to the Council its report and recommendations concerning the proposed Chinatown Amendment and its certification that the Chinatown Amendment conforms to the General Plan for the City of Fresno; and

WHEREAS, the Housing and Community Development Commission has considered the proposed Chinatown Amendment at a scheduled Public Hearing on June 10, 1998, and has recommended approval of the Chinatown Amendment; and

WHEREAS, the Agency has consulted with and obtained the advice of owners, residents and businesses, community organizations and others regarding the proposed Chinatown Amendment, and property owners, residents and businesses, community organizations and others were given the opportunity to review the proposed Chinatown Amendment at informational meetings; and

WHEREAS, the Council and the Agency held joint and concurrent public hearings on the Chinatown Amendment, the Other Proposed Amendments and the Proposed New Redevelopment Plans in the Council Chambers, 2600 Fresno Street, Fresno, California, on June 23, 1998, to consider adoption of the Chinatown Amendment and certification of the Final EIR; and

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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 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 Chinatown 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 Chinatown 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 Chinatown 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 Chinatown Project Area; and

WHEREAS, the Council has considered the Agency's Report, the Report and Recommendation of the Planning Commission, the Housing and Community Development

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Commission, the Chinatown Amendment, 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 Chinatown Amendment; and has adopted written findings in response to each written objection to the Chinatown Amendment from an affected taxing entity or property owner within the Chinatown Project Area; 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. The purposes and intent of the Council with respect to the Chinatown Amendment are: (1) to eliminate the significant remaining blighting influences and environmental deficiencies within the Chinatown Project Area and the Merged No. 1 Project Area as a whole; and (2) to contribute to and complement the overall goals and objectives of the Chinatown Plan and redevelopment of the Chinatown Project Area and the Merged No. 1 Project Area as a whole.

SECTION 2. The Council hereby finds and determines that:

a. It is necessary and desirable to amend the Chinatown Plan as set forth in the Chinatown Amendment in order to complete the redevelopment of the Chinatown Project Area and make possible the full achievement of the goals and objectives of the Chinatown Plan for the Chinatown Project Area. Significant blight remains within the Chinatown

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Project Area which cannot be eliminated without the increase in the time to establish debt and the increase in the tax increment dollar limit provided by the Chinatown Amendment. These findings are based upon the facts, as more particularly set forth in the Agency's Report, that:

(1) The Chinatown Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions, including deteriorated and dilapidated buildings, aged and obsolete buildings; lots of irregular form, shape and inadequate size for proper usefulness; vacant lots; low lease rates; residential overcrowding, a high crime rate and inadequate or deteriorated public improvements, facilities and utilities.

(2) The combination of the conditions referred to in paragraph (1) above are so prevalent and so substantial that it continues to cause a reduction of, or lack of, proper utilization of the Chinatown Project Area and affects the Merged No. 1 Project Area as a whole 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.

(3) The continued availability of tax increment revenues from the Chinatown Project Area and the Merged No. 1 Project Area as a whole will allow the Agency to continue to carry out the goals and objectives of the Chinatown Plan by providing the financing needed to complete the public improvements and to continue the

redevelopment programs necessary to alleviate the remaining blight conditions and promote and stimulate new private investment in the Chinatown Project Area.

b. The Chinatown Amendment would redevelop the Chinatown 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 Chinatown Project Area, as contemplated by the Chinatown Plan, as amended by the Chinatown Amendment, will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the remaining conditions of blight and deterioration in the Chinatown Project Area and the Merged No. 1 Project Area as a whole; by facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; by providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Chinatown Project Area; by providing for higher economic utilization of potentially useful land and buildings; and by providing additional funds to improve and increase the supply of low- and moderate-income housing within the community.

c. The adoption and carrying out of the Chinatown Amendment is economically sound and feasible. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that under the Chinatown Plan, as amended by the Chinatown Amendment, the funds available from tax increments from the Merged No. 1 Project Area

and other financing sources will be sufficient to pay for the costs of the proposed public projects needed to alleviate the remaining blight conditions; 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 Chinatown Project Area and the Merged No. 1 Project Area as a whole; and no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

d. The Chinatown Amendment conforms to the General Plan of the City of Fresno, including, but not limited to, the Housing Element. This finding is based on the finding of the Planning Commission that the Chinatown Amendment conforms to the General Plan of the City of Fresno.

e. The carrying out of the Chinatown Amendment would promote the public peace, health, safety, and welfare of the City of Fresno and would effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the facts that redevelopment, as contemplated by the Chinatown Amendment, will benefit the Chinatown Project Area and the Merged No. 1 Project Area as a whole by correcting the remaining conditions of blight and by coordinating the additional public and private actions needed to stimulate development and improve the physical and economic conditions of the Chinatown Project Area and the Merged No. 1 Project Area as a whole and that the continued redevelopment of the Chinatown Project Area will further promote and stimulate

new private investment and redevelopment in the Chinatown Project Area and the Merged

No. 1 Project Area as a whole.

f. The condemnation of real property, as re-established by the Chinatown Amendment, is necessary to the execution of the Chinatown Plan, and adequate provisions have been made for payment of property to be acquired as provided by law. This finding is based on the following facts: (1) in order to facilitate development of existing vacant or underutilized commercial properties, the Agency may need to assemble parcels to effectuate more cohesive and economically feasible development within the Chinatown Project Area; (2) the Agency is required to comply with all state laws pertaining to the acquisition of real property by a public agency by negotiation or by condemnation, which laws require the payment of just compensation for any real property purchased by negotiation or condemnation; and (3) the Agency shall not proceed with any voluntary acquisition or condemnation of real property for which funds are not available.

