ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Smith SECONDED BY Calandra

BILL NO. B-123

ORDINANCE NO. 94-119

TITLE OF THE ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ESTABLISHING CERTAIN TIME LIMITATIONS FOR THE JEFFERSON AREA REDEVELOPMENT PLAN PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33333.6

WHEREAS, the Council of the City of Fresno, on December 18, 1984, adopted Ordinance No. 84-182, approving a Redevelopment Plan (the "Plan") for the Jefferson Area (the "Project"); and,

WHEREAS, the Plan contains provisions for the division of taxes as set forth in the California Community Redevelopment Law, comprising Section 33000 et seq. of the California Health and Safety Code (the "Law"), and specifically Section 33670 thereof; and,

WHEREAS, Section 33333.6 of the Law requires for each redevelopment plan adopted on or before December 31, 1993, that the Council adopt an Ordinance establishing certain limitations on or before December 31, 1994.

PASSED 12/6/94
EFFECTIVE 1/6/95

NOW, THEREFORE, the Council of the City of Fresno does ordain a follows:

SECTION 1. In accordance with the requirements of the Law, the following limitations are hereby established for the Project:

A. The Project Area shall not establish loans, advances, and indebtedness after January 18, 2005. This limit, however, shall not prevent the Redevelopment Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Redevelopment Agency's housing obligations under Section 33413 of the Law.

B. The Project Area shall not pay indebtedness or receive property taxes pursuant to Section 33670 of the Law after January 18, 2015.

SECTION 2. The limitations established in Section 1 of this Ordinance shall apply to the Plan as if the Plan had been amended to include these limitations, and may only be amended by amendment to the Plan in the manner required by the Law.

SECTION 3. The limitations established in Section 1 of this Ordinance shall not be applied to limit allocation of taxes to the Redevelopment Agency to the extent required to eliminate project deficits created under subdivision (e) of Section 33320.5, subdivision (g) of Section 33334.6, or subdivision (d) of Section 33487, in accordance with the plan adopted pursuant thereto for the purpose of eliminating the deficits or to

Agenda Item 3.8A 1/5/95

implement a replacement housing program pursuant to Section 33413.

SECTION 4. This Ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

CLERK'S CERTIFICATE

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

I, JACQUELINE L. RYLE, 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 6th day of Dec199 4, by the following vote:

Ayes: Briggs, Calandra, Lung, Padilla, Smith, Woody, Patterson
Noes: None
Absent: None
Dated this 6th day of Dec.199 4.

JACQUELINE L. RYLE
City Clerk

By Jacqueline L. Ryle
Deputy

APPROVED AS TO FORM:

JAMES P. LOUGH
City Attorney

By Kevin L. Kono

vs\rp\attacd8.ord

38A 1/5/95

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ATTACHMENT "G"

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

BILL NO. B-18

ORDINANCE NO. 95-18

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE COMMUNITY REDEVELOPMENT PLAN FOR THE JEFFERSON AREA

WHEREAS, on December 18, 1984, the Council enacted Ordinance No. 84-182 adopting the Community Redevelopment Plan for the Jefferson Area; and,

WHEREAS, the Community Redevelopment Plan has been subsequently amended through Ordinance No. 94-119; and,

WHEREAS, an amendment to the Redevelopment Plan has been proposed (Plan Amendment No. A-95-01) and is described in the attached Exhibit "A"; and,

WHEREAS, the amendment has been environmentally assessed by the City of Fresno through the completion of Final Environmental Impact Report No. 10120 (SCH#94052012) prepared in accordance with the California Environmental Quality Act (CEQA), the state CEQA guidelines, the City of Fresno's Environmental Quality Ordinance (Chapter 12, Article of the Fresno Municipal Code); and,

WHEREAS, the investigations and conclusions of the Final EIR identified potential significant adverse environmental effects which were substantially lessened or avoided by project changes, alterations or mitigation measures; identified certain unavoidable significant adverse effects which would be reduced by mitigation measures but not avoided or

PASSED 6/28/95

MEETING of (date) 6/27/95 Reel 385

substantially lessened due to specified economic, social, or other considerations; and, identified the proposed project as the environmentally superior alternative; and,

WHEREAS, under CEQA the City of Fresno is the lead agency for the project and the Redevelopment Agency of the City of Fresno is a responsible agency and the Planning Commission has considered and recommended the certification of Final EIR No. 10120.

WHEREAS, Plan Amendment No. A-95-01 is subject to review and recommendation by the Housing and Community Development Commission (HCDC); and,

WHEREAS, on January 25, 1995, in a regular meeting the HCDC considered Plan Amendment No. A-95-01, and after consideration of all testimony related to the individual aspects of the project, recommended to the City Council and Redevelopment Agency approval of said plan amendment; and,

WHEREAS, on February 1, 1995, in a noticed public hearing at a regular meeting, the Fresno City Planning Commission considered Plan Amendment No. A-95-01, heard testimony from staff and interested persons, made necessary consistency findings with the General Plan which substantially complies with applicable State Laws, and recommended to the City Council and Redevelopment Agency approval of said plan amendment; and,

WHEREAS, on February 21, 1995, the City Council and Redevelopment Agency of the City of Fresno held a duly noticed, joint public hearing that was continued from February 14, 1995, to consider such further amendments and all evidence and testimony related to Plan Amendment No. A-95-01.

MICROFILMED
Reel 385 Date 6/27/95

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

SECTION 1. The Council finds that the proposed amendment of the Jefferson Area Redevelopment Plan conforms to the 1984 Fresno General Plan, including but not limited to, the Housing Element of the General Plan, pursuant to related plan amendments to the General Plan and the Central Area Community Plan as provided in Plan Amendment No. A-95-01.

SECTION 2. Based upon the testimony and information presented, the Council finds that approval of the proposed amendments to the Jefferson Area Redevelopment Plan is in the best interests of the City of Fresno. Therefore, said Redevelopment Plan is further amended as depicted on Exhibit "A" and related plan maps attached hereto and incorporated herein by reference.

SECTION 3. The Council finds that the amendments made by this ordinance do not add new territory to the redevelopment plan project area, increase either the limitation on the number of dollars to be allocated to the Redevelopment Agency or the time limit on the establishment of loans, advances, and indebtedness, lengthen the time during which the Redevelopment Plan is effective, merge project areas, or add significant additional capital improvement projects.

MICROFILMED
Reel 385 Date 6/27/95

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

CLERK'S CERTIFICATE

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

I, JACQUELINE L. RYLE, 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 28th day of February 1995, by the following vote:

Ayes: Briggs, Calandra, Ronquillo, Woody, Patterson
Noes: Quintero
Absent: Lung
Dated this 28 day of Feb 1995.

JACQUELINE L. RYLE
City Clerk
By Jacqueline L. Ryle

APPROVED AS TO FORM:

HILDA CANTÚ MONTOY
Acting City Attorney
By Hilda L. Kerr, Deputy

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Reel 385 Date 6/27/95

101

EXHIBIT "A"

JEFFERSON REDEVELOPMENT PLAN AMENDMENTS
REGIONAL MEDICAL CENTER PROJECT
JANUARY 1995

CHAPTER 1.0

SECTION 1.1

Delete paragraph 9.

SECTION 1.2

Add the term "in 1984" to the end of the Section title.

