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ORDINANCE NO. 99-43

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

ORDINANCE A (WITH CAP ON TAX INCREMENTS)

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

BILL NO. B-46
ORDINANCE NO. 99-43

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

WHEREAS, the Council of the City of Fresno (the "Council") has received the proposed
Redevelopment Plan (the "Redevelopment Plan") for the South Fresno Industrial Revitalization
Redevelopment Project (the "Project"), a copy of which is on file at the offices of the Agency and the
City Clerk and attached to this Ordinance as Attachment 1, from the Redevelopment Agency of the
City of Fresno (the "Agency"); and

WHEREAS, the Council is also the Agency Board, and both bodies have consented to a joint
public hearing to consider approving and adopting the Redevelopment Plan; and

WHEREAS, the Council has also received the Report to Council, and a Supplemental Report
to Council, on the Redevelopment Plan, from the Agency (the "Agency's Report"), which contains
all the following: (1) the reasons for selecting the Project Area; (2) descriptions of specific projects
the Agency proposes in the Project Area, and how the projects will improve or alleviate the physical
and economic blighting conditions existing in the Project Area; (3) descriptions of the physical and
economic blighting conditions existing in the Project Area, and a map showing where the conditions
exist; (4) an Implementation Plan for the first five years of the Redevelopment Plan; (5) an
explanation of why eliminating blight and redeveloping the Project Area cannot be accomplished by
private enterprise acting alone or by the Council's use of financing alternatives other than tax

Adopted 6-29-99
Approved 7-12-99
Effective 8-12-99

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increment financing; (6) the proposed method for financing redevelopment of the Project Area, which demonstrates the economic feasibility of redeveloping the Project Area; (7) a plan for relocating families and persons temporarily or permanently displaced from housing facilities from implementing the Redevelopment Plan; (8) an analysis of the Preliminary Plan for the Project; (9) the Planning Commission of the City of Fresno's (the "Planning Commission") Report and Recommendation, including a report regarding the Agency's potential land acquisition for, and installation or construct of, certain public improvements and public utilities; (10) a summary of citizen participation meetings on the Redevelopment Plan; (11) the Final Program Environmental Impact Report No. 98-01; (12) the report of the County of Fresno's (the "County") fiscal officer, (13) a neighborhood impact report; (14) a summary of the Agency's consultations with affected taxing entities, including responses to the entities' written objections and concerns the Agency received during consultations; and

WHEREAS, June 16, 1999, the Planning Commission considered the Redevelopment Plan at a noticed Public Hearing, and has reported that the Redevelopment Plan is consistent with the General Plan of the City of Fresno, and has recommended approval of the Redevelopment Plan; and

WHEREAS, June 14, 1999, the Housing and Community Development Commission considered the Redevelopment Plan at a noticed meeting, and recommended approval of the Redevelopment Plan; and

WHEREAS, the City of Fresno ("City") and the Agency, co-lead agencies, prepared and circulated a Draft Program Environmental Impact Report (the "Draft EIR"), according to 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 Board and Council pursuant thereto, and evaluates the environmental impacts of the Redevelopment Plan, and other redevelopment plans; and

WHEREAS, the Draft EIR was afterwards revised and supplemented to incorporate comments received, and responses to the comments, and as further revised and supplemented is the Final Program Environmental Impact Report No. 98-01(the "Final EIR"); and

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

WHEREAS, June 22, 1999, the Council and the Agency Board held a joint public hearing on the Redevelopment Plan in the Council Chambers, 2600 Fresno Street, Fresno, California, to consider adopting the Redevelopment Plan and certifying the Final EIR; and

WHEREAS, a notice of the joint public hearing 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 before the date of the hearing; and a copy of the notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, a copy of the joint public hearing notice was mailed by first-class mail to the last known address of each assessee of land in the Project Area, shown on the last equalized assessment roll of the County, with a statement, to those assessees whose property will be subject to the Agency's potential acquisition by purchase or condemnation, concerning that possibility; and

WHEREAS, copies of the joint public hearing notice were mailed by first-class mail to all

residential and business occupants in the Project Area; and

WHEREAS, copies of the joint public hearing notice were mailed by first class mail to the governing body of each taxing entity that receives taxes from property in the proposed Project Area; and

WHEREAS, the Council has considered the Agency's Report, the Planning Commission's Report and Recommendation, the Housing and Community Development Commission's Report and Recommendation, the Redevelopment Plan, and the Final EIR;

WHEREAS, the Council has provided an opportunity for all persons to be heard, has received and considered all evidence and testimony presented for or against the Redevelopment Plan, and has adopted written findings responding to each written objection to the Redevelopment Plan from any affected taxing entity or property owner in the Project; and

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

WHEREAS the Council is authorized under Health and Safety Code Section 33359 to adopt the Redevelopment Plan with no further actions by the Agency;

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

SECTION 1. The Council's purpose and intent respecting the Project Area are to do the following: (a) eliminate blighting influences and correct environmental deficiencies in the Project Area, including, without limitation, small and irregular shaped lots, obsolete and aged building, unsafe and unhealthy buildings, vacant buildings and lots, depreciated property values and impaired investments, low lease rates, incompatible and uneconomic land uses, and inadequate or deteriorated public improvements, facilities, and utilities; (b) land assembly into parcels suitable for modern,

integrated development with improved pedestrian and vehicular circulation; (c) replanning, redesigning, and developing areas that are stagnant or improperly utilized; (d) providing opportunities for owner and tenant participation in revitalizing their properties; (e) strengthening commercial/mixed use, governmental and industrial operations and uses; (f) strengthening the economic base and by the installing needed site improvements that stimulate new commercial/mixed use, governmental, and industrial expansion, employment, and social and economic growth; (g) providing land for adequate parking; (h) establishing a positive visual image by implementing performance criteria that assures superior site design standards, environmental quality, conservation of and compatibility with historical buildings, if any, and other design elements that provide unity and integrity; (i) expanding, improving, and preserving the community's supply of housing available to low- and moderate-income persons and families, and (j) encouraging active and continuous participation owners and occupants in formulating, refining, and implementing the Redevelopment Plan, to ensure that Redevelopment Plan proposals are beneficial to the people who live and work in the Project Area, and the community.

SECTION 2. Having considered all the reports, information, evidence, and testimony before it, and in the record, the Council finds and determines that:

(a) The Project Area is a blighted area, and redeveloping the Project Area is necessary to carry out the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*) (hereafter referred to as the "Redevelopment Law"). This finding is based upon the following facts, as more particularly set forth in the Agency's Report:

- (1) The Project Area is predominantly urbanized.
- (2) The Project Area suffers from a combination of physical and economic

blighting conditions including, among others, the following: unsafe and unhealthy buildings; buildings of defective design or physical construction; buildings that are obsolete and aged, buildings with inadequate parking, buildings with poor or inadequate signage or fencing; buildings marked by graffiti, littered properties, and adjacent properties with incompatible uses; vacant buildings and lots; irregularly shaped lots of inadequate size for proper usefulness, and under multiple ownership; depreciated or stagnant property values and impaired investments; low lease rates; and high crime.

