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2877

BILL NO. B-3

INTRODUCED BY COUNCILMAN Wagmiller

ORDINANCE NO. 69-6

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING CITY OF FRESNO ORDINANCE NO. 5891 AS AMENDED BY CITY OF FRESNO ORDINANCE NOS. 6282, 6316, 6596, 6923, 67-35, AND 67-76, IN ORDER TO ADOPT AND APPROVE AMENDMENT TO THE URBAN RENEWAL PLAN FOR CENTRAL BUSINESS DISTRICT PROJECT ONE, PROJECT NO. CALIF. R-24.

WHEREAS, on March 16, 1961, the Council of the City of Fresno enacted Ordinance No. 5891, approving the Urban Renewal Plan for Central Business District Project One, Project No. Calif. R-24, dated August 24, 1960, and corrected as of March 9, 1961, (herein called the "Urban Renewal Plan"), and finding that the Relocation Plan for Central Business District Project One, Calif. R-24, was feasible; and,

WHEREAS, on April 18, 1963, said Council enacted Ordinance No. 6282, amending Ordinance No. 5891 to amend the Urban Renewal Plan; and,

WHEREAS, on August 1, 1963, said Council enacted Ordinance No. 6316 amending Ordinance No. 5891, as amended, to further amend the Urban Renewal Plan; and,

WHEREAS, on March 25, 1965, said Council enacted Ordinance No. 6596 amending Ordinance No. 5891, as amended, to further amend the Urban Renewal Plan; and,

WHEREAS, on December 1, 1966, said Council enacted Ordinance No. 6923 amending Ordinance No. 5891, as amended, to further amend the Urban Renewal Plan; and,

WHEREAS, on June 1, 1967, said Council enacted Ordinance No. 67-35, amending Ordinance No. 5891, as amended, to further amend the Urban Renewal Plan; and,

WHEREAS, on August 3, 1967, said Council enacted Ordinance No. 67-76, amending Ordinance 5891, as amended, to further amend the Urban Renewal Plan; and,

PASSED JAN 9 1969
EFFECTIVE FEB 9 1969

VOL 5851 PAGE 287

RECORDED AT REQUEST OF
CITY CLERK

AT 1.1 MIN. PAST 11 AM

JAN 14 1969
VOL 5851 PAGE 287

FRESNO COUNTY, CALIFORNIA
J. L. BROWN, COUNTY RECORDER
BY DEPUTY RECORDER Stone

69-6

WHEREAS, on January 2, 1969, the governing body of the Redevelopment Agency of the City of Fresno (herein called the "Local Public Agency") approved and adopted the Urban Renewal Plan amendment as shown in the document entitled, "Amendments of the Urban Renewal Plan for the Central Business District Project One Project No. Calif. R-24," dated January 17, 1968, marked Exhibit "A" and attached hereto, and herein called the "Amendment"; and,

WHEREAS, the Amendment as recommended by the Local Public Agency was submitted to the Planning Commission of the City of Fresno for its report and recommendation, and said Planning Commission adopted its Resolution recommending the Amendment favorably to the Council; and,

WHEREAS, after receiving the recommendations of the Local Public Agency and said Planning Commission the Council held, on January 2, 1969, a public hearing on the Amendment, notice of which hearing was duly published as required by law; and,

WHEREAS, the Council having considered the Amendment and all evidence and testimony for and against the Amendment; and,

WHEREAS, the Council is cognizant of the conditions that are imposed in the carrying out of the Urban Renewal Projects with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, or national origin;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council hereby determines that the Amendment proposed by the Local Public Agency is necessary and desirable.

SECTION 2. Ordinance No. 5891 of the City of Fresno, as amended by City of Fresno Ordinance Nos. 6282, 6316, 6556,

6923, 67-35, and 67-76, adopting the Urban Renewal Plan is amended to amend the Urban Renewal Plan in the particulars set forth in the Amendment annexed hereto, marked Exhibit "A," and hereby made a part of this ordinance with the same force and effect as if fully set forth herein.

SECTION 3. The Amendment is a minor modification or amendment within the original scope and concept of the Urban Renewal Plan. The Amendment shall form a part of the Urban Renewal Plan as fully and with the same effect as if the Amendment had been set forth in the Urban Renewal Plan. The Urban Renewal Plan is hereby ratified and confirmed and shall continue in full force and effect in accordance with the provisions thereof, as amended by the Amendment which is hereby approved and adopted.