CHAPTER 2.0

SECTION 2.1

Add new objective No. 2 (in list of 7 objectives) as follows:

"Provide for the development of the Regional Medical Center Project to improve the delivery of health care services to the residents of Central California, support the retention and expansion of the Community Hospital facility, and serve as a major catalyst for the improvement of downtown Fresno and the Jefferson Plan area."

SECTION 2.2

Add new proposed Action statement No. 1 as follows:

"Development of new and expanded medical service, teaching, and support facilities of the proposed Regional Medical Center Project in a "campus concept" with a broad range of amenities including landscaping, parking, and an integrated design concept, in a phased development program."

Delete Action statement Number 3:

"New multiple-family residential dwelling units within an identified target area (providing new in-town residential housing opportunities with the central area)."

CHAPTER 3.0

SECTION 3.1

Revise the title and text of this Section to read as follows:

"Conformance to the 1984 Fresno Area General Plan and the 1989 Central Area Community Plan"

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"The Jefferson Area Community Redevelopment Plan as amended, has been adopted as a local refinement of the 1984 Fresno Area General Plan as amended, and the 1989 Central Area Community Plan as amended. As required by California Community Redevelopment Law, the Redevelopment Plan conforms to the above cited General Plan and Community Plan."

CHAPTER 4.0

SECTION 4.2

Delete term "target area" and substitute new term "Regional Medical Center Project".

SECTION 4.3

Delete title "Target Area Recommendations", entire text and related Exhibit No.7 "Target Area Map", and substiute new title "Central California Regional Medical Center Project", and following text:

"The Central California Regional Medical Center (CCRMC) development concept proposes a multi-use hospital and medical center complex, with approximately 1,885,000 square feet of building area contained within a 58-acre (50.5 acres is within the Jefferson Area) integrated campus setting. The existing Fresno Community Hospital facilities located at Divisadero and Fresno Streets would form the foundation for the Regional Medical Center campus generally bounded by McKenzie, Fresno, Tulare, "U", Mariposa, "Q", Tuolumne, and Diana Streets (see Exhibit No. 7, Regional Medical Center Project Conceptual Site Plan). A 7.5 acre portion of the proposed medical center project, south of Divisadero Street is located within the adjacent Mariposa Project Redevelopment Plan.

The proposed medical center concept would include an adult acute care hospital, a pediatric hospital, a trauma center, a medical school facility (including community health center and medical staff housing components), and support facilities including a central utility plant and approximately 5,000 parking spaces in multi-story parking structures and surface parking, including ample landscaping, open space areas, courtyards, all with a unified design theme.

Within the Regional Medical Center Project Area, a concentrated series of specific activities will proceed on a phased basis, pursuant to a Development and Disposition Agreement, and will serve to reduce the amount of blight within the area and adjacent neighborhoods, and futher serve as a catalyst for new investments in the Redevelopment Area as a whole. To accomplish the objectives of the Regional Medical Center Project concept the following redevelopment actions will be necessary:

1. Acquisition, on a phased basis of all properties within the Regional Medical Center Project Area that are not currently under Fresno Community Hospital and Medical Center (FCH/MC)

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ownership (see Section 4.9 Land Acquisition, and Exhibit 13, Acquisition Plan). Property would be purchased by negotiation, with any use of the eminent domain process only as a last resort.

2. Abandonment of the portions of Divisadero Street and "R" Street, and other local streets and alleys within the Regional Medical Center Project Area.

3. Relocation of all residents, businesses, or organizations on any property included within the Acquisition Plan, on a timely basis and in accordance with all applicable State and Federal requirements and rules of the Redevelopment Agency.

4. A priority will be given to the relocation of designated historic properties to other infill sites, preferably within the Lowell and Jefferson neighborhoods, if economically feasible.

5. Disposition of properties, removal of existing site improvements, and installation of new public improvements would proceed on a phased basis.

6. A residential improvement program (including, but not limited to, code enforcement, blight removal, housing rehabilitation, housing relocation, new housing construction, mini-parks, landscaping, and other public improvements) will be established for the neighborhoods adjacent to the Regional Medical Center Project Area.

7. Offers of Owner Participation, and review of all development entitlements within the vicinity of the Regional Medical Center Project Area will ensure that existing and proposed development improvements will be in harmony with the Regional Medical Center Project concept and improvements.

SECTION 4.4

Revise title to read: "New Housing Infill", and revise text to read as follows:

"Presently the planning area offers numerous opportunities for new residential construction due to a number of existing vacant parcels. Further assembly of parcels in relation to existing vacant parcels could provide opportunities for intown housing developments such as condominiums, garden apartments, townhouses, and/or planned unit developments. A comprehensive Residential Improvement Program (including, but not limited to, code enforcement, blight removal, housing rehabilitation, housing relocation, new housing construction, mini-parks, landscaping, and other public improvements) will be established for the neighborhoods adjacent to the Regional Medical Center Project Area.

SECTION 4.5

Revise title to read: "Housing Rehabilitation and Infill", and revise text as follows:

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"Presently the planning area offers numerous opportunities for rehabilitation of existing residential properties as well as the infill of relocated residential structures from the Regional Medical Center Project Area or from other locations as well. It is the intention of the Plan to establish a Residential Area Improvement Program (see SECTION 4.4 above) and to place a high priority on and to support the upgrading of the existing neighborhoods with improvements sensitive to, and compatible with those neighborhoods. Numerous existing historical structures in the Regional Medical Center Project Area have been identified, and a priority consideration will be given to potentials for relocation of those structures to appropriate infill sites within the Jefferson neighborhoods and other sites within the nearby Lowell neighborhoods as well."

SECTION 4.6

Revise the text of the third paragraph as follows:

"As a result of these existing conditions demands for additional recreational opportunities exist.. Open space/recreation/park space has been proposed as a land use within the project area. The location of the proposed areas are in the blocks east of and paralleling the Santa Fe Railroad right-of-way between McKenzie and north of Belmont Avenue to the Freeway 180 alignment (see Land Use Plan, Exhibit 10). This location will also serve as a buffer area between the railroad and vehicles and residential areas. In addition, the placement of open space and properly planned landscaping along streets will provide visual access for police partols, thereby enhancing security."

SECTION 4.7

Add ", including housing," to line 5, following the term "related uses".

SECTION 4.8

Revise paragraphs one and two of the text as follows:

"Circulation patterns in the Jefferson Redevelopment Area have been proposed for modification in the Land Use Plan, Exhibit 10., only within the Regional Medical Center Project Area, in order to provide a secured, campus environment for the Regional Medical Center Project. Divisadero Street and "R"Street are proposed to be closed to through-traffic within the Medical Center Project Area, on a phased basis.

The existing major traffic carriers that traverse the project area include Belmont, Fresno and Abby Streets. These streets remain unchanged with the exception of Fresno Street which is proposed to be widened on a phased basis."