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 Chinatown Project Area. This finding is based upon the fact that the existing Chinatown Plan and the existing Agency relocation policies, as well as the Agency's Report, contain the Agency's general method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Chinatown Project Area, and provide for relocation assistance according to law. That general method and

plan for relocation will continue to apply following the adoption of the Chinatown Amendment.

h. There are, or shall be provided, in the Chinatown Project Area, Merged No. 1 Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Chinatown Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to the displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that pursuant to the Chinatown Plan, as amended by the Chinatown Amendment, if the Agency does displace any persons or families from a dwelling unit, no person or family will be required to move from any dwelling unit in the Chinatown Project Area until suitable replacement housing is available. In addition, families and persons shall not be displaced from the Chinatown Project Area 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 Chinatown 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.

i. The continuation of the elimination of blight and the effective redevelopment of the Chinatown Project Area could not be reasonably 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 higher costs and more significant risks are associated with development in a blighted area such as the Chinatown Project Area, available governmental actions and resources have been and are insufficient to address remaining blighting conditions and the cost and risk to private enterprise is too great.

j. The time limitations and the tax increment dollar limitation contained in the Chinatown Amendment are reasonably related to the remaining proposed projects to be implemented in the Merged No. 1 Project Area and to the ability of the Agency to eliminate the remaining blight within the Chinatown Project Area and the Merged No. 1 Project Area as a whole. 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. Shorter time limitations would also limit the revenue sources and financing capacity necessary to carry out the proposed projects in the Chinatown Project Area and the Merged No. 1 Project Area as a whole. As more particularly described in the Agency's Report, the tax increment dollar limitation has been established at an amount to ensure the Agency's ability to

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undertake the redevelopment activities necessary to alleviate the remaining blight conditions in the Chinatown Project Area and the Merged No. 1 Project Area as a whole.

SECTION 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Chinatown Project Area are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced occupants adequate temporary housing facilities at rents comparable to those in the City of Fresno at the time of their displacement.

SECTION 4. The merger of the Chinatown Project Area with the Other Existing Project Areas and the Proposed New 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 Chinatown Amendment, certain official actions must be taken by the Council; accordingly the Council hereby:

- i) pledges its cooperation in helping to carry out the Chinatown Plan, as amended by the Chinatown Amendment;
- ii) directs the various officials, department, boards and agencies of the City of Fresno having administrative responsibilities in the Chinatown Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Chinatown Plan, as amended by the Chinatown Amendment;
- iii) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Chinatown Plan, as amended by the Chinatown Amendment; and
- iv) 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 Chinatown Plan, as amended by the Chinatown Amendment.

SECTION 6. The Council is satisfied that written findings have been adopted in response to each written objection received from an affected taxing entity or property owner either before or at the noticed joint and concurrent public hearing. Having considered all evidence and testimony presented for or against any aspect of the Chinatown Amendment, the Council hereby overrules all written and oral objections to the Chinatown Amendment.

SECTION 7. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations made pertaining to the Chinatown Amendment, 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 Chinatown Amendment.

SECTION 8. The Chinatown Plan, as adopted and amended by Ordinances Numbered 6663, 86-13 and 94-116, is hereby further amended as set forth in the Chinatown Amendment attached hereto as Attachment 1, and incorporated herein by reference. As so amended, the Chinatown Plan is hereby incorporated by reference herein and designated as the official Community Redevelopment Plan for the Chinatown Expanded Area. The Executive Director of the Agency is hereby authorized to combine the Chinatown Plan, as amended by the Chinatown Amendment into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Chinatown Plan.

SECTION 9. Ordinance Number 6663, as amended by Ordinances Numbered 86-13 and 94-116, is continued in full force and effect as amended by this Ordinance.

SECTION 10. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency and the Agency hereby is vested with the responsibility for carrying out the Chinatown Plan, as amended by the Chinatown Amendment.

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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 Chinatown Amendment pursuant to this Ordinance, containing a statement that proceedings for the redevelopment of the Chinatown Project Area pursuant to the Chinatown Plan, as amended by the Chinatown Amendment, have been instituted under the California Community Redevelopment Law.