(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 Project Area to such an extent that it constitutes a serious physical and economic burden on the City that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(b) The Redevelopment Plan will redevelop the Project Area in conformity with the Redevelopment Law and in the interests of the public peace, health, safety, and welfare. This finding is based on the fact that redeveloping the Project Area under the Redevelopment Plan will implement, the objectives of the Redevelopment Law by doing the following: (i) helping to eliminate and correct the blighting conditions; providing for planning, development, redesign, clearance, reconstruction, or rehabilitation of properties needing improvement; (ii) improving, increasing, and preserving the supply of low- and moderate-income housing in the community; (iii) providing additional employment opportunities; and (iv) providing for potentially higher economic land uses in the Project Area.

(c) Adopting and carrying out the Redevelopment Plan is economically sound and

feasible. This finding is based on the following facts, more particularly set forth in the Agency's Report: (i) that the Redevelopment Plan will authorize the Agency to seek and use various financing resources including, without limitation, tax increments; (ii) that the nature and timing of public redevelopment assistance will depend on the amount and availability of financing resources including, without limitation, tax increments generated by new investment in the Project Area; and (iii) that under the Redevelopment Plan the Agency will not undertake any public redevelopment activity unless it can show that it has adequate revenue or funding to finance the activity.

(d) The Redevelopment Plan is consistent with the General Plan of the City of Fresno ("General Plan") including, without limitation, the housing element, which substantially complies with state housing law. This finding is based upon the Planning Commission's finding that the Redevelopment Plan is consistent with the General Plan.

(e) Carrying out of the Redevelopment Plan will promote the public peace, health, safety, and welfare of the City and will effectuate Redevelopment Law purposes and policy. This finding is based on the fact that redevelopment, under the Redevelopment Plan, will benefit the Project Area by correcting blighting conditions and by coordinating public and private actions to stimulate development and improve the physical and economic conditions in the Project Area.

(f) The condemnation of real property, provided for in the Redevelopment Plan, is necessary to execute the Redevelopment Plan, and adequate provisions have been made to pay for condemned property as provided by law. This finding is based on the need to ensure that the Redevelopment Plan will be carried out and to prevent the recurrence of blight.

(g) The Agency has a feasible method and plan for relocating families and persons

who may be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based on the Agency's relocation plan or method in the Agency's Report, and on the fact that the Redevelopment Plan provides for paying relocation assistance and benefits according to law, and authorizes the Agency to provide other assistance it determines appropriate under the circumstances.

(h) Decent, safe, and sanitary dwellings shall be provided in the Project or other areas, to such displaced families and persons, and the dwellings shall: (i) be in areas not generally less desirable than the area from which displaced, with regard to public utilities and public and commercial facilities, (ii) be available at rents or prices within the financial means of families and persons who may be displaced from the Project Area, (iii) be equal in number to the number of families and persons displaced, and (iv) available and reasonably accessible to the displaced families' and persons' places of employment. This finding is based on the fact that if any redevelopment activity under the Redevelopment plan causes residential displacement, no person or family will be required to move from a residence until suitable replacement housing is available.

(i) No families and persons shall be displaced before a relocation plan is prepared and adopted pursuant to Sections 33411 and 33411.1 of the Redevelopment Law; and no dwelling units, housing persons and families of low or moderate income, in the Project Area shall be removed or destroyed before a replacement housing plan is prepared and adopted pursuant to Sections 33334.5, 33413, and 33413.5 of the Redevelopment Law.

(j) The inclusion of any lands, buildings, or improvements in the Project Area, which are not detrimental to the public health, safety, or welfare, is necessary for effectively

redeveloping the entire area of which the lands, buildings, or improvements are a part; and any area included is necessary for effective redevelopment and is not included to obtain the tax increment revenue allocation from the area under Redevelopment Law Section 33670 without other substantial justification for its inclusion. This finding is based on the fact that the boundaries of the Project Area were selected as a unified and consistent whole to include all properties contributing to or affected by the blighting conditions characterizing the Project Area.

(k) Private enterprise acting alone, without the aid and assistance of the Agency, could not reasonably be expected to eliminate blight and redevelop the Project Area. This finding is based on the following facts, more particularly set forth in the Agency's Report: (I) because of the higher costs and significant risks associated with developing blighted areas, individual developers are unable or unwilling to invest without substantial public assistance; and (ii) funds of other public sources and programs are insufficient to eliminate the blighting conditions.

(l) The Project Area is a predominantly urbanized area as defined in Redevelopment Law Section 33320.1(b). This finding is based on the following facts, as more particularly set forth in the Agency's Report, that at least 80 percent of the land in the Project Area either: (I) has been or is developed for urban uses; or (ii) is characterized by subdivided, irregularly shaped lots of inadequate size for proper usefulness and development, that are in multiple ownership; or (iii) is an integral part of an area developed for urban uses.

(m) The time limitations in the Redevelopment Plan, which are the maximum time limitations authorized under Redevelopment Law, are reasonably related to the proposed projects to be implemented in the Project Area and the ability of the Agency to eliminate blight within the Project

Area. This finding is based on the fact that redevelopment depends heavily on private market forces that are beyond the Agency's control, and shorter time limitations would impair the Agency's ability to be flexible in responding to market conditions, and would impair the Agency's ability to maintain development standards and controls over a period 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 Project Area.

(o) The Plan limitation on total tax increments to be received by the Agency, if any, is reasonably related to the proposed projects proposed to be implemented in the Project Area, and to the Agency's ability to eliminate blight in the Project Area. This finding is based on the fact, more particularly set forth in the Agency's Report, that the limit, is consistent with the financial consultant's tax increment projections and financial feasibility analysis, and on a comparative cash flow analysis of the anticipated costs for implementing the proposed redevelopment program to the resources projected to be generated over the life of the plan.

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

SECTION 4. To effectuate and implement the Redevelopment Plan, the Council must take certain official actions. Accordingly, the Council hereby does the following: (a) pledges to cooperate with the Agency in helping to carry out the Redevelopment Plan; (b) directs the various officials, departments, boards, and agencies of the City, having administrative responsibilities in the Project

Area, also to cooperate to such ends and to exercise their respective functions and powers consistent with the Redevelopment Plan; (c) stands ready to consider and to act appropriately on proposals and measures designed to effectuate the Redevelopment Plan; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary for the City to carry out under the provisions of the Redevelopment Plan.

SECTION 5. The Council is satisfied that written responses have been prepared, and written findings have been adopted in response to each written objection received from affected taxing entities or property owners before or at the noticed public hearing. Having considered all evidence and testimony presented for or against any aspect of the Redevelopment Plan, the Council hereby overrules all written and oral objections to the Redevelopment Plan.

SECTION 6. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations concerning the Redevelopment Plan, as identified in the joint Council Resolution No. 99-195, and Agency Resolution 1545 adopted June 29, 1999, were based on consideration of the Final EIR and are incorporated and made a part of the proposed Redevelopment Plan.

SECTION 7. That certain document entitled "Redevelopment Plan for the South Fresno Industrial Revitalization Redevelopment Project," a copy of which is attached as Attachment 1, is incorporated herein by this reference, and is designated as the official Redevelopment Plan for the South Fresno Industrial Revitalization Redevelopment Project.

SECTION 8. The Development Department of the City, for at least two years after the effective date of this Ordinance, is directed to advise all applicants for building permits within the

Project Area that the site for which the permit is sought, is within a redevelopment project area.

SECTION 9. The City Clerk is directed to send a certified copy of this Ordinance to the Agency, and the Agency is hereby vested with the responsibility for carrying out the Redevelopment Plan.