SECTION 4.9

Revise the text of paragraph one as follows:

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"The implementation of the Jefferson Area Community Redevelopment Plan concept for the Regional Medical Center Project is dependent upon land assembly, redevelopment, and rehabilitation activities. In order to assure development of the Regional Medical Center Project, the Redevelopment Agency may acquire by purchase, eminent domaing, or otherwise, the real property contained in the Regional Medical Center Project Area and designated as "Subject to Acquisition, Phase A (1984), and Subject to Acquisition, Phase B (1995) in the Acquistion Plan, Exhibit 13. The properties identified as "Subject to Acquisition, Phase A (1984), were placed in the Acquisition Plan in 1984 with the original adoption of the Jefferson Area Community Redevelopment Plan.

Acquisition would proceed, pursuant to the terms of a Development and Disposition Agreement, on a phased basis of all properties within the Regional Medical Center Project Area that are not currently under City of Fresno or Fresno Community Hospital and Medical Center (FCH/MC) ownership. Property would be purchased by negotiation, with any use of the eminent domain process only as a last resort."

Add the following after the last paragraph:

"Offers of Owner Participation, and review of all development entitlements within the vicinity of the Regional Medical Center Project Area will ensure that existing and proposed development improvements will be in harmony with the Regional Medical Center Project concept and improvements."

CHAPTER 5.0

SECTION 5.1

In paragraph 2, delete the term "target area" and substitute the term "Regional Medical Center Project Area", and delete the last sentence from paragraph 2.

In paragraph 3, delete the following:

"that there is one larger and newer multi-family residential structure within the target area, which if it is to remain, must have access to the circulation system;"

In paragraph 4, add the following to sentence 2:

"and the architectural style and scale of many single-family houses that date back to the early days of Fresno."

SECTION 5.1.1

In paragraph 1, add the term "McKenzie Avenue" in sentence 1, following the term "North Fresno Street,".

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Delete the text of paragraph 2 and substitute the following:

"Although the Land Use Plan provides for a range of residential densities, it is contemplated that the priority is for maintenance of an overall single-family character. The infill process must result in densities and architectural design of new or relocated structures that is compatible to existing developments (density, setbacks, building materials, building heights, window treatments, orientation of building frontages, etc.). Any increases in densities would only relate to areas where the land assembly process would present opportunities for the redevelopment and redesign of significant land areas to include necessary amenities (i.e. open spaces, parking, recreation facilities, etc.)."

Add the following after paragraph 4:

"Within the Regional Medical Center Project Area, approximately 220 units of resident interns and student housing in a "townhouse concept", including a potential visitor's residence inn, is proposed related to the medical/teaching component of the Medical Center."

Delete paragraph 5.

SECTION 5.1.3

Add the term "and Residential/Professional" to the Section title.

Delete the text of this Section ans substitute the following:

"Four areas in the Land Use Plan have been designated for professional offices and related uses. The first of these areas involves the proposed Regional Medical Center Project which is designated for Office/Professional uses. This area already contains the existing Community Hospital and several other professional medical offices (see Section 4.3 for description of the Regional Medical Center concept).

The second area is designated for Office/Professional uses and is located on the north side of Divisadero, between the Abby/Effie Alley, Illinois, and Diana. The third area is designated for Office/Professional uses and located on the north side of Belmont between Abby, the Belmont/White Alley, and Diana.

The fourth area is designated for Residential/Professional uses along the east side of Fresno Street between Divisadero and McKenzie. It is expected that this area will be developed with a mixture of professional office uses and residential uses compatible with adjacent existing residential areas."

SECTION 5.1.4

Delete the text of this Section and substitute the following:

"There is a potential for the adjustment or abandonment of streets in the Jefferson Plan Area to accommodate the

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development of the Regional Medical Center Project and any new, large-scale developments in the Plan Area. In order to provide a secured, campus environment for the Regional Medical Center Project, portions of Divisadero Street and other local streets and alleys would be closed on a phased basis as a result of implementation of the Regional Medical Center Project (see Land Use Plan, Exhibit 10).

SECTION 5.2

Delete the text of this Section and substiute the following:

"There are 8 structures within the Jefferson Plan Area that have been placed on the Local Office Register of Historic Places (See Historic Structures Map, Exhibit 14). Three of these structures, the Mckay Home (Map No. 4), the Fire Alarm Station (Map No. 7), and the Rutherford Home (Map No. 37; was demolished in 1981) are located within the Regional Medical Center Project Area, but only the Fire Alarm Station would not be impacted by implementation of the proposed Regional Medical Center Project.

A Supplementary Historic Building Survey dated September 30, 1994 was prepared by John Edward Powell for the City of Fresno Historic Preservation Commission. This survey reassessed approximately 2,490 properties, consisting of public landscapes, industrial structures, residences, churches, commercial and municipal buildings, and objects of public art within Fresno's Central Area. The survey identified that there are an additional 22 properties within the Jefferson Redevelopment Plan Area that could be considered for nomination to the Local Office Register of Historic Places (see Exhibit 14).

Eleven of these properties are located within the Regional Medical Center Project Area and could be impacted by the implementation of the proposed project. The potential mitigation of these impacts will be addressed through the Final Environmental Impact Report for the Regional Medical Center Project. A priority will be given to the relocation of designated historic properties to other infill sites, preferably within the Lowell and Jefferson neighborhoods, if economically feasible."

CHAPTER 6.0

SECTION 6.13

Delete paragraph 1 and substitute the following"

"All modifications to structures/places of architectural, historic, and/or cultural significance that are on the Local Office Register of Historic Resources, or are identified as being capable of being considered for nomination to the Local, State or National Registers of Historic Places, will be carried out in accordance with the prescribed requirements of the Historic Preservation Ordinance of the City of Fresno and any mitigation requirements pursuant to a Final Environmental Impact Report."

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CHAPTER 8.0

SECTION 8.1.2.B.

Revise sentence 1 to read as follows:

"In cases where purchase cannot be negotiated, and only as a last resort, property shall be acquired by the Agency through the exercise of its right of eminent domain, which shall commence within 24 years from the effective date of the original ordinance (City Council Ordinance 84-182) which approved this Redevelopment Plan. In the original adoption of the Redevelopment Plan this time limit on the commencement of eminent domain was limited to 12 years, however, in order to proceed with the Regional Medical Center Project and to comply with the terms of the Development and Disposition Agreement with the Developer, this time limitation on commencement of eminent domain was amended to provide for an additional term of 12 years, for a total time limit of 24 years."

CHAPTER 10.0

SECTION 10.4

Delete the term "Target Area" and replace with the term "Regional Medical Center Project Area".

Following are the changes necessary to the Exhibits of the Jefferson Area Community Redevelopment Plan:

Replace Exhibit 5, "1983 Preliminary Fresno General Plan Map" with "1984 Fresno Area General Plan Map (as amended)", and Replace Exhibit 6, "Fresno High-Roeding Community Plan Map" with "1989 Central Area Community Plan Map (as amended)".

Add a new Exhibit No. 7 "Regional Medical Center Project Conceptual Site Plan", as attached.

Revise Jefferson Area Land Use Plan Map, Exhibit 10, as shown on the attached Jefferson Area Land Use Plan Map, dated January, 1995.