SECTION 12. Section XXI of the Chinatown Amendment to the Chinatown Plan, approved and adopted by this Ordinance, provides for the merger of the Chinatown Project Area with the Other Existing Project Areas and the Proposed New Project Areas (the "Chinatown Merger Provision"). The proposed Fulton Redevelopment Plan, the proposed South Van Ness Redevelopment Plan and the Proposed Amendments to the Other Existing Redevelopment Plans correspondingly provide for the merger of the Other Existing Project Areas and the Proposed New Project Areas with the Chinatown Project Area (the "Other Project Merger Provisions"). When the Chinatown Merger Provision takes effect and one or more of the Other Project Merger Provisions take effect, the Chinatown 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 Chinatown Merger Provision shall have no effect.

SECTION 13. If any part of this Ordinance or the Chinatown Amendment which it approves is held to be invalid for any reason, such decision shall not affect the

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validity of the remaining Ordinance or of the Chinatown Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Chinatown Amendment if such invalid portion thereof had been deleted. It is the specific intent of the Council that the Chinatown Merger Provision be considered wholly independent of the other provisions of the Chinatown Amendment. In the event the Chinatown Merger Provision is determined to be invalid by a court of competent jurisdiction for any reason, that circumstance shall not affect the remaining provisions of the Chinatown Amendment approved hereby.

SECTION 14. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

Attachment 1: 1998 Amendment to the Community Redevelopment Plan for the Chinatown Expanded Area

* * * * *

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 MONTON
City Attorney

By: Hilda Cantu Monton
Deputy

1998 AMENDMENT TO THE COMMUNITY REDEVELOPMENT PLAN
FOR THE CHINATOWN EXPANDED AREA

The Community Redevelopment Plan for the Chinatown Expanded Area adopted on July 22, 1965, by Ordinance No. 6663, as amended on January 28, 1986, by Ordinance No. 86-13, and on December 6, 1994, by Ordinance No. 94-116 (the "Plan"), is hereby further amended as follows:

- I. Section 1.1 of the Plan is hereby amended to add a new seventh paragraph to read as follows:

"As of the effective date of the ordinance approving the 1998 Amendment to the Plan (the "1998 Ordinance"), this Plan shall mean and include the Plan, as amended by the 1998 Ordinance."

- II. The first sentence of the first paragraph of Chapter 2.0 is hereby amended to read as follows:

"The City's long-range planning policy for the Chinatown Expanded Redevelopment Project Area is established by the Fresno General Plan and the Central Area Community Plan."

- III. Section 2.1 of the Plan is hereby amended to delete the third paragraph.

- IV. Section 2.2 of the Plan is hereby amended to read as follows:

"2.2 Central Area Community Plan

The Chinatown Expanded Project Area was adopted in 1986, and is located within the Central Area Community Plan which was adopted in 1989. This Plan represents a local refinement of the General Plan.

The Central Area Community Plan identifies a range of commercial mixed use and light industrial land uses as appropriate for the Chinatown Expanded Project Area."

- V. Section 2.4 of the Plan is hereby deleted in its entirety.
- VI. Section 2.5 of the Plan is hereby renumbered to Section 2.4 and the second paragraph of the newly numbered Section 2.4 is hereby amended to read as follows:

"In accordance with the requirement of the California Health and Safety Code (Section 33367), this Plan is consistent with the City's adopted long-range planning policies for the subject area as prescribed by the Fresno General Plan."

VII. The first paragraph of Chapter 3.0 is hereby amended to read as follows:

"In recent years, the Chinatown Expanded Area has experienced several major improvements. The most noteworthy of these are the Central Fish Market, the Danish Creamery Expansion, the Smart and Final Market, the re-use, remodeling, and commercial facade improvements of several older commercial buildings, remodeling of an existing building for the Police Substation/Chinatown Revitalization Corporation Office, three public parking lots, a new public safety program, and new streetscape improvements. However, balanced against these investments are the remaining vast amounts of vacant, underutilized, and poorly maintained properties which challenge any prospects of continued rejuvenation. Until and unless these conditions are addressed in a comprehensive manner, the momentum created by the recent revitalization activities in the northwesterly quadrant of the planning area will not be sustained.

VIII. Section 3.3 of the Plan is hereby deleted in its entirety.

IX. Section 3.4 of the Plan is hereby renumbered to Section 3.3.

X. Section 3.5 of the Plan is hereby renumbered to Section 3.4 and amended to read as follows:

"3.4 Proposed Land Uses, Zoning and Circulation

3.4.1. Land Use Plan Map

The Land Use Plan Map (Revised 1998) (ref. Exhibit 7) illustrates the location of the Project Area boundaries, the streets within the Project Area, and the proposed land uses to be permitted in the Project for all land, public, semi-public and private.

3.4.2. Designated Land Uses

1. Residential Uses

The areas shown on the Land Use Plan Map (Revised 1998) for Residential uses shall be used for the permitted residential uses set forth and described in the Central Area Community Plan.

2. Commercial Mixed Use Level 2 (C/MX-2)

The areas shown on the Land Use Plan Map (Revised 1998) for Commercial Mixed Use Level 2 shall be used for the permitted residential, commercial, industrial and public uses set forth and described in the Central Area Community Plan.