SECTION 4. All acts, conditions and things required by law to exist, happen, or be performed, precedent to or in connection with the Amendment, have duly existed, happened and been performed in due time, form, and manner as required by law.

SECTION 5. The City Clerk of the City of Fresno is hereby authorized and directed to send a copy of this ordinance to the Local Public Agency, and the Local Public Agency is vested with the responsibility for carrying out the Amendment.

SECTION 6. The City Clerk of the City of Fresno is hereby authorized and directed to record the Amendment in compliance with Section 27225 of the Government Code of the State of California, as promptly as practicable following adoption of the Amendment by this Council.

SECTION 7. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

ADD:mp
12/26/68

AMENDMENTS OF THE URBAN RENEWAL PLAN
FOR THE CENTRAL BUSINESS DISTRICT PROJECT ONE
PROJECT NO. CALIF. R-24

January 17, 1960.

EXHIBIT "A"

ND 401 EXHIBIT 3 CONT.

AMENDMENTS OF THE URBAN RENEWAL PLAN
FOR THE CENTRAL BUSINESS DISTRICT PROJECT ONE
PROJECT NO. CALIF. R-24

- I. The first paragraph of Section 503, Page 8, be changed to read as follows by adding the sentence underlined below:

SECTION 503 Streets and Highway Adjustments Plan

There is attached hereto as Map No. 3 and as an integral part of this Plan, a map designated "RIGHT-OF-WAY AND EASEMENT ADJUSTMENT PLAN." The purpose of this map is to establish the action to be taken by the City of Fresno with respect to the opening and closing of streets, malls, alleys and other public rights-of-way and easements within and adjacent to the Project. It identifies the existing streets, alleys, and other public rights-of-way to remain, those to be abandoned or vacated, proposed new streets, malls and other public rights-of-way to be established or improved, and existing streets and other public rights-of-way where widening is proposed. Street widening and other improvements to public rights-of-way are tentative, but will be generally as shown. Projections of buildings into mall areas may be permitted providing it does not interfere with pedestrian and emergency vehicle access and providing it is not contrary to applicable provisions of the Fresno Municipal Code subject to approval of the Redevelopment Agency of the City of Fresno and the City Council.

Proposed alley widening on those properties (1) which may not be acquired, and (2) with building(s) located within the areas required for such widening, will become effective at the time the building(s) is removed. Just compensation will be made at that time by the City of Fresno or the Redevelopment Agency for the land area needed for the widening.

- II. The first sentence of Section 602, Page 10, be changed from forty-six parcels to forty-nine parcels as indicated by the underlined revisions below and reading:

SECTION 602 Properties to be Rehabilitated

At the present time forty-nine parcels of land have been designated as properties which "may not be acquired (subject to owner participation)". These properties are structurally standard or have been determined as rehabilitative with economic feasibility and also conform to the proposed reuses in the urban renewal plan. These properties will be rehabilitated as necessary and during rehabilitation activities will be brought into conformance with the controls of this plan.

- III. Section 603-B, Page 10, be changed from:

B. Manner of Carrying Out

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

participation agreement or fails to carry out the terms of such an agreement, the Agency will acquire the affected property by purchase or by exercising its right of eminent domain and will either sell the property as is for redevelopment or rehabilitation by others pursuant to appropriate agreement, or will clear and demolish the structures and improvements on such property prior to disposition of the land for uses in accordance with this Plan.

to:

B. Manner of Carrying Out

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

IV. Section 603, Page 10, be changed by adding Paragraph C as set forth and underlined below:

C. Enforcement of Rehabilitation

In the event that an owner fails or refuses to execute an offered owner participation agreement, the Agency will either:

1. With the prior consent of the City Council granted under criteria established under ordinances and statutes of the City of Fresno, impose by an action at law upon all or any part of the affected property.
 - a. The obligation on the property of rehabilitation of the structures and improvements thereon to the standards for satisfactory rehabilitation provided in Section 604 of this Plan.
 - b. The devotion of such property to the uses specified in this Plan and to abide by all other provisions and conditions of this Plan for the period of time this Plan is in force and effect.
 - c. The beginning and completion, within reasonable times, of the required improvements to the property.
 - d. The non-discrimination provisions contained in Section 604 of this Plan.
- OR 2. Acquire the affected property by purchase or by exercising the Agency's right of eminent domain and may either sell the property so acquired for rehabilitation by others pursuant to appropriate agreement, or may clear and demolish the structures and improvements on such property prior to disposition of the land for uses in accordance with this Plan.