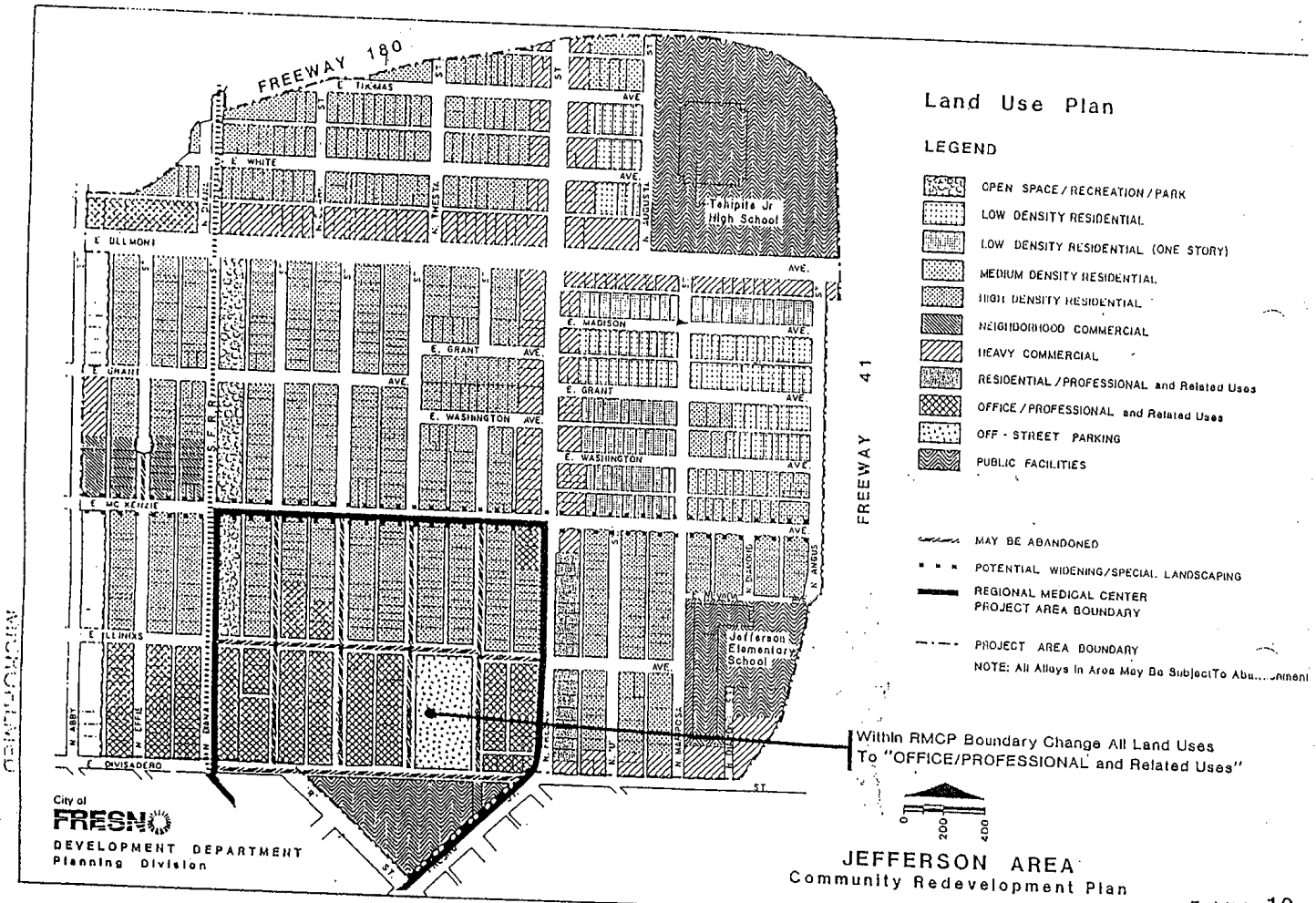
Revise Jefferson Area Zone Plan Map, Exhibit 11, as shown on the attached Jefferson Area Zone Plan Map, dated January, 1995.

Remove Circulation Element, Exhibit 12, and replace with Central Area Community Plan Circulation Map, as amended.

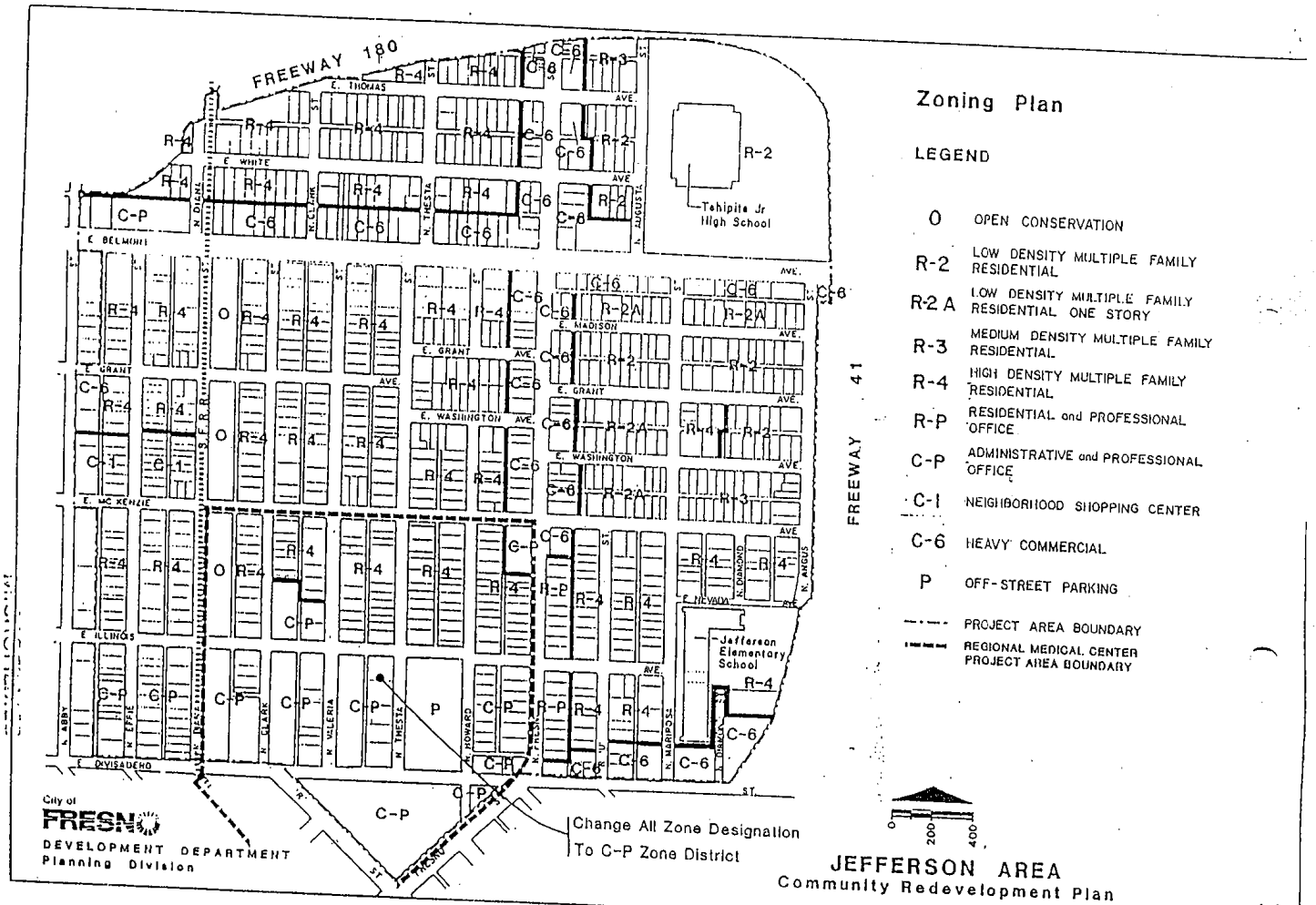
Remove Jefferson Area Acquisition Map, Exhibit 13, and replace with new Jefferson Area Acquisition Map, dated January, 1995.