SECTION 10. The City Clerk is hereby directed to record, with the County Recorder, a notice of the Council's approval and adoption of the Redevelopment Plan pursuant to this Ordinance, with a description of the land within the Project Area, and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Redevelopment Law.

SECTION 11. The City Clerk is directed to transmit a copy of the description and statement recorded pursuant to Section 11, above, a copy of this Ordinance, and a map or plat showing the boundaries of the Project Area, to the auditor and assessor of the County, to the governing body of each of the taxing entities that receive taxes from property in the Project Area, and to the State Board of Equalization within 30 days following adoption of this Ordinance.

SECTION 12. If any part of this Ordinance or the Redevelopment Plan, which it approves, is held invalid for any reason, the decision shall not affect the validity of the remaining parts of this Ordinance or of the Redevelopment Plan. The Council hereby declares that it would have adopted the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if the invalidated part had been omitted or deleted.

SECTION 13. 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 Project

* * * * *

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 29th day of June, 1999, by the following vote.

AYES: Boyajian, Mathys, Perea, Quintero, Ronquillo
NOES: Steitz
ABSENT: Bredefeld
ABSTAIN:

Mayor Approval: 7/12, 1999
Mayor Approval/No Return: N/A, 1999
Mayor Veto: N/A, 1999
Council Override Vote: N/A, 1999

REBECCA E. KLISCH,
City Clerk

By: Rebecca E. Klisch

APPROVED AS TO FORM:
HILDA CANTU MONTROY
City Attorney

By: Hilda Cantu Montroy
Deputy

June 30, 1999

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

Council Adoption: 6-28-99
Mayor Approval: _____
Mayor Veto: _____
Override Request: _____
By: _____
Deputy

At the Council meeting of 6/29/99, Council adopted the attached Ordinance No. 99-43, entitled Adopt RDA Plan for S. Fresno Ind. RDA Proj. (Version A) w/cap of \$20 million, by the following vote:

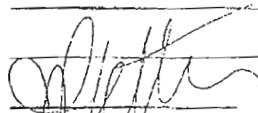
Ayes	:	Boyajian, Mathys, Poree, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	Bredefeld
Abstain	:	None

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 7/12/99. 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: 7/12/99

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	:

RECEIVED

JUL 12 1999

RECEIVED

**NOTICE OF ADOPTION OF REDEVELOPMENT PLAN FOR THE
SOUTH FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT PROJECT**

NOTICE IS HEREBY GIVEN that the City Council of the City of Fresno adopted Ordinance No. 99-43, on June 29, 1999, and signed by the Mayor on July 12, 1999, approving and adopting the Redevelopment Plan for the South Fresno Industrial Revitalization 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 included as Attachment No. 1 to the South Fresno Industrial Revitalization Redevelopment Plan, said redevelopment plan being Attachment 1 to Ordinance No. 99-43 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: August 10, 1999


for REBECCA E. KLISCH

City Clerk, City of Fresno

CLERK'S CERTIFICATION

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

On August 10th, 1999, before me, Jocelyne Gueret, personally appeared Yolanda Salazar, Asst. City Clerk for Rebecca Klisch, 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

Plan A (With cap on tax increment)

REDEVELOPMENT PLAN
FOR THE
SOUTH FRESNO INDUSTRIAL REVITALIZATION
REDEVELOPMENT PROJECT

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Attachment No. 1	Legal Description of the Project Area Boundaries
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REDEVELOPMENT PLAN
FOR THE
SOUTH FRESNO INDUSTRIAL REVITALIZATION
REDEVELOPMENT PROJECT

I. [§100] INTRODUCTION

This is the Redevelopment Plan (the "Plan") for the South Fresno Industrial Revitalization 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). The Redevelopment Agency of the City of Fresno (the "Agency") has prepared this Plan under to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 through 34160)(referred to hereafter as the "Redevelopment Law"), 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, adopted by the City Council of the City of Fresno (the "City Council") by Resolution No. 84-470, on November 20, 1984, and any subsequently adopted amendments (the "General Plan").

This Plan is based on a Preliminary Plan that the Planning Commission of the City of Fresno (the "Planning Commission") approved by Resolution No. 11216, December 16, 1998, and then revised by Resolution No. 11261, April 7, 1999.

This Plan gives the Agency powers, duties, and obligations to implement and further the program, generally formulated in this Plan, for redeveloping, rehabilitating, and revitalizing the Project Area. Because the Plan is long-term, the Agency needs flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities as presented for redevelopment. Therefore, this Plan does not present a precise plan or establish specific projects for redeveloping, rehabilitating, and revitalizing any part of the Project Area. The Plan does not contain specific proposals to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed. This Plan provides tools to the Agency to fashion, develop, and proceed with 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 development and growth. The major goals of this Plan are as follows:

A. To eliminate blighting influences and correct environmental deficiencies including, among others, small and irregular-shaped lots, obsolete buildings and aged buildings, vacant buildings and vacant lots, depreciated property values and impaired investments, low lease rates, high crime rates, incompatible and uneconomic land uses, and inadequate or deteriorated public improvements, facilities, and utilities.

- B. To assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation.
- C. To replan, redesign, and develop undeveloped and underdeveloped areas that are stagnant or improperly utilized.
- D. To provide opportunities for owners and tenants to participate in revitalizing their properties.
- E. To strengthen land uses and their interrelated functions.
- F. To strengthen the economic base of the Project Area and the community by installing needed site improvements to stimulate development, business expansion, employment, and social and economic growth.
- G. To provide adequate land for parking and open spaces.
- H. To establish a positive visual image by implementing performance criteria to assure high site design standards, environmental quality, conserve historically important buildings, compatibility with historically important buildings, and other design elements that provide unity and integrity to the entire Project.
- I. To expand, improve, and preserve the community's housing supply, for persons and families with low- and moderate-income, in the Project Area or, with appropriate findings, outside the Project Area.
- J. To encourage Project Area occupants to participate in formulating, refining, and implementing this Plan, to ensure that Plan proposals are beneficial to the people who live and work in the Project Area, and to the community.

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. General Plan

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

B. Area Community Plans

The Roosevelt Area Community Plan ("Roosevelt Community Plan") adopted by City Council Resolution No. 92-141, April 7, 1992, as amended, is designed to refine the goals expressed in the General Plan and serves as the land use concept and policy framework for the part of the Project Area. The Edison Community Plan ("Edison Community Plan") adopted by City Council Resolution No. 77-196, May 10, 1977, as amended, is designed to refine the goals expressed in the General Plan and serves as the land use concept and policy framework for part of the Project Area.

II. [§200] DESCRIPTION OF PROJECT AREA

The Project Area boundaries are described in Attachment No. 1, the "Legal Description of the Project Area Boundaries," and the boundaries are shown on Attachment No. 2, the "Project Area Map."

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. Acquiring certain real property and the assembling adequate sites for developing and constructing, residential, commercial, industrial and public facilities;
2. Demolishing or removing certain buildings and improvements;
3. Providing for participation by Project Area owners and tenants, and extending preferences to business occupants and other tenants wanting to remain or relocate in the redeveloped Project Area;
4. Managing any property the Agency acquires, owns, or controls;
5. Providing relocation assistance to displaced Project occupants;
6. Installing, constructing, or reconstructing streets, utilities, and other public improvements or facilities;
7. Disposing of property for uses permitted by this Plan;
8. Private and public land redevelopment in accordance with this Plan; and
9. Rehabilitating structures and improvements whether by present owners, their successors, or the Agency.