V. The list of parcels following the second sentence of Section 702, Page 10, be changed from:

SECTION 702 Lots or Portions of Properties Which May Not Be Acquired (Subject to Owner Participation)

The following parcels are designated as properties which "may not be

acquired (subject to owner participation)". These properties are structurally sound or have been determined to be rehabilitative and also generally conform to the proposed reuses of this Plan.

Block 60, Parcel J	Block 81, Parcel D
Block 63, Parcel A	Block 82, Parcel A
Block 69, Parcel F	Block 82, Parcel B
Block 70, Parcel G	Block 82, Parcel D
Block 70, Parcel H	Block 82, Parcel E
Block 70, Parcel J	Block 82, Parcel J
Block 70, Parcel L	Block 82, Parcel G
Block 70, Parcel K	Block 83, Parcel H
Block 71, Parcel A	Block 83, Parcel K
Block 71, Parcel B	Block 83, Parcel L
Block 71, Parcel C	Block 84, Parcel M
Block 71, Parcel D	Block 84, Parcel N
Block 71, Parcel G	Block 84, Parcel O
Block 71, Parcel L	Block 85, Parcel H
Block 72, Parcel D	Block 85, Parcel I
Block 72, Parcel G	Block 85, Parcel J
Block 72, Parcel J	Block 85, Parcel K
Block 73, Parcel A	Block 85, Parcel L
Block 73, Parcel E	Block 86, Parcel C
Block 74, Parcel A	Block 86, Parcel G
Block 81, Parcel A	Block 86, Parcel H
Block 81, Parcel B	Block 86, Parcel I
Block 81, Parcel C	Block 86, Parcel J

To:

SECTION 702 Lots or Portions of Properties Which May Not Be
Acquired (Subject to Owner Participation)

The following parcels are designated as properties which "may not be acquired (subject to owner participation)". These properties are structurally sound or have been determined to be rehabilitative and also generally conform to the proposed reuses of this Plan.

Block 63, Parcel A	Block 81, Parcel D
Block 70, Parcel G	Block 81, Parcel C
Block 70, Parcel H	Block 81, Parcel D
Block 70, Parcel I	Block 82, Parcel A
Block 70, Parcel J	Block 82, Parcel B
Block 70, Parcel K	Block 82, Parcel C
Block 70, Parcel L	Block 82, Parcel E
Block 71, Parcel A	Block 82, Parcel F
Block 71, Parcel B	Block 82, Parcel G
Block 71, Parcel C	Block 82, Parcel H
Block 71, Parcel L	Block 82, Parcel J
Block 72, Parcel D	Block 83, Parcel H
Block 72, Parcel C	Block 83, Parcel K
Block 72, Parcel D	Block 83, Parcel L
Block 72, Parcel E	Block 84, Parcel M
Block 72, Parcel F	Block 84, Parcel N
Block 72, Parcel G	Block 84, Parcel O
Block 73, Parcel A	Block 85, Parcel H
Block 73, Parcel B	Block 85, Parcel I
Block 73, Parcel D	Block 85, Parcel J
Block 73, Parcel E	Block 85, Parcel K
Block 74, Parcel A	Block 85, Parcel L
Block 74, Parcel D	Block 71, Parcel D (Less a portion
Block 74, Parcel E	of the southeasterly undeveloped
Block 81, Parcel A	area.)

(Refer to Map B6, 2, "PROJECT AREA PLAN")

- VI. The first paragraph of Section 003, Page 20, be changed to read as follows by adding the sentences underlined below:

SECTION 003 Land Use Proposals:

Map No. 2. "PROJECT AREA PLAN" indicates the overall proposals for the development of the Project area. As indicated thereon the entire Project area will be devoted to commercial and parking uses, with an interior scheme of circulation providing for a system of alleys to service existing and proposed commercial facilities. A network of proposed malls running north and south along Fulton Street and east and west along Merced Street, Fresno Street, Mariposa Street, Tulare Street, and Kern Street replaces existing vehicular rights-of-way with rights-of-way established for the use of pedestrian and emergency vehicle circulation in the area. The sections of the Mariposa Mall from the Fulton Mall west to "I" Street, the Fulton Mall from the Merced Mall north to the Tuolumne Reversal, and the pedestrian walkways between Merced and Kern Streets may be adjusted if said adjustment does not adversely affect pedestrian and/or emergency vehicle access and circulation. The area bounded by the Fresno-Merced Service Road, the pedestrian walkways, Disposition Parcel 24 and the "H" Street frontage road shall be used for a combination of underground, surface, or combined underground-surface parking structures, commercial uses, pedestrian malls, plazas, open spaces, and service roads with minimum of 4,000 parking spaces to be provided within said area, approximately one-half of which spaces shall be north and the remainder south of the center line of existing Mariposa Street as approved by the Redevelopment Agency and the City Council. The total commercial floor area in the parking-commercial areas shall not exceed 0.75 times the land area proposed for parking-commercial use. The construction of buildings in certain portions of mall areas may be permitted subject to applicable provisions of the Fresno Municipal Code, maintaining satisfactory public circulation on the mall, and approval by the Redevelopment Agency of the City of Fresno and the City Council. The abandonment of interior rights-of-way for the movement of vehicles other than those for emergency and service purposes is compensated for by the design of a circulation loop which may be described generally as starting at the corner of Inyo and Van Ness Streets; running north along Van Ness Avenue to the corner of Tuolumne Street; then running west along Tuolumne Street to Broadway Street; then running south along Broadway Street to a point on Broadway Street between Tuolumne and Merced Streets; then running diagonally southwest to a point on "H" Street between Merced and Fresno Streets; and then running southeast diagonally from "H" Street to Broadway Street and east along Inyo Street to Van Ness Avenue which is the point of beginning. The design of this loop system is made necessary by the proposed vacation of streets in the Project area and the necessity to reroute vehicular traffic as required to service, support, and provide access to the Project area.

- VII. Section 003-A-2-g, Page 22, be changed by adding the words underlined below:

- g. The above list of permitted uses may be modified at any time as to the inclusion of additional compatible uses. In all cases, classification of such uses as permitted uses will be determined on the basis of review and approval of the proposed use by the Agency and by the Planning Commission of the City of Fresno. Any amendment of or variance to this Plan resulting from such determination will be made pursuant to the provision of Sections 1102 and 1103 of this Plan.

VIII. Section 803-A-2, Page 22, be changed by adding Paragraph h. as set forth and underlined below:

- h. The primary use of the areas surrounded by "H" Street, the two service roads running perpendicular to "H" Street and their centerline projections and a line parallel with and approximately 50 feet easterly of the Fulton Mall, excluding therefrom portions of Parcels 71-0, 72-A and 72-0, and the area bounded by Van Ness Avenue, Bernard Hall, Broadway and the Enclosure Reversal shall be for department stores of a nature to serve a regional market. Except for the area to be designated for walk, pedestrian walkway and service road, the secondary uses shall be for commercial facilities commonly associated with major retail centers. Specific uses and their locations and arrangements shall be such as to enhance the retail shopping character of the Fresno central business district, and shall be approved by the Redevelopment Agency and the City Council.

IX. Section 1102, Page 34, be changed from:

SECTION 1102 Amendment of Plan

After adoption of this Plan by the City Council of the City of Fresno as indicated in Section 903 hereof, the provisions of this Plan may be amended or modified by said Council only by formal written amendment duly approved and recommended by the Agency.

In addition to the foregoing provisions of this Section 1102, all changes, modifications, or amendments of this Plan shall be made pursuant to the provisions and requirements of the Community Redevelopment Law of the State of California.

To:

SECTION 1102 Amendment of Plan

After adoption of this Plan by the City Council of the City of Fresno as indicated in Section 903 hereof, the provisions of this Plan may be amended by said Council only by formal written amendment duly approved and recommended by the Agency and within the provisions of Chapter 4, Article 12 of the Community Redevelopment Law of the State of California.