Replace "Historic Structures Map, Exhibit 14", with new "Historic Structures Map" (Figure 34) and "List of Historic Properties Within and Adjacent To The Proposed Regional Medical Center Campus Project", from the Final Environmental Impact Report No. 10120, for the Regional Medical Center Project.

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AMENDED 205-1/1/80



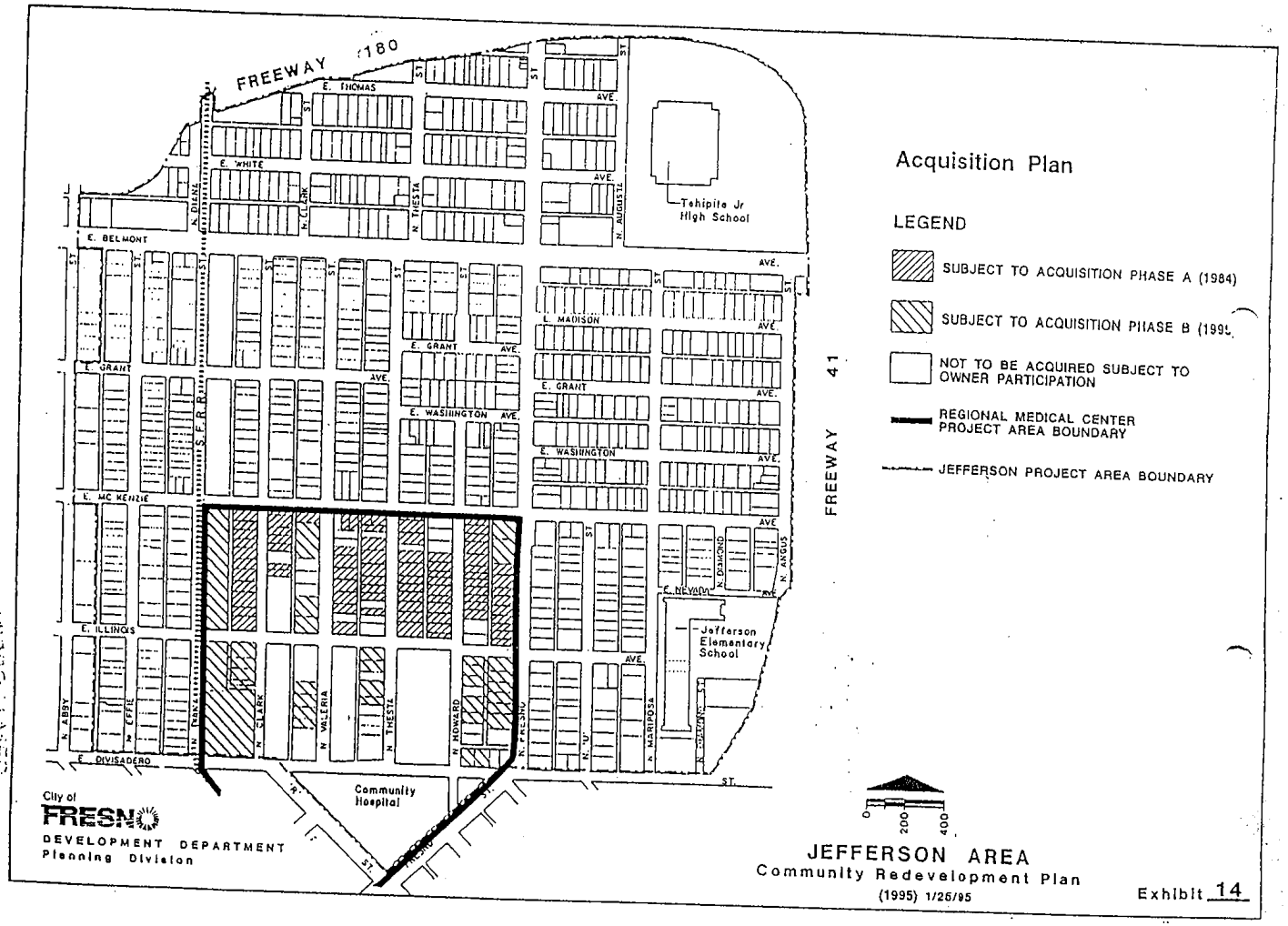
Zoning Plan

LEGEND

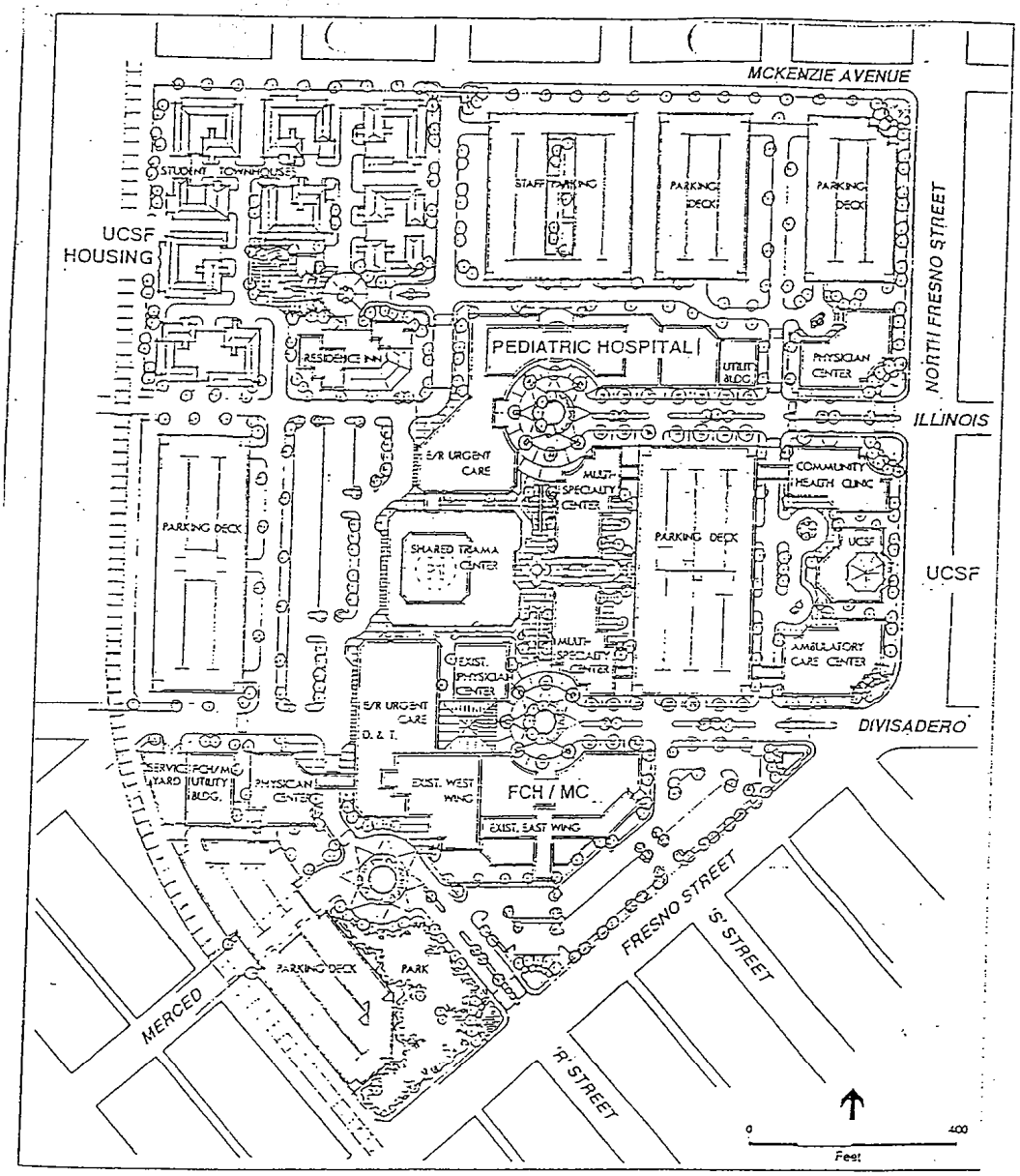
O	OPEN CONSERVATION
R-2	LOW DENSITY MULTIPLE FAMILY RESIDENTIAL
R-2 A	LOW DENSITY MULTIPLE FAMILY RESIDENTIAL ONE STORY
R-3	MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL
R-4	HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL
R-P	RESIDENTIAL and PROFESSIONAL OFFICE
C-P	ADMINISTRATIVE and PROFESSIONAL OFFICE
C-1	NEIGHBORHOOD SHOPPING CENTER
C-6	HEAVY COMMERCIAL
P	OFF-STREET PARKING
	PROJECT AREA BOUNDARY
	REGIONAL MEDICAL CENTER PROJECT AREA BOUNDARY