To accomplish the foregoing, and to implement and further the Plan, Agency may 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 in Redeveloped Project Area

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

In accordance with this Plan, the Agency-adopted owner participation rules, and subject to the Redevelopment Law, real property owners in the Project Area will be

given a reasonable opportunity to participate in the Project Area redevelopment.

The Agency shall extend reasonable preferences to persons, who are engaged in business in the Project Area, to participate Project Area redevelopment, or to reenter business in the redeveloped Project Area, if they meet the requirements prescribed in this Plan and the Agency-adopted business preference rules.

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

To provide opportunities to owners for participating in Project Area redevelopment, and to extend reasonable preferences to businesses for reentering business in the redeveloped Project Area, the Agency has promulgated rules. If conflicts develop between participants for particular sites or land uses, the Agency may establish reasonable priorities and preferences among the owners and business tenants. The Agency will consider the following factors, among others, in establishing priorities and preferences: (a) how long a participant has occupied property in the Project Area, (b) how to accommodate as many participants as possible, (c) the necessity to assemble sites for integrated, modern development, (d) whether a participant's proposal is consistent with the intent and objectives of this Plan, and (e) and how and whether the participant's proposal will serve the community.

In addition to opportunities for individual participation, participation shall be available for two or more persons, firms, or institutions joining in partnerships, corporations, or other joint entities.

Participation opportunities shall be subject to, and limited by, factors such as the following: (1) eliminating and changing land uses; (2) street construction, widening, or realignment, (3) participants' ability to finance acquisition, development, or rehabilitation in accordance with this Plan and Agency-adopted development criteria, (4) the reduction in the number of individual parcels in the Project Area, (5) the construction or expansion of public facilities, and (6) the Agency's property acquisition under Section 100 of this Plan, or under any other provision, statute, or local code authorizing the Agency to acquire property.

3. [§305] Participation Agreements

The Agency may require, as a condition to participating in redevelopment, that each participant enter a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, use, and maintain the property in conformance with, and subject to this Plan. Agreements shall require participants who retain real property to join recording any documents necessary to make this Plan to apply to their properties. Whether or not a participant enters a participation agreement with the Agency, this Plan is applicable to all public and private property in the Project Area.

If a participant does not rehabilitate, develop, and use and maintain its real property as provided in this Plan and a participation agreement, the Agency may acquire the real property or any interest therein. The Agency may then sell or lease the real property for rehabilitation or development in accordance with this Plan.

4. [§306] Conforming Owners

The Agency, at its sole discretion, may determine that certain real property in the Project Area meets the requirements of this Plan, and may permit the owner to remain as a conforming owner without a participation agreement, provided the owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, the Agency may require the conforming owner to enter a participation agreement with the Agency if the owner wants to: (a) construct any additional improvements on, or substantially alter or modify existing structures on, any real property the Agency previously determined to be conforming, or (b) acquire additional property in the Project Area.

The Agency may acquire property, by eminent domain or otherwise, that it previously determined to be conforming, if: (a) acquiring the property will benefit the Project, or (b) acquiring the property is necessary to carry out the goals or objectives of the Plan, or for other public purposes. The Agency may acquire the property even if the conforming property owner has continued to operate, use and maintain the real property within the requirements of this Plan. Nonetheless, the Agency shall not acquire, by eminent domain, any "property on which any persons reside," as that term is defined in Section 309 of this Plan.

C. [§307] Cooperation with Public Bodies

State law authorizes certain public bodies 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 these public bodies and shall coordinate this Plan, to the extent possible, with the activities of public bodies to accomplish the purposes of redevelopment and the highest public good.

By law, the Agency may not acquire real property owned by public bodies without the consent of the public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the Project Area. Any public body that owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if the public body is willing to enter a participation agreement with the Agency.

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. As now or hereafter permitted by law, the Agency, financially and otherwise, may assist any public entity with the cost of public land, buildings, facilities, structures, or other improvements, in or outside the Project Area, if the land, buildings, facilities, structures, or other improvements will benefit the Project.

D. [§308] Property Acquisition

1. [§309] Real Property

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

The Agency's ability to use eminent domain to acquire property interests in the Project Area that it cannot acquire by gift, devise, exchange, purchase, or any other lawful means is in the public interest and is necessary to eliminate the conditions requiring

redevelopment, and necessary to execute this Plan. When the Agency cannot negotiate a purchase, the Agency, at its sole discretion, may acquire property by exercising its power of eminent domain. The Agency must begin any exercise of its eminent domain power within twelve years after the date that the ordinance adopting this Plan becomes effective.

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

The Agency may not acquire real property owned by any public body unless the public body consents to the acquisition. The Agency, however, may acquire public property transferred to private ownership before redevelopment of the Project Area is completed.

Nonetheless, the Agency shall not acquire, by eminent domain, any property on which any persons reside. For purposes of this Plan, "property on which any persons reside" shall mean that a person lives on the property, and that the property is zoned for residential use, or that the residential use on the property is a legally non-conforming use, as defined by the City of Fresno Municipal Code.

2. [§310] Personal Property

Generally, the Agency shall not acquire personal property for Plan purposes. However, where necessary to carry out this Plan, the Agency may acquire personal property in the Project Area by any lawful means including, without limitation, eminent domain.

E. [§311] Property Management

While the Agency owns property, if any, in the Project Area, it shall manage and control the property. The Agency may rent or lease the property pending its disposition for redevelopment, and the rental or lease shall be in accordance with any policies the Agency may adopt.

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

Section 33607.5 of the Redevelopment Law requires the Agency to and the Agency shall make payments to affected taxing entities to alleviate the financial burden and detriment that the affected taxing entities may incur because 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 Displaced by the Project

1. [§314] Assistance in Finding Other Locations

To the extent required by law, the Agency shall assist all persons, business concerns, and others displaced by the Project (collectively "displaced persons") in finding other locations and facilities. To carry out the Project with a minimum of hardship to displaced persons, the Agency shall assist displaced persons 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 persons displaced from property on which they reside.

2. [§315] Relocation Payments

To the extent required by law, the Agency shall make relocation payments to displaced persons for moving expenses, direct losses of personal property, and for other relocation costs. 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 other payments as appropriate and for which funds are available.

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

1. [§317] Demolition and Clearance

The Agency may 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 may prepare any property it owns as building sites. In connection with preparing any property as a building site, the Agency may cause or provide for the installation or construction of streets, utilities, parks, playgrounds, and other public improvements necessary to carry out this Plan. The Agency may also construct foundations, platforms, and other structural forms necessary for providing or utilizing air rights sites for buildings to be used for, commercial/mixed, industrial and public uses provided for in this Plan.

Before the Agency develops any 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, it must obtain the consent of the City Council.

I. [§319] Property Disposition and Development

1. [§320] Real Property Disposition and Development

a. [§321] General

For Plan purposes, the Agency may sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any real property interest. To the extent permitted by law, the Agency may dispose of real property interest by negotiated lease, sale, or transfer, without public bidding. If the Agency acquires property for rehabilitation and resale, it shall offer the property for resale within one year after completing the rehabilitation, or the Agency will publish an annual report concerning the property as required by law.