3. Commercial/Industrial Uses

The areas shown on the Land Use Plan Map (Revised 1998) for Commercial/Industrial uses shall be used for the permitted commercial and industrial and public uses set forth and described in the Central Area Community Plan.

3.4.3. Public Rights-of-Way

The public rights-of-way are illustrated on the Land Use Plan Map, (Revised 1998).

Public streets, alleys and easements may be created in the Project Area as needed for proper development. Existing streets, alleys, and easements may be abandoned, closed, or modified as necessary for proper development of the Project.

XI. Section 3.6 of the Plan is hereby renumbered to Section 3.5.

XII. Section 3.7 of the Plan is hereby renumbered to Section 3.6 and amended to read as follows:

*3.6 Property, Streetscape and Sign Standards

3.6.1 Development Standards and Site Plan Review

The development of property and construction of buildings and structures, including, but not limited to, building heights, lot coverage, loading spaces and setbacks, within the Project Area shall be in conformance with the development standards set forth for the applicable permitted use in the Central Area Community Plan.

All site plans for development within the Project Area shall be submitted to the City of Fresno for site plan review in accordance with the City of Fresno zoning ordinances.

In addition to the above-described development standards outdoor storage yards in the Project Area shall be required to be: (a) completely enclosed by an opaque fence/wall not less than six (6) feet in height; (b) further screened from view of abutting properties

and public rights-of-way by a landscape buffer having not less than ten (10) feet in depth; and (c) paved with asphalt concrete in accordance with City standards.

3.6.2 Streetscape Standards

In order to create, protect, and maintain streets and adjacent properties as boulevards, gateways, and pedestrian-oriented streetscapes of special quality, by reason of their location within and adjacent to the Chinatown/Multi-Cultural Center District and other activity centers within the Central Area, as determined by the Agency, all land uses shall be subject to the provisions of this section, in addition to the provisions of the City zoning ordinances. The requirements of this section are intended to complement and not to supersede the provisions of the City zoning ordinances.

The following landscaping, streetscape, decorative and sidewalk standards may be modified by the Executive Director of the Agency to permit design flexibility when beneficial to the Project Area, promote more diverse and higher quality streetscape and pedestrian environment, and are consistent with adopted plans and policies.

1. Chinatown Target Area

Notwithstanding any requirements of this Section, for properties located within the area bounded by Freeway 99, Fresno, "G", and Inyo Streets, a greater priority is placed upon maintaining the alignment of facades fronting upon any block within this area. Buildings in this portion of the Project Area have been typically set directly on the front property line, creating a distinct wall line along the sidewalk. A building with a non-aligned facade can disrupt the visual continuity of the streetscape appearance.

2. Special Development Requirements Along Major and Local Streets

For developable properties, a front or side yard of not less than ten (10) feet along any abutting street, along with a minimum ten (10) foot wide, decorative, sidewalk pattern, shall be required. Street trees and trees within required yards shall be planted in a double-row configuration of sufficient quantity and size, and in such a manner as to create a "canopy effect", provide necessary shading on the adjacent pedestrian sidewalk, and to enhance the superior aesthetic quality of the proposed boulevard, gateway, and pedestrian-oriented streetscape environments. To the

maximum extent possible, all existing mature street trees shall be preserved, protected, and incorporated into the landscape design.

3. Center Divider Islands

Center divider islands shall be landscaped to the maximum extent possible and improved in a manner consistent with the boulevard and gateway concepts.

3.6.3 Sign Standards

All signs shall conform to the applicable sign requirements set forth in the Central Area Community Plan and City of Fresno zoning ordinances.

In addition, All outdoor advertising signs in the Project Area shall be mounted on or parallel with any exterior wall, not to exceed ten (10) percent of the total area of said exterior wall or one hundred (100) square feet, located on a wall with a public entrance, may not exceed building height in the district and be subject to the provisions of Section 12-217-5K of the C-1 Zone District except that advertising structures (billboards) shall not be permitted in the Project Area."

- XIII. Section 3.8 of the Plan is hereby renumbered to Section 3.7 and amended to read as follows:

"3.7 Land Acquisition

In order to protect existing development and attract new investments, the implementation of this Plan is largely dependent upon the rehabilitation of existing development, but will also require the acquisition, clearance, and assemblage of properties for new development. As proposed by this Plan, the Redevelopment Agency will acquire properties primarily through mutually agreed negotiated settlements with the respective property owners, and not through the exercise of its power of eminent domain. Nevertheless, in the event purchase cannot be negotiated, the Agency may seek the acquisition primarily of vacant parcels, parcels with vacant buildings and/or, in the sole discretion of the Agency, severely blighted parcels, as shown on the Acquisition Plan Map (ref. Exhibit 9), through the exercise of its power of eminent domain. All other properties in the project area, the use of which conforms to this Plan, are designated as properties which may not be acquired subject to owner participation. Where the structures on the properties are economically feasible to rehabilitate and the proposed reuse conforms to the Plan, it is anticipated that these properties will be rehabilitated as necessary to be in conformance

with the Property Rehabilitation Standards contained in this Plan (see Sections 4.5 and 4.6)."