JEFFERSON AREA
Community Redevelopment Plan

Exhibit 11



MICROFILMED
Roll 385 Date 6/24/95



Central California Regional Medical Center / 940012

SOURCE: R.T.K.L. Associates, Inc.

Proposed Site Plan at Project Buildout

MICROFILMED
Reel 385 Date 6/27/95

NOTICE IS HEREBY GIVEN that the City Council of the City of Fresno adopted Ordinance No. 98-47, on June 30, 1998, approving and adopting the 1998 Amendment to the Community Redevelopment Plan (the "1998 Amendment") for the Jefferson Redevelopment Planning Area (the "Project").

The 1998 Amendment pertains to and does not change or revise the legal description of the boundaries of the Project which is attached hereto as Exhibit A and incorporated herein by reference.

Proceedings for the redevelopment of the Project pursuant to the 1998 Amendment have been instituted under the California Community Redevelopment Law.

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

Date: July 15, 1998

Rebecca E. Klisch

REBECCA E. KLISCH
City Clerk, City of Fresno

Attachment : Exhibit A - Legal Description

EXHIBIT A

LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES FOR THE JEFFERSON REDEVELOPMENT PLANNING AREA

That real property in the City of Fresno, County of Fresno, State of California, described as:

Beginning at the intersection of the Westerly Right-of-way of the Freeway 41 and the Easterly prolongation of the centerline of East Thomas Avenue, as said Avenue is shown on Belmont Addition, according to the map thereof recorded in Book 1, Page 44 of Plats, Fresno County Records,; thence southerly along said Westerly Right-of-Way to the intersection with the Northerly Right-of-Way line of East Divisadero Street as said street is shown on Eastern Addition, according to the map thereof recorded in Book 1, Page 13 of Plats, Fresno County Records; thence Westerly along said Northerly Right-of-Way line to the intersection with the Northeasterly prolongation of the Northwesterly Right-of-Way line of Fresno Street, as said streets are shown on Irvington Second Addition, according to the map thereof recorded in Book 1, Page 75 of Plats, Fresno County Records, and as shown on Irvington Addition according to the map thereof recorded in Book 1, Page 70 of Plats, Fresno County Records; thence Southwesterly along last said prolongation line and the Northwesterly Right-of-Way line of Fresno Street to the intersection with the Northeasterly Right-of-Way line of "R" Street as shown on Hughes and White Supplemental Map of the Town of Fresno recorded on June 22, 1882, Book 1, Page 4 of Plats, Fresno County Records; thence Northwesterly along last said Northeasterly Right-of-Way line and the Northwesterly prolongation thereof, to the intersection with the North line of East Divisadero Street as shown on Hadsell's Addition, according to the map thereof recorded in Book 1, Page 14 of Plats, Fresno County Records; thence Westerly along said North line to the West line of an alley, 20 feet wide, said West line being distant Westerly 145.00 feet from the West line of North Effie Street, 60 feet wide as shown on Shanklin's Addition, recorded in Book 1, Page 19 of Plats, Villa Homestead Tract, recorded in Book 1, Page 11 of Plats, and Villa Addition recorded in Book 1, Page 6 of Plats, all in Fresno County Records; thence North 00° 01' 05" East, 1,215.00 feet, along last said West line to the South line of East McKenzie Avenue, 60 feet wide as shown on said Villa Addition; thence North 89° 50' West, 115 feet, more or less, along last said South line to the East line of North Abby Street, 60 feet wide as shown on Altamont Addition, according to the map thereof recorded in Book 1, Page 77 of Plats, Fresno County Records; thence North 00° 01' 05", East 706.04 feet, along last said East line, to the North line of East Grant Avenue, 60 feet wide as shown on said Altamont Addition; thence South 89° 50' East, 110.00 feet along last said North line to the West line of an alley, 20 feet wide, said West line being distant Westerly 145.00 feet, from the West line of North Effie Street as shown on said Altmont Addition; thence North 00° 01' 05" East, 551.86 feet along the West line of last said alley to the South line of East Belmont Avenue, 100 feet wide as shown on said Altamont Addition; thence North 89° 50' West, 75 feet, more or less, along last said South line to the Southerly prolongation of the East line of North Abby Street, 60 feet wide as shown on said Altamont Addition; thence North 00° 01' 05" East, 266.00 feet, along said East line to the Westerly prolongation of the North line of an alley 16 feet wide, said North line being distant northerly 166.00 feet from the North line of East Belmont Avenue; as shown on Belmont Addition, according to the map thereof recorded in Book 1, Page 39 of Plats, Fresno County Records, said point also being on the Southerly Right-of-Way line of Freeway 180; thence Easterly along said Freeway 180 Right-of-Way to the intersection with the Westerly Right-of-Way of the Freeway 41; thence Southerly along said Freeway 41 Right-of-Way to the point of beginning.

CONFORM COPY

Recording Requested By:

City of Fresno
No Fee-Govt. Code Sections
6103 and 27383

When Recorded Mail to:

Name: CITY CLERK'S OFFICE
Street Address: City of Fresno
City & State: 2600 Fresno Street
Fresno, CA 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ORDINANCE NO. 98-47

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING AND ADOPTING THE 1998 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE JEFFERSON REDEVELOPMENT PROJECT.