The Agency has authority to convey any real property it acquires to the City, without charge and, where beneficial to the Project Area, may convey any real property it acquires to any public body without charge. It will sell or lease all real property it acquires, in the Project Area, to public or private persons for development according to this Plan.

All persons purchasing or leasing property from the Agency shall use the property for the purposes designated in this Plan, shall begin and complete development of the property within a time that the Agency fixes as reasonable, and shall comply with other conditions that the Agency deems necessary to carry out the purposes of this Plan.

b. [§322] Disposition and Development Documents

To ensure that works of redevelopment are carried out in accordance with this Plan and for its purposes, and to prevent the recurrence of blight, all real property that the Agency sells, leases, or conveys, and all property that is subject to any participation agreement with the Agency, shall be subject to this Plan.

The Agency shall reserve powers and controls in the disposition and development documents as 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, and as the Agency may determine, the documents, or parts thereof, shall be recorded in the Official Records of Fresno County.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based on race, color, creed, religion, sex, marital status, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property. All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in the Project Area shall contain the nondiscrimination clauses prescribed in Section 33436 of the Redevelopment Law, and any other nondiscrimination and nonsegregation clauses as required by law.

c. [§323] Development by the Agency

To the extent permitted by law, the Agency may pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement in or outside the Project Area, for itself or for any public body or entity, when the buildings, facilities, structures, or other improvements will benefit the Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment No. 4, and may acquire or pay for the land required therefor.

The Agency may also install and construct, or to cause to be installed and constructed, in or outside 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,

without limitation, the following: (1) over- and 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 contracts, leases, and agreements with the City or any other public body or entity pursuant to this Section 323. The Agency's obligation under the contract, lease, or agreement shall constitute an Agency indebtedness. The indebtedness shall be payable out of the taxes levied in the Project Area and allocated to the Agency under Section 33670(b) of the 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 Plan purposes, the Agency may lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that it acquires.

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

1. [§327] Rehabilitation and Conservation

The Agency may rehabilitate and conserve any building or structure that it owns in the Project Area. The Agency will advise, encourage, and assist in rehabilitating and conserving property in the Project Area that it does not own. The Agency may also 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 may move any standard structure or building, or any structure or building that can be rehabilitated, to a location in or outside the Project Area.

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

1. [§330] Replacement Housing

In accordance with Section 33334.5 of the 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, within four years of the destruction or removal, shall 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 in the Project Area or in the territorial jurisdiction of the Agency in accordance with Sections 33413 and 33413.5 of the Redevelopment Law.

2. [§331] Inclusionary Housing

When new or rehabilitated dwelling units are developed by the Agency or by other public or private persons in 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 Redevelopment Law.

3. [§332] Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Redevelopment Law, the Agency shall use not less than 20 percent of all taxes that are allocated to the Agency pursuant to Section 33670 of the Redevelopment Law and Section 502 of this Plan, to increase, improve, and preserve 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 the 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, the replacement housing requirements in Section 330, above, or the inclusionary housing requirements in Section 331, above. The Agency may use these funds in or outside the Project Area. To use the funds outside the Project Area, however, requires findings of benefit to the Project as required by Section 33334.2 of the 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 the 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" (Attachment No. 3) illustrates the Project Area boundaries, major streets in the Project Area, and the proposed land uses to be permitted in the Project Area for all land, public, semi-public and private. Permitted land uses in the Project Area shall be those set forth from time to time in the General Plan.

B. [§402] Designated Land Uses

1. [§403] Commercial Uses

The areas shown on the Redevelopment Land Use Map for commercial uses shall be used for the permitted commercial uses set forth in the General Plan.

2. [§404] Industrial Uses

The areas shown on the Redevelopment Land Use Map for industrial

uses shall be used for the industrial uses set forth in the General Plan.

3. [§405] Public Uses

The areas shown on the Redevelopment Land Use Map for public uses shall be used for any public use including, without limitation, government facilities, parks, open space, and parking uses, set forth in the General Plan.

C. [§406] Other Land Uses

1. [§407] Public Rights-of-Way

Major public rights of way illustrated on the Redevelopment Land Use Map include existing and proposed freeways, arterial and collector streets and railroad rights-of-way, as set forth in the General Plan.

Additional 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. [§408] Other Public, Semi-Public, Institutional, and Nonprofit Uses

In any area shown on the Redevelopment Land Use Map, the Agency may 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, to the extent possible, shall conform to this Plan and the General Plan. The Agency may impose other reasonable requirements and/or restrictions as necessary to protect the development and use of the Project Area.

3. [§409] Nonconforming Uses

The Agency may permit an existing use to remain in an existing building that is in good condition though the use does not conform to this Plan, if the use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of the nonconforming use property must be willing to enter a participation agreement and agree to the imposition of reasonable restrictions as 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 that do not conform to this Plan if the improvements are in a part of the Project where, in the Agency's determination, the improvements will be compatible with surrounding Project uses and development.

D. [§410] 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 this Plan is adopted, except in conformance with this Plan.

1. [§411] Construction

All construction in the Project Area shall comply with the controls and requirements of this Plan, and with all applicable state and local laws and codes including, without limitation, any specific or community plans. Compliance with this Plan does not eliminate the need to comply with the City's planning and zoning requirements. In addition, the Agency may adopt specific performance and development standards to control and direct redevelopment activities in the Project Area.

2. [§412] Rehabilitation and Retention of Properties

Any existing structure in the Project Area that the Agency approves for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated so that it is safe and sound in all physical respects, is attractive, and not detrimental to the surrounding uses.

3. [§413] 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. [§414] 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. [§415] 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. [§416] Open Spaces, Landscaping, Light, Air, and Privacy

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

Sufficient space shall be maintained between buildings in all areas to provide adequate light, air, and privacy consistent with the General Plan.

7. [§417] Signs

All signs shall conform to City sign ordinances, they now exist or hereafter exist. Before installation, the design of proposed new signs shall be submitted to the

Agency and/or the City for review and approval.

8. [§418] Utilities

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

9. [§419] Incompatible Uses

No use or structure that the Agency determines would be incompatible with the surrounding areas or structures, due to appearance, traffic, smoke, glare, noise, odor, or similar factors, shall be permitted in the Project Area.

10. [§420] Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based on 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. [§421] 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. [§422] Minor Variations

Under exceptional circumstances, the Agency's Executive Director ("Executive Director") may permit a minor variation from the limits, restrictions, and controls of this Plan. To permit a variation, the Executive Director must find all of the following:

- a. The application of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of this Plan;
- b. Exceptional circumstances or conditions applicable to the property or to the intended development of the property exist that do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan.

The Executive Director shall not grant any variation that changes a basic land use or that permits other than a minor departure from this Plan. In permitting any variation, the Executive Director shall impose conditions as necessary to protect the public

peace, health, safety, or welfare, and to assure compliance with Plan purposes. Any variation permitted by the Executive Director shall not supersede any other approval required under City codes and ordinances.

Within 15 calendar days after a notice is published pursuant to Section 12-401-C of the Fresno Municipal Code, of the Executive Director's decision, the decision may be appealed to the Housing and Community Development Commission. Any further appeal to the Executive Director's decision shall be pursuant to the procedures of the Fresno Municipal Code.

E. [§423] Design for Development

Within the limits, restrictions, and controls established in this Plan, the Agency may establish building heights, 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 in the Project Area.