XIV. A new Section 3.8 of the Plan is hereby added to read as follows:

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

XV. Section 4.1 of the Plan is hereby amended to read as follows:

"4.1 Duration of Plan and Covenants

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 until January 1, 2009, for the original area of the Project adopted by Ordinance No. 6663 (the "Original Area") and until February 28, 2026, for the area of the Project added by Ordinance No. 86-13 (the "Added Area"); provided, however, that, subject to the limitations set forth in paragraph b. of Section 5.3.5 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 obligations. After the effectiveness of this Plan terminates, 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."

XVI. Subparagraph b. of Section 5.1.2 of the Plan is hereby amended to read as follows:

"In cases where purchase cannot be negotiated, vacant property, property with vacant structure(s) and/or severely blighted property, in the sole discretion of the Agency, may be acquired by the Agency through the exercise of its right of eminent domain. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the Ordinance becomes effective."

- XVII. Section 5.1.6 of the plan is hereby amended to add a third paragraph to read as follows:

"Specifically, the Agency may pay for, install, or construct the buildings, structures or other public improvements identified in Exhibit 10, attached hereto and incorporated herein by reference, and may acquire or pay for the land required for such public improvements."

- XVIII. Section 5.3.3 of the Plan is hereby amended to delete the phrase "Within 40 years from the effective date of the ordinance approving the Redevelopment Plan," from the first sentence.

- XIX. Paragraph b. of Section 5.3.5 of the Plan is hereby amended to read as follows:

"That portion of said levied taxes each year in excess of such amount but not to exceed a Total Allocation Limitation of \$32,000,000 from both the Original Area and the Added Area, shall be allocated to and when collected shall be paid into such a special fund of the Agency to pay the principal of and interest on bonds, loans, monies advanced to or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Community Redevelopment Plan, within the meaning of Section 33678 of the Community Redevelopment Law. Unless and until the total assessed value of the taxable property in the project exceed the total assessed value of the taxable property in the project as shown by the last equalized assessment roll referred to in paragraph a. of Section 5.3.5 above, 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.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond January 1, 2009, for the Original Area of the Project, and February 28, 2016, for the Added Area of the Project. 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 as set forth herein. 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 5.3.5 beyond January 1, 2019, for the Original Area of the Project and February 28, 2036, for the Added Area of the Project.

When said bonds, loans, advances, and indebtedness, if any, and interest thereon, have been paid, or when the \$32,000,000 Total Allocation Limitation is reached, all monies thereafter received from taxes upon the taxable property in the project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid. Pursuant to Section 33334.1 of the Community Redevelopment Law, this Plan limits the amount of bonded indebtedness which may be outstanding at any one time is \$12,000,000."

- XX. Paragraph d. of Section 5.3.5 of the Plan is hereby amended to add a third paragraph to read as follows:

"Notwithstanding the provisions of this paragraph d., if amendments to this Plan are adopted on or after January 1, 1994, payments to affected taxing entities shall be made in accordance with the provisions of the Community Redevelopment Law including, but not limited to, Sections 33607.5 and 33607.7."

- XXI. A new Section 5.4 is hereby added to the Plan to read as follows:

"5.4 Mergers

Upon the effective date of the 1998 Ordinance, 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 Central Business District Amended 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. Other project areas may also include the areas of the proposed Redevelopment Plan for the Fulton Redevelopment Project and the proposed Redevelopment Plan for the South Van Ness Industrial Redevelopment Project, if ordinances adopting such redevelopment plans, including the merger of such areas with this Project Area, become effective. Upon the effective date of the 1998 Ordinance 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."

- XXII. The map entitled "Redevelopment Activity Areas Map," attached as Exhibit 7 of the Plan is hereby deleted in its entirety.
- XXIII. The map entitled "Revitalization Strategy Implementation Map," attached as Exhibit 8 of the Plan is hereby deleted in its entirety.
- XXIV. The map entitled "Land Use Plan," attached as Exhibit 9 of the Plan is hereby deleted and replaced with the "Exhibit 7, Land Use Plan Map (Revised 1998)," attached hereto and incorporated herein by reference.
- XXV. The map entitled "Zoning Plan," attached as Exhibit 10 of the Plan is hereby deleted in its entirety.
- XXVI. The map entitled "Circulation Pattern," attached as Exhibit 11 of the Plan is hereby deleted in its entirety.
- XXVII. The map entitled "Historic Structures," attached as Exhibit 12 of the Plan is hereby renumbered to Exhibit 8.
- XXVIII. The map entitled "Acquisition Plan Map," attached hereto as Exhibit 9, is hereby added to the Plan by this reference.
- XXIX. The map entitled "Exhibit 10, List of Public Improvements," attached hereto is hereby added to the Plan.