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

BILL NO. B-49
ORDINANCE NO. 98-47

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, APPROVING AND ADOPTING THE 1998 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE JEFFERSON REDEVELOPMENT PROJECT

WHEREAS, the Council of the City of Fresno (the "Council"), established the Jefferson Redevelopment Project (the "Project"), and approved and adopted the Redevelopment Plan for the Project by Ordinance No. 84-182, on December 18, 1984, and amended the Redevelopment Plan by Ordinance No. 94-119 on December 6, 1994, and amended the Redevelopment Plan by Ordinance No. 95-18 on February 28, 1995 (the "Jefferson Plan"); and

WHEREAS, the Council has received from the Redevelopment Agency of the City of Fresno (the "Agency") a proposed 1998 Amendment to the Jefferson Plan (the "Jefferson Amendment"), a copy of which is on file at the offices of the City Clerk at 2600 Fresno Street, Fresno, California, and the Agency at 2344 Tulare Street, Suite 200, Fresno, California; and

WHEREAS, the Council and the Agency are simultaneously considering the approval and adoption of a proposed Redevelopment Plan for the Fulton Redevelopment Project and a proposed Redevelopment Plan for the South Van Ness Industrial Redevelopment Project (the "Proposed New Redevelopment Plans"), and the approval and adoption of proposed amendments (the "Other Proposed Amendments") to the Amended Urban Renewal Plan for

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

98-47

the Central Business District Project One, the Community Redevelopment Plan for the Chinatown Expanded Area, the Redevelopment Plan for the Convention Center Redevelopment Area, the Urban Renewal Plan for the Mariposa Project, the Urban Renewal Plan for the West Fresno Project One, the Urban Renewal Plan for the West Fresno Project Two and the Urban Renewal Plan for the West Fresno Project Three (the "Other Existing Redevelopment Plans"); and

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

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

provisions so that the provisions conform with current redevelopment law or are made consistent with existing City standards; and

WHEREAS, the Council has also received from the Agency the Report of the Agency to the Council, as supplemented by a Supplemental Report of the Agency to the Council, on the Jefferson Amendment, the Other Proposed Amendments and the Proposed New Redevelopment Plans (the "Agency's Report") in accordance with Section 33352 of the Community Redevelopment Law (Health and Safety Code Section 33000, et seq.); and

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

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

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

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

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

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

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

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

WHEREAS, copies of the notice of joint and concurrent public hearings were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Jefferson Project Area as shown on the last equalized assessment roll of the County of Fresno; and

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

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

WHEREAS, the Council has considered the Agency's Report, the Report and Recommendation of the Planning Commission, the Report and Recommendation of the Housing and Community Development Commission, the Jefferson Amendment, and the Final EIR; has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Jefferson Amendment; and has adopted written findings in response to each written objection to the Jefferson Amendment from an affected taxing entity or property owner within the Jefferson Project Area; and

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

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

SECTION 1. The purposes and intent of the Council with respect to the Jefferson Amendment are: (1) to eliminate the significant remaining blighting influences and environmental deficiencies within the Jefferson Project Area and the Merged No. 1 Project Area as a whole; and (2) to contribute to and complement the overall goals and objectives of the Jefferson Plan and redevelopment of the Jefferson Project Area and the Merged No. 1 Project Area as a whole.

SECTION 2. The Council hereby finds and determines that:

a. It is necessary and desirable to amend the Jefferson Plan as set forth in the Jefferson Amendment in order to complete the redevelopment of the Jefferson Project Area and make possible the full achievement of the goals and objectives of the Jefferson Plan for the Jefferson Project Area. Significant blight remains within the Jefferson Project Area which cannot be eliminated without the increase in the time to establish debt and the increase in the tax increment dollar limit provided by the Jefferson Amendment. These findings are based upon the facts, as more particularly set forth in the Agency's Report, that:

(1) The Jefferson Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions, including deteriorated and dilapidated buildings, aged and obsolete buildings; lots of irregular form,

shape and inadequate size for proper usefulness; vacant buildings, depreciated or stagnant property values; low lease rates; residential overcrowding, a high crime rate and inadequate or deteriorated public improvements, facilities and utilities.

(2) The combination of the conditions referred to in paragraph (1) above are so prevalent and so substantial that it continues to cause a reduction of, or lack of, proper utilization of the Jefferson Project Area and affects the Merged No. 1 Project Area as a whole to such an extent that it constitutes a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(3) The continued availability of tax increment revenues from the Jefferson Project Area and the Merged No. 1 Project Area as a whole will allow the Agency to continue to carry out the goals and objectives of the Jefferson Plan by providing the financing needed to complete the public improvements and to continue the redevelopment programs necessary to alleviate the remaining blight conditions and promote and stimulate new private investment in the Jefferson Project Area.

b. The Jefferson Amendment would redevelop the Jefferson Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Jefferson Project Area, as contemplated by the Jefferson Plan, as amended by the Jefferson Amendment, will implement the objectives of the Community Redevelopment Law by aiding

in the elimination and correction of the remaining conditions of blight and deterioration in the Jefferson Project Area and the Merged No. 1 Project Area as a whole; by facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; by providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Jefferson Project Area; by providing for higher economic utilization of potentially useful land and buildings; and by providing additional funds to improve and increase the supply of low- and moderate-income housing within the community.

c. The adoption and carrying out of the Jefferson Amendment is economically sound and feasible. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that under the Jefferson Plan, as amended by the Jefferson Amendment, the funds available from tax increments from the Merged No. 1 Project Area and other financing sources will be sufficient to pay for the costs of the proposed public projects needed to alleviate the remaining blight conditions; the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Jefferson Project Area and the Merged No. 1 Project Area as a whole; and no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

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

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

f. The condemnation of real property, as extended by the Jefferson Amendment, is necessary to the execution of the Jefferson Plan, and adequate provisions have been made for payment of property to be acquired as provided by law. This finding is based on the following facts: (1) in order to facilitate development of existing vacant or underutilized commercial properties, the Agency may need to assemble parcels to effectuate more

cohesive and economically feasible development within the Jefferson Project Area; (2) the Agency is required to comply with all state laws pertaining to the acquisition of real property by a public agency by negotiation or by condemnation, which laws require the payment of just compensation for any real property purchased by negotiation or condemnation; and (3) the Agency shall not proceed with any voluntary acquisition or condemnation of real property for which funds are not available.

g. The Agency has a feasible method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Jefferson Project Area. This finding is based upon the fact that the existing Jefferson Plan and the existing Agency relocation policies, as well as the Agency's Report, contain the Agency's general method and plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Jefferson Project Area, and provide for relocation assistance according to law. That general method and plan for relocation will continue to apply following the adoption of the Jefferson Amendment.

h. There are, or shall be provided, in the Jefferson Project Area, Merged No. 1 Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Jefferson Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to the displaced families and persons and reasonably accessible to their places of employment. This finding is based

upon the fact that pursuant to the Jefferson Plan, as amended by the Jefferson Amendment, if the Agency does displace any persons or families from a dwelling unit, no person or family will be required to move from any dwelling unit in the Jefferson Project Area until suitable replacement housing is available. In addition, families and persons shall not be displaced from the Jefferson Project Area prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law, and dwelling units housing persons and families of low or moderate income within the Jefferson Project Area shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413 and 33413.5 of the Community Redevelopment Law.