No new improvement may be constructed, and no existing improvement may be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan and any Agency adopted development and design controls. New improvements to property that is subject to a disposition and development or participation agreement with the Agency, and any other property at the Agency's discretion, shall also be constructed according to the architectural, landscape, and site plans submitted to and approved in writing by the Agency. A Plan objective is to create an attractive and pleasant environment in the Project Area. Therefore, the architectural, landscape, and site plans, will consider good design, open space, and other amenities that enhance the aesthetic quality of the Project Area. The Agency will not approve any plans that do not comply with this Plan.

In addition, as specified in Section 411 of this Plan, new improvements shall comply with applicable state and local laws and codes including, without limitation, specific and community plans.

F. [§424] Building Permits

After this Plan is adopted, no permit may be issued for the construction of any new building or for any construction on an existing building in the Project Area until the Agency approves the application for the permit as consistent with this Plan, and the permit is processed according to all City requirements including, without limitation, consistency with specific and community plans.

The Agency may establish permit procedures and approval requirements in addition to those set forth above as required for the Plan purposes. If the Agency establishes additional procedures and approval requirements, a building permit may be issued only after the applicant has received all approvals that the City and Agency require when the applicant applies for the permit.

V. [§500] METHODS OF FINANCING THE PROJECT

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

The Agency may finance this Project with financial 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 may obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The Agency may pay or provide for the payment of the principal and interest on the advances, funds, and indebtedness from tax increments or any other funds available to the Agency. The City may provide advances and loans for survey and planning, and for operating capital for nominal administration of this Project 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 on taxable property in 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 (after this 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 on which the tax is levied each year by or for each of the taxing agencies on the total sum of the assessed value of the taxable property in the Project as shown on the assessment roll used in connection with the taxation of such property by the taxing agency, last equalized prior to the effective date of the 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 the ordinance but to which the territory is annexed or otherwise included after the effective date, the assessment roll of the County of Fresno, last equalized on the effective date of the ordinance, shall be used in determining the assessed valuation of the taxable property in the Project on the effective date).
2. Except as provided in subparagraph 3, below, that portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on 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 subparagraph 1 hereof, all of the taxes levied and collected on the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes on 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 subparagraph 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 subparagraph 2, above, is irrevocably pledged for the paying 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 may pledge the taxes to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in subparagraph 2 above which can be outstanding at any one time shall not exceed \$32,000,000.

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Project beyond 20 years from the date this Plan is adopted. Loans, advances, or indebtedness may be repaid over a period of time beyond the 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 to fulfill the Agency's housing obligations under Section 33413 of the 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 Redevelopment Law and this Section 502, beyond 45 years from the date this Plan is adopted.

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

The Agency may issue bonds when it deems it appropriate to do so in financing

any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds because 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 the 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 used if available.

VI. [§600] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan. The City shall take all actions necessary to ensure the continued fulfillment of the Plan Purposes and to prevent the recurrence or spread of blighting conditions in the Project Area. Actions by the City shall include, without limitation, the following:

- A. Instituting and completing 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. City action shall include requiring public utility companies to abandon, remove, and relocate their operations in public rights-of-way as appropriate to carry out this Plan. However, nothing in this Plan shall be construed to require the cost of any abandonment, removal, and relocation to be borne by others than those legally required to bear the cost.
- B. Providing advances, loans, or grants to the Agency or funds for projects implementing this Plan as the City deems appropriate and to the extent funds are available therefor.
- C. Instituting and completing proceedings necessary for changes and improvements to private and publicly owned public utilities in or affecting the Project Area.
- D. Revising zoning, if necessary, in the Project Area to permit the land uses and development authorized by this Plan.
- E. Imposing when necessary, by conditional use permits or other means, appropriate controls within the Plan limits on Project Area parcels to ensure their proper development and use.
- F. Providing for the City's administrative enforcement of this Plan after development. The City and the Agency shall develop and provide for enforcement of a program for continued owner maintenance of all real property, public and private, in the Project Area.
- G. Preserving historical sites.

- H. Performing 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 that permits the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- I. Undertaking and completing any other proceedings necessary to carry out the Project.

These City actions do not involve or constitute any commitment of the City's financial resources unless the City specifically agrees to and authorizes a commitment.

VII. [§700] ENFORCEMENT

The Agency and/or the City will administer and enforce this Plan including, without limitation, preparing and executing any documents implementing this Plan.

The Agency or the City may also institute court litigation to enforce this Plan or other documents entered pursuant to this Plan. Remedies may include, without limitation, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the Plan purposes. In addition, owners may enforce any recorded provisions that are expressly for the benefit of property owners.

VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions that shall run in perpetuity, this Plan shall be effective, and other documents formulated pursuant to this Plan may be effective, for 30 years from the date the City Council adopts this Plan. However, subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan that extend beyond the termination date. If the Agency issues bonds or incurs obligations that extend beyond the termination date, this Plan shall continue in effect to the extent necessary to permit the bonds or other obligations to be paid in full. After 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 Redevelopment Law. If the Agency has not completed its housing obligations, the Agency shall retain its authority to implement requirements under Section 33413, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete its housing obligations as soon as reasonably possible.

IX. [§900] PROCEDURE FOR AMENDMENT

This Plan may be amended by following the procedure established in Sections 33354.6 and/or 33450 through 33458 of the Redevelopment Law or by any other procedure hereafter established by law.

X. [§1000] LIMIT ON TAX INCREMENTS

The allocation to the Agency of taxes described in §502, subparagraph 2, above, after

deducting the statutory pass through payments to all taxing agencies, and after deducting any statutory administrative fee to the County of Fresno, shall not exceed \$20,000,000.

ATTACHMENT NO. 1

LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES

The boundaries of the South Fresno Industrial Revitalization Redevelopment Project are described as follows:

ATTACHMENT NO. 1
LEGAL DESCRIPTION OF PROJECT AREA

SOUTH FRESNO INDUSTRIAL REVITALIZATION
REDEVELOPMENT PROJECT

Beginning at the point of the intersection of the northerly right-of-way line of East Jensen Avenue and the westerly right-of-way line of South Cherry Avenue; thence easterly along the northerly right-of-way line of Jensen Avenue to the southwesterly right-of-way line of the Southern Pacific Railroad; thence southeasterly along the southwesterly right-of-way line of said Southern Pacific Railroad to the easterly right-of-way line of the Burlington Northern and Santa Fe Railroad right-of-way; thence southerly along the easterly right-of-way line of said Burlington Northern and Santa Fe Railroad right-of-way to the centerline of East Central Avenue; thence westerly along the centerline of East Central Avenue to the centerline of South Orange Avenue; thence northerly along the centerline of South Orange Avenue a distance of 3960 feet; thence North $89^{\circ}43'30''$ East to the southwesterly right-of-way line of South Parkway Drive; thence northwesterly along the southwesterly right-of-way line of South Parkway Drive to the southerly right-of-way of East North Avenue; thence westerly along the southerly right-of-way line of East North Avenue to the easterly right-of-way line of South East Avenue; thence southerly along the easterly right-of-way of South East Avenue a distance of 1486.58 feet; thence South $89^{\circ}43'00''$ West a distance of 1382.12 feet; thence North $00^{\circ}01'31''$ East a distance of 168.54 feet; thence South $89^{\circ}43'00''$ West a distance of 1322.11 feet to the easterly right-of-way line of South Cherry Avenue; thence northerly along the easterly right-of-way line of South Cherry Avenue to the northerly right-of-way line of East Samson Avenue; thence westerly along the northerly right-of-way line of East Samson Avenue and the prolongation thereof to the easterly right-of-way line of South Elm Avenue; thence northerly along the easterly right-of-way line of South Elm Avenue to the southerly right-of-way line of East Vine Avenue; thence easterly along the southerly right-of-way line of East Vine Avenue to the easterly right-of-way line of South Lily Avenue (Abandoned); thence northerly along the easterly right-of-way line of East Lily Avenue (Abandoned) and prolongation thereof to the northerly right-of-way line of East Jensen Avenue; thence westerly along the northerly right-of-way line of East Jensen Avenue to the Point of Beginning.