X. Article XI, Page 34, be changed by adding Section 1103 as set forth and underlined below:

SECTION 1103 Variances

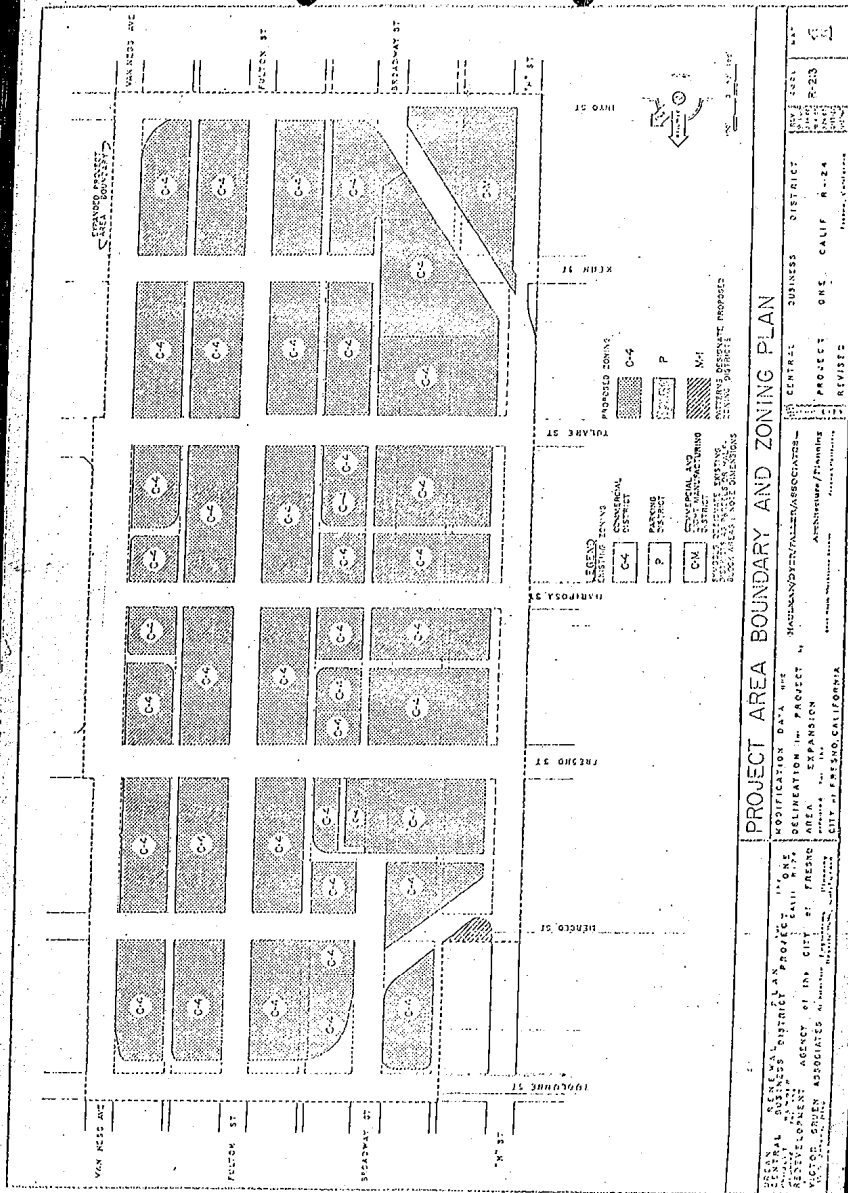
Under exceptional circumstances the Executive Director of the Agency is authorized to permit a variation from the limits, restrictions and controls of this Plan. In order to permit such a variation the Executive Director must first determine that:

1. The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.
2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not generally apply to other properties having the same standards, restrictions and controls.