1998 AMENDMENT TO THE COMMUNITY REDEVELOPMENT PLAN
FOR THE CHINATOWN EXPANDED AREA

The Community Redevelopment Plan for the Chinatown Expanded Area adopted on July 22, 1965, by Ordinance No. 6663, as amended on January 28, 1986, by Ordinance No. 86-13, and on December 6, 1994, by Ordinance No. 94-116 (the "Plan"), is hereby further amended as follows:

- I. Section 1.1 of the Plan is hereby amended to add a new seventh paragraph to read as follows:

"As of the effective date of the ordinance approving the 1998 Amendment to the Plan (the "1998 Ordinance"), this Plan shall mean and include the Plan, as amended by the 1998 Ordinance."

- II. The first sentence of the first paragraph of Chapter 2.0 is hereby amended to read as follows:

"The City's long-range planning policy for the Chinatown Expanded Redevelopment Project Area is established by the Fresno General Plan and the Central Area Community Plan."

- III. Section 2.1 of the Plan is hereby amended to delete the third paragraph.

- IV. Section 2.2 of the Plan is hereby amended to read as follows:

"2.2 Central Area Community Plan

The Chinatown Expanded Project Area was adopted in 1986, and is located within the Central Area Community Plan which was adopted in 1989. This Plan represents a local refinement of the General Plan.

The Central Area Community Plan identifies a range of commercial mixed use and light industrial land uses as appropriate for the Chinatown Expanded Project Area."

- V. Section 2.4 of the Plan is hereby deleted in its entirety.
- VI. Section 2.5 of the Plan is hereby renumbered to Section 2.4 and the second paragraph of the newly numbered Section 2.4 is hereby amended to read as follows:

"In accordance with the requirement of the California Health and Safety Code (Section 33367), this Plan is consistent with the City's adopted long-range planning policies for the subject area as prescribed by the Fresno General Plan."

VII. The first paragraph of Chapter 3.0 is hereby amended to read as follows:

"In recent years, the Chinatown Expanded Area has experienced several major improvements. The most noteworthy of these are the Central Fish Market, the Danish Creamery Expansion, the Smart and Final Market, the re-use, remodeling, and commercial facade improvements of several older commercial buildings, remodeling of an existing building for the Police Substation/Chinatown Revitalization Corporation Office, three public parking lots, a new public safety program, and new streetscape improvements. However, balanced against these investments are the remaining vast amounts of vacant, underutilized, and poorly maintained properties which challenge any prospects of continued rejuvenation. Until and unless these conditions are addressed in a comprehensive manner, the momentum created by the recent revitalization activities in the northwesterly quadrant of the planning area will not be sustained.

VIII. Section 3.3 of the Plan is hereby deleted in its entirety.

IX. Section 3.4 of the Plan is hereby renumbered to Section 3.3.

X. Section 3.5 of the Plan is hereby renumbered to Section 3.4 and amended to read as follows:

3.4 Proposed Land Uses, Zoning and Circulation

3.4.1. Land Use Plan Map

The Land Use Plan Map (Revised 1998) (ref. Exhibit 7) illustrates the location of the Project Area boundaries, the streets within the Project Area, and the proposed land uses to be permitted in the Project for all land, public, semi-public and private.

3.4.2. Designated Land Uses

1. Residential Uses

The areas shown on the Land Use Plan Map (Revised 1998) for Residential uses shall be used for the permitted residential uses set forth and described in the Central Area Community Plan.

2. Commercial Mixed Use Level 2 (C/MX-2)

The areas shown on the Land Use Plan Map (Revised 1998) for Commercial Mixed Use Level 2 shall be used for the permitted residential, commercial, industrial and public uses set forth and described in the Central Area Community Plan.

3. Commercial/Industrial Uses

The areas shown on the Land Use Plan Map (Revised 1998) for Commercial/Industrial uses shall be used for the permitted commercial and industrial and public uses set forth and described in the Central Area Community Plan.

3.4.3. Public Rights-of-Way

The public rights-of-way are illustrated on the Land Use Plan Map, (Revised 1998).

Public streets, alleys and easements may be created in the Project Area as needed for proper development. Existing streets, alleys, and easements may be abandoned, closed, or modified as necessary for proper development of the Project.

XI. Section 3.6 of the Plan is hereby renumbered to Section 3.5.

XII. Section 3.7 of the Plan is hereby renumbered to Section 3.6 and amended to read as follows:

*3.6 Property, Streetscape and Sign Standards

3.6.1 Development Standards and Site Plan Review

The development of property and construction of buildings and structures, including, but not limited to, building heights, lot coverage, loading spaces and setbacks, within the Project Area shall be in conformance with the development standards set forth for the applicable permitted use in the Central Area Community Plan.

All site plans for development within the Project Area shall be submitted to the City of Fresno for site plan review in accordance with the City of Fresno zoning ordinances.

In addition to the above-described development standards outdoor storage yards in the Project Area shall be required to be: (a) completely enclosed by an opaque fence/wall not less than six (6) feet in height; (b) further screened from view of abutting properties

and public rights-of-way by a landscape buffer having not less than ten (10) feet in depth; and (c) paved with asphalt concrete in accordance with City standards.