Excepting therefrom the following:

The southeast quarter of Section 26 of Township 14 South, Range 20 East, Mount Diablo Base and Meridian; and

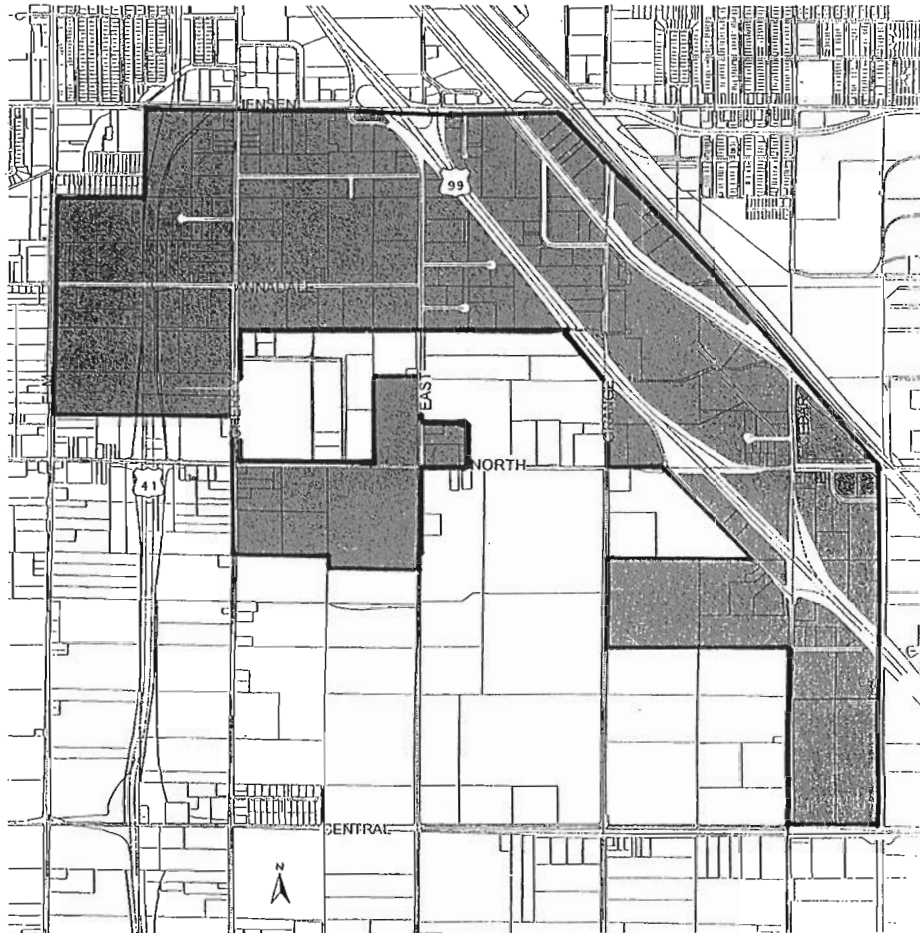
The area beginning at the intersection of the easterly right-of-way line of South Cherry Avenue and the northerly right-of-way line of East North Avenue; thence northerly along the easterly right-of-way line of South Cherry Avenue to the southerly right-of-way line the Burlington Northern and Santa Fe Railroad easement (located approximately 630 feet, more or less, south of the southerly right-of-way line of East Annadale Avenue); thence easterly along the southerly right-of-way line of the Burlington Northern and Santa Fe Railroad right-of-way easement to the southwesterly right-of-way line of Highway 99; thence southeasterly along the southwesterly

right-of-way line Highway 99 to the westerly right-of-way line of South Orange Avenue; thence southerly along the westerly right-of-way line of South Orange Avenue to the northerly right-of-way line of East North Avenue; thence westerly along the northerly right-of-way line of East North Avenue to a point 634.22 feet easterly of the easterly right-of-way of South East Avenue; thence North $0^{\circ}28'20''$ East a distance of 633.56 feet; thence North $89^{\circ}43'24''$ West to the easterly right-of-way line of South East Avenue; thence northerly along the easterly right-of-way of South East Avenue to a point 1290 feet, more or less, northerly of the northerly right-of-way line of East North Avenue; thence North $89^{\circ}46'41''$ West a distance of 690.92 feet; thence South $00^{\circ}30'46''$ West to the northerly right-of-way line of East North Avenue; thence westerly along the northerly right-of-way of East North Avenue to the Point of Beginning.

Containing area of 1378 acres, more or less.

ATTACHMENT NO. 2
PROJECT AREA MAP

South Fresno Industrial Revitalization
Redevelopment Project Area



ATTACHMENT NO. 3
REDEVELOPMENT LAND USE MAP

**SOUTH FRESNO INDUSTRIAL
REVITALIZATION REDEVELOPMENT
PLAN**

ATTACHMENT NO. 3: REDEVELOPMENT LAND
USE MAP

(Land Uses in this Portion of the Project Area Shall be Those
Depicted on the Edison Community Plan Land Use Map)