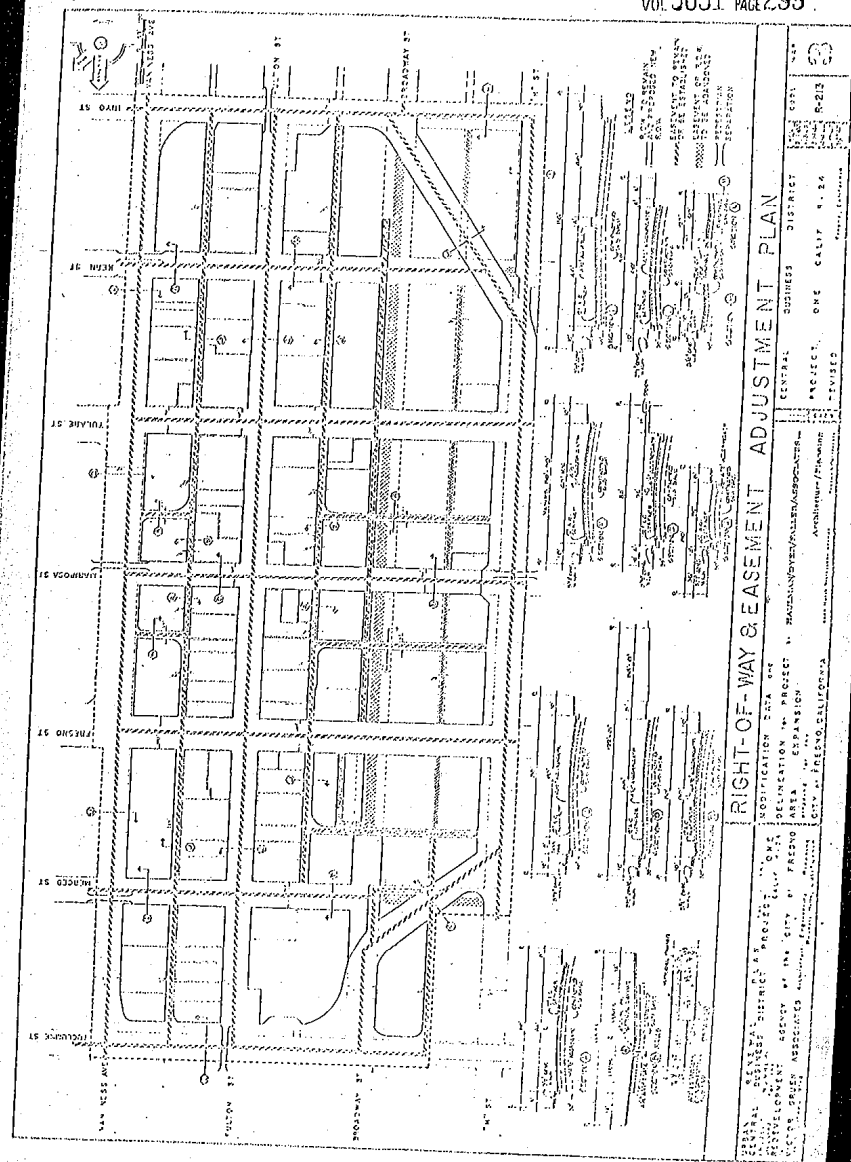
3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.
4. Permitting a variation will not be contrary to the objectives of the Plan.
5. For a period of fifteen (15) days after a decision by the Executive Director, either granting or denying a variation, such granting conditions imposed on such granting, or denial may be appealed to the Agency in writing by an affected property owner, setting forth the reason for such appeal.

No such variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variance the Executive Director shall impose such conditions as are necessary to protect the public health, safety, or welfare and to assure compliance with the general purposes of this Plan.

- XI. Map No. 1. "PROJECT AREA BOUNDARY AND ZONING PLAN", be revised as delineated on attached map dated November 27, 1967.
- XII. Map No. 2. "PROJECT AREA PLAN", be revised as delineated on attached map dated November 27, 1967.
- XIII. Map No. 3. "RIGHT-OF-WAY AND EASEMENT ADJUSTMENT PLAN", be revised as delineated on attached map dated November 27, 1967.



[illegible]



RIGHT-OF-WAY & EASEMENT ADJUSTMENT PLAN

NOTIFICATION DATA: PROJECT: ONE
ELIMINATION OF PROJECT: 1. HAZELWOOD/VALLEY/ADJACENT
EXPANSION
CITY OF FRESNO, CALIFORNIA

CITY OF FRESNO, CALIFORNIA
DISTRICT: BUSINESS
SUBJECT: ONE CALIF. R. 24
REVISION: 3

APPROVED: [Signature]
DATE: [Date]

I hereby certify that the foregoing Ordinance, was, at a regular meeting of the Council of the City of Fresno, held on the 2nd day of January, 1969, introduced by Councilman Wasemiller, and action thereon under the rules was postponed to the regular meeting of said Council held on the 9th day of January, 1969, at which meeting it was, on motion of Councilman Wasemiller, seconded by Councilman Bell, duly adopted by said Council, by the following vote:

Ayes: Bell, Camarada, Nagel, Trombetta, Wasemiller, Mayor Hyde

Noes: None

Absent: Miller

Dated this 9th day of January, 1969.

Attest: *[Signature]*
City Clerk,

(SEAL)

By: _____
Deputy