3.6.2 Streetscape Standards

In order to create, protect, and maintain streets and adjacent properties as boulevards, gateways, and pedestrian-oriented streetscapes of special quality, by reason of their location within and adjacent to the Chinatown/Multi-Cultural Center District and other activity centers within the Central Area, as determined by the Agency, all land uses shall be subject to the provisions of this section, in addition to the provisions of the City zoning ordinances. The requirements of this section are intended to complement and not to supersede the provisions of the City zoning ordinances.

The following landscaping, streetscape, decorative and sidewalk standards may be modified by the Executive Director of the Agency to permit design flexibility when beneficial to the Project Area, promote more diverse and higher quality streetscape and pedestrian environment, and are consistent with adopted plans and policies.

1. Chinatown Target Area

Notwithstanding any requirements of this Section, for properties located within the area bounded by Freeway 99, Fresno, "G", and Inyo Streets, a greater priority is placed upon maintaining the alignment of facades fronting upon any block within this area. Buildings in this portion of the Project Area have been typically set directly on the front property line, creating a distinct wall line along the sidewalk. A building with a non-aligned facade can disrupt the visual continuity of the streetscape appearance.

2. Special Development Requirements Along Major and Local Streets

For developable properties, a front or side yard of not less than ten (10) feet along any abutting street, along with a minimum ten (10) foot wide, decorative, sidewalk pattern, shall be required. Street trees and trees within required yards shall be planted in a double-row configuration of sufficient quantity and size, and in such a manner as to create a "canopy effect", provide necessary shading on the adjacent pedestrian sidewalk, and to enhance the superior aesthetic quality of the proposed boulevard, gateway, and pedestrian-oriented streetscape environments. To the

maximum extent possible, all existing mature street trees shall be preserved, protected, and incorporated into the landscape design.

3. Center Divider Islands

Center divider islands shall be landscaped to the maximum extent possible and improved in a manner consistent with the boulevard and gateway concepts.

3.6.3 Sign Standards

All signs shall conform to the applicable sign requirements set forth in the Central Area Community Plan and City of Fresno zoning ordinances.

In addition, All outdoor advertising signs in the Project Area shall be mounted on or parallel with any exterior wall, not to exceed ten (10) percent of the total area of said exterior wall or one hundred (100) square feet, located on a wall with a public entrance, may not exceed building height in the district and be subject to the provisions of Section 12-217-5K of the C-1 Zone District except that advertising structures (billboards) shall not be permitted in the Project Area."

XIII. Section 3.8 of the Plan is hereby renumbered to Section 3.7 and amended to read as follows:

"3.7 Land Acquisition

In order to protect existing development and attract new investments, the implementation of this Plan is largely dependent upon the rehabilitation of existing development, but will also require the acquisition, clearance, and assemblage of properties for new development. As proposed by this Plan, the Redevelopment Agency will acquire properties primarily through mutually agreed negotiated settlements with the respective property owners, and not through the exercise of its power of eminent domain. Nevertheless, in the event purchase cannot be negotiated, the Agency may seek the acquisition primarily of vacant parcels, parcels with vacant buildings and/or, in the sole discretion of the Agency, severely blighted parcels, as shown on the Acquisition Plan Map (ref. Exhibit 9), through the exercise of its power of eminent domain. All other properties in the project area, the use of which conforms to this Plan, are designated as properties which may not be acquired subject to owner participation. Where the structures on the properties are economically feasible to rehabilitate and the proposed reuse conforms to the Plan, it is anticipated that these properties will be rehabilitated as necessary to be in conformance

with the Property Rehabilitation Standards contained in this Plan (see Sections 4.5 and 4.6)."

XIV. A new Section 3.8 of the Plan is hereby added to read as follows:

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

XV. Section 4.1 of the Plan is hereby amended to read as follows:

"4.1 Duration of Plan and Covenants

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 until January 1, 2009, for the original area of the Project adopted by Ordinance No. 6663 (the "Original Area") and until February 28, 2026, for the area of the Project added by Ordinance No. 86-13 (the "Added Area"); provided, however, that, subject to the limitations set forth in paragraph b. of Section 5.3.5 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 obligations. After the effectiveness of this Plan terminates, 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."

XVI. Subparagraph b. of Section 5.1.2 of the Plan is hereby amended to read as follows:

"In cases where purchase cannot be negotiated, vacant property, property with vacant structure(s) and/or severely blighted property, in the sole discretion of the Agency, may be acquired by the Agency through the exercise of its right of eminent domain. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the Ordinance becomes effective."

- XVII. Section 5.1.6 of the plan is hereby amended to add a third paragraph to read as follows:

"Specifically, the Agency may pay for, install, or construct the buildings, structures or other public improvements identified in Exhibit 10, attached hereto and incorporated herein by reference, and may acquire or pay for the land required for such public improvements."

- XVIII. Section 5.3.3 of the Plan is hereby amended to delete the phrase "Within 40 years from the effective date of the ordinance approving the Redevelopment Plan," from the first sentence.