----- Project Area Boundary

***Edison
Community Plan***

L E G E N D

OPEN SPACE



RECREATIONAL

PB PONDING BASIN

CIRCULATION



COLLECTOR



SCENIC COLLECTOR



ARTERIAL



FREEWAY

INDUSTRIES

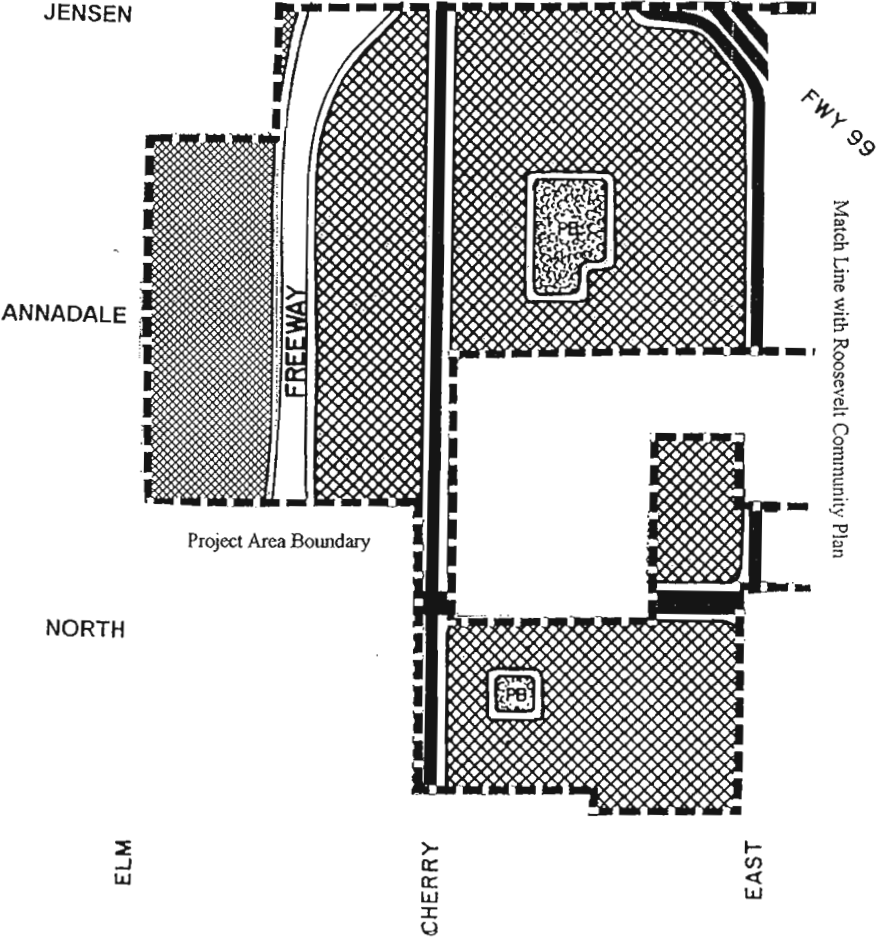


LIGHT INDUSTRIES



HEAVY INDUSTRIES

EDISON COMMUNITY PLAN



SOUTH FRESNO INDUSTRIAL
REVITALIZATION REDEVELOPMENT
PLAN

ATTACHMENT NO. 3: REDEVELOPMENT LAND
USE MAP

(Land Uses in this Portion of the Project Area Shall be Those
Depicted on the Roosevelt Community Plan Land Use Map)

----- Project Area Boundary

ROOSEVELT Community Plan

LEGEND

COMMERCIAL

 GENERAL

INDUSTRIAL

 HEAVY

CIRCULATION

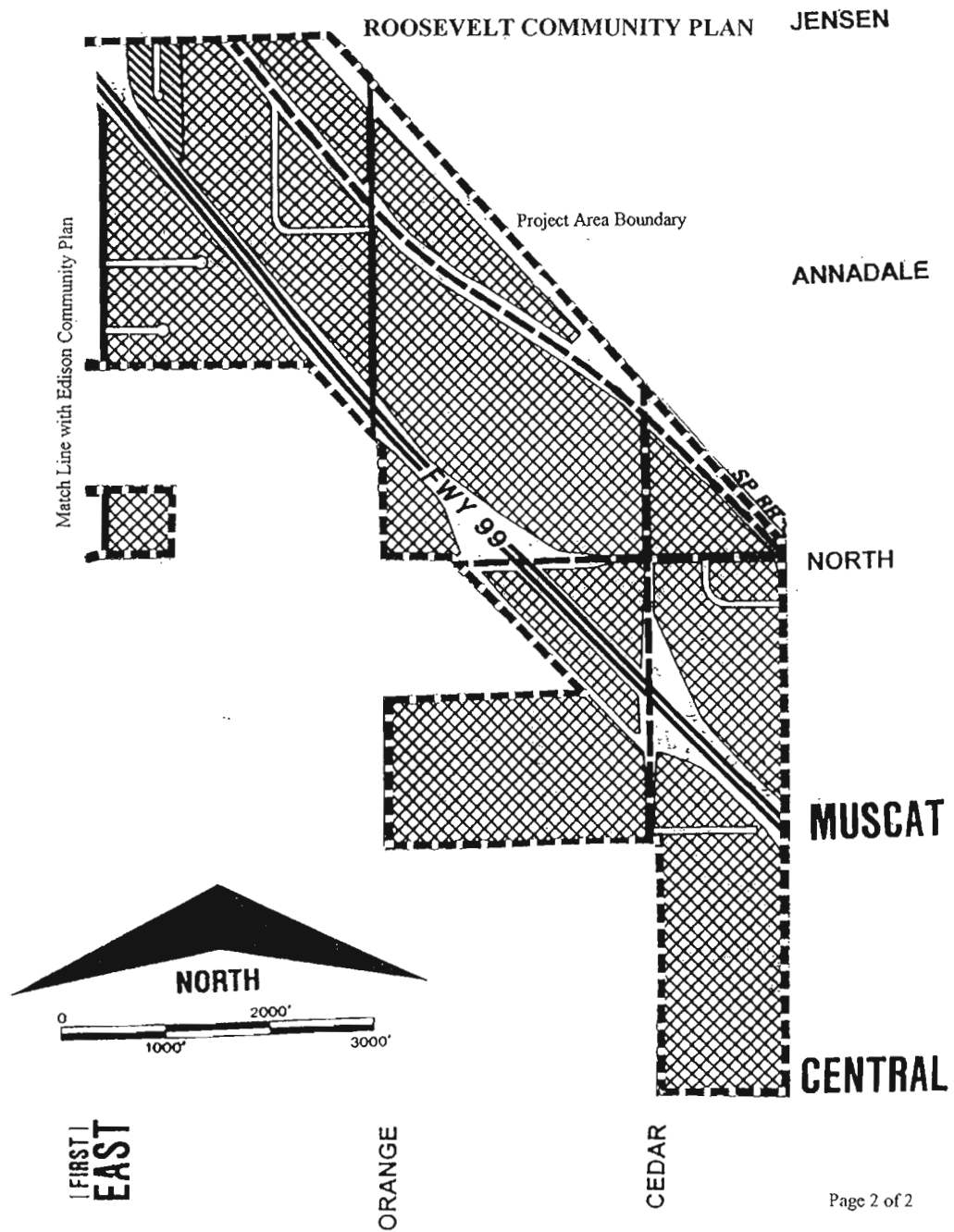
 FREEWAY

 ARTERIAL

 COLLECTOR

 SCENIC ROUTE

 LOCAL STREET



ATTACHMENT NO. 4
PROPOSED PUBLIC IMPROVEMENTS

ATTACHMENT NO. 4

SOUTH FRESNO INDUSTRIAL REVITALIZATION
REDEVELOPMENT PROJECT
PROPOSED PUBLIC IMPROVEMENTS

1. Street system improvements, including but not limited to curbs, gutters, sidewalks, paving, landscaping and irrigations systems, turning lanes, median islands, parking spaces, and street widening and extensions associated with plan implementation.
2. Sewer system 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 system 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 drainage system improvements, including but not limited to outfalls and inlets, manholes, pipes, bore pipes, and related temporary pavement and pavement restoration as required with plan implementation.
5. Traffic signal and safety lighting system improvements associated with plan implementation.
6. Utility systems installations, relocations and/or undergrounding, including but not limited to telephone, electrical, gas, cable TV, fiberoptics, etc., improvements.
7. Public parking lots and structures improvements as necessary to support plan implementation.
8. Railroad route and crossing safety improvements, including but not limited to closure, re-routing, or extension of spur lines.
9. Streetscape Improvements of major streets, including but not limited to Jensen, Annadale, North, Central, Cedar, East, Orange, and Cherry; entryway improvements at selected locations along designated major streets and/or freeways.
10. Building improvements, including but not limited to general service and/or administration offices for the United States Government, the State of California, the County of Fresno, or other regional and local agencies, including the City of Fresno.