- XIX. Paragraph b. of Section 5.3.5 of the Plan is hereby amended to read as follows:

"That portion of said levied taxes each year in excess of such amount but not to exceed a Total Allocation Limitation of \$32,000,000 from both the Original Area and the Added Area, shall be allocated to and when collected shall be paid into such a special fund of the Agency to pay the principal of and interest on bonds, loans, monies advanced to or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Community Redevelopment Plan, within the meaning of Section 33678 of the Community Redevelopment Law. Unless and until the total assessed value of the taxable property in the project exceed the total assessed value of the taxable property in the project as shown by the last equalized assessment roll referred to in paragraph a. of Section 5.3.5 above, 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.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond January 1, 2009, for the Original Area of the Project, and February 28, 2016, for the Added Area of the Project. 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 as set forth herein. 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 5.3.5 beyond January 1, 2019, for the Original Area of the Project and February 28, 2036, for the Added Area of the Project.

When said bonds, loans, advances, and indebtedness, if any, and interest thereon, have been paid, or when the \$32,000,000 Total Allocation Limitation is reached, all monies thereafter received from taxes upon the taxable property in the project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid. Pursuant to Section 33334.1 of the Community Redevelopment Law, this Plan limits the amount of bonded indebtedness which may be outstanding at any one time is \$12,000,000."

- XX. Paragraph d. of Section 5.3.5 of the Plan is hereby amended to add a third paragraph to read as follows:

"Notwithstanding the provisions of this paragraph d., if amendments to this Plan are adopted on or after January 1, 1994, payments to affected taxing entities shall be made in accordance with the provisions of the Community Redevelopment Law including, but not limited to, Sections 33607.5 and 33607.7."

- XXI. A new Section 5.4 is hereby added to the Plan to read as follows:

"5.4 Mergers

Upon the effective date of the 1998 Ordinance, 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 Central Business District Amended 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. Other project areas may also include the areas of the proposed Redevelopment Plan for the Fulton Redevelopment Project and the proposed Redevelopment Plan for the South Van Ness Industrial Redevelopment Project, if ordinances adopting such redevelopment plans, including the merger of such areas with this Project Area, become effective. Upon the effective date of the 1998 Ordinance 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."

- XXII. The map entitled "Redevelopment Activity Areas Map," attached as Exhibit 7 of the Plan is hereby deleted in its entirety.
- XXIII. The map entitled "Revitalization Strategy Implementation Map," attached as Exhibit 8 of the Plan is hereby deleted in its entirety.
- XXIV. The map entitled "Land Use Plan," attached as Exhibit 9 of the Plan is hereby deleted and replaced with the "Exhibit 7, Land Use Plan Map (Revised 1998)," attached hereto and incorporated herein by reference.
- XXV. The map entitled "Zoning Plan," attached as Exhibit 10 of the Plan is hereby deleted in its entirety.
- XXVI. The map entitled "Circulation Pattern," attached as Exhibit 11 of the Plan is hereby deleted in its entirety.
- XXVII. The map entitled "Historic Structures," attached as Exhibit 12 of the Plan is hereby renumbered to Exhibit 8.
- XXVIII. The map entitled "Acquisition Plan Map," attached hereto as Exhibit 9, is hereby added to the Plan by this reference.
- XXIX. The map entitled "Exhibit 10, List of Public Improvements," attached hereto is hereby added to the Plan.

Exhibit 10

CHINATOWN REDEVELOPMENT PROJECT
LIST OF 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.
2. Sewer improvements, including but not limited to sewer mains, service lines, manholes, and related temporary pavement and pavement 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. Implementation of Fresno Central Area Streetscape Master Plan, including but not limited to street tree planting in sidewalk areas and planting strips, 4 feet by 4 feet tree grates and guards, new sidewalk paving for a minimum width of 10 feet, bus shelters, pedestrian crosswalks, landscape medians, and landscape planting nodes and gateways on all major and local streets as designated, particularly the "Target Areas" and the "entry treatment" on Fresno, Tulare, "F," and Ventura Streets.
8. Public parking lots and structures improvements as necessary to support implementation of Redevelopment Plan.
9. Railroad route and crossing safety improvements, including but not limited to the railroad right-of-way and properties along the southwest frontage of "H" Street and northeast frontage of "G" Street between Fresno Street and Freeway 41, spur line extension on Mono Street from the "Main Line" to "F" Street, and the railroad crossings at Tulare, Kern, Mono, and Ventura Streets.

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. 98-45 entitled Prop. amndmnts and merger of Chinatown RDA, by the following vote:

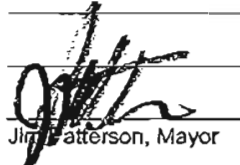
Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None
Abstain : None

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: 7/1/98

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes

Noes

Absent

Abstain

NO COUNCIL VETO ACTION
CITY CLERK RECEIVED
JUL 1 1998

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

RECEIVED

CLERK'S CERTIFICATION

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

On July 14th 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