i. The continuation of the elimination of blight and the effective redevelopment of the Jefferson Project Area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the facts, as more particularly set forth in the Agency's Report, that higher costs and more significant risks are associated with development in a blighted area such as the Jefferson Project Area, available governmental actions and resources have been and are insufficient to address remaining blighting conditions and the cost and risk to private enterprise is too great.

j. The time limitations and the tax increment dollar limitation contained in the Jefferson Amendment are reasonably related to the remaining proposed projects to be implemented in the Merged No. 1 Project Area and to the ability of the Agency to eliminate

the remaining blight within the Jefferson Project Area and the Merged No. 1 Project Area as a whole. This finding is based upon the fact that redevelopment depends, in large part, upon private market forces beyond the control of the Agency and shorter time limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. Shorter time limitations would also limit the revenue sources and financing capacity necessary to carry out the proposed projects in the Jefferson Project Area and the Merged No. 1 Project Area as a whole. As more particularly described in the Agency's Report, the tax increment dollar limitation has been established at an amount to ensure the Agency's ability to undertake the redevelopment activities necessary to alleviate the remaining blight conditions in the Jefferson Project Area and the Merged No. 1 Project Area as a whole.

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

SECTION 4. The merger of the Jefferson Project Area with the Other Existing Project Areas and the Proposed New Project Areas will result in substantial benefit to the public and will contribute to the revitalization of the blighted areas within the Merged No. 1 Project Area

through the increased economic vitality of such areas and through increased and improvement housing opportunities in and near such areas by enabling the areas within the Merged No. 1 Project Area to be planned and developed in a coordinated and integrated manner and allowing the Agency to better respond to economic opportunities throughout the Merged No. 1 Project Area that will benefit the entire Merged No. 1 Project Area.

SECTION 5. In order to implement and facilitate the effectuation of the Jefferson Amendment, certain official actions must be taken by the Council; accordingly the Council hereby:

i) pledges its cooperation in helping to carry out the Jefferson Plan, as amended by the Jefferson Amendment;

ii) directs the various officials, department, boards and agencies of the City of Fresno having administrative responsibilities in the Jefferson Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Jefferson Plan, as amended by the Jefferson Amendment;

iii) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Jefferson Plan, as amended by the Jefferson Amendment; and

iv) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Jefferson Plan, as amended by the Jefferson Amendment.

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

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

SECTION 8. The Jefferson Plan, as adopted and amended by Ordinances Numbered 84-182, 94-119, and 95-18, is hereby further amended as set forth in the Jefferson Amendment attached hereto as Attachment 1 and incorporated herein by reference. As so amended, the Jefferson Plan is hereby incorporated by reference herein and designated as the official Community Redevelopment Plan for the Jefferson Expanded Area. The Executive Director of the Agency is hereby authorized to combine the Jefferson Plan, as

amended by the Jefferson Amendment into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Jefferson Plan.

SECTION 9. Ordinance No. 84-182, as amended by Ordinances Numbered 94-119 and 95-18, is continued in full force and effect as amended by this Ordinance.

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

SECTION 11. The City Clerk is hereby directed to record with the County Recorder of Fresno County a notice of the approval and adoption of the Jefferson Amendment pursuant to this Ordinance, containing a statement that proceedings for the redevelopment of the Jefferson Project Area pursuant to the Jefferson Plan, as amended by the Jefferson Amendment, have been instituted under the California Community Redevelopment Law.

SECTION 12. Section XIII of the Jefferson Amendment to the Jefferson Plan, approved and adopted by this Ordinance, provides for the merger of the Jefferson Project Area with the Other Existing Project Areas and the Proposed New Project Areas (the "Jefferson Merger Provision"). The proposed Fulton Redevelopment Plan, the proposed South Van Ness Redevelopment Plan and the Proposed Amendments to the Other Existing Redevelopment Plans correspondingly provide for the merger of the Other Existing Project Areas and the Proposed New Project Areas with the Jefferson Project Area (the "Other

Project Merger Provisions"). When the Jefferson Merger Provision takes effect and one or more of the Other Project Merger Provisions take effect, the Jefferson Project Area shall be officially merged with all of the project areas for which the Other Project Merger Provisions take effect. If no Other Project Merger Provisions take effect, the Jefferson Merger Provision shall have no effect.

SECTION 13. If any part of this Ordinance or the Jefferson Amendment which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining Ordinance or of the Jefferson Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Jefferson Amendment if such invalid portion thereof had been deleted. It is the specific intent of the Council that the Jefferson Merger Provision be considered wholly independent of the other provisions of the Jefferson Amendment. In the event the Jefferson Merger Provision is determined to be invalid by a court of competent jurisdiction for any reason, that circumstance shall not affect the remaining provisions of the Jefferson Amendment approved hereby.

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

Attachment 1: 1998 Amendment to the Redevelopment Plan for the Jefferson Redevelopment 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 30th day of JUNE, 1998, by the following vote.

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

Mayor Approval: 7/6, 1998

Mayor Approval/No Return: N/A, 1998

Mayor Veto: N/A, 1998

Council Override Vote: N/A, 1998

REBECCA E. KLISCH,
City Clerk

By: Rebecca E Klisch
~~Deputy~~

APPROVED AS TO FORM

HILDA CANTÚ MONTOY
City Attorney

By: [signature]
Deputy

1998 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE JEFFERSON REDEVELOPMENT AREA

The Community Redevelopment Plan for the Jefferson Redevelopment Area adopted on December 18, 1984, by Ordinance No. 84-182, as amended on December 6, 1994, by Ordinance No. 94-119 (the "Plan"), is hereby further amended as follows:

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

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

II. Section 4.7 of the Plan is hereby amended to read as follows:

> "Pursuant to the City's adopted land use policies the professional office and commercial land uses within the Project Area shall encourage the development of planned office complexes, a unified neighborhood shopping center, and other related uses, including housing, which will assist in the reduction of scattered, freestanding office and strip commercial uses as the process of public and private redevelopment occurs. Further, it is the intention of the Plan to minimize the amount of heavy, strip commercial uses along major streets an encourage their concentration in selected locations to ameliorate the overall adverse impact of such development."

III. Section 5.1 of the Plan is hereby amended to read as follows:

"5.1 Land Use, Zoning and Circulation

5.1.1 Land Use Plan Map

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

5.1.2 Designated Land Uses

1. Residential Uses

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

2. Commercial Uses

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

3. Commercial/Mixed Uses, Level 1 (C/MX-1)

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

4. Commercial/Mixed Uses, Level 2 (C/MX-2)

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

5.1.3 Zoning

Other land uses associated with zone districts permitted within the Designated Land Uses described in Section 5.1.2 hereof may be permitted.

5.1.4 Public Rights-of-Way

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

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

IV. Section 6.2 of the Plan is hereby amended to read as follows:

"6.2 Minor Variations

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

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

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

3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and

4. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan of the City.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Executive Director of the Agency shall impose such conditions as are necessary to protect the public peace, health, safety or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Executive Director of the Agency hereunder shall not supersede any other approval required under applicable City codes and ordinances.

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

V. Section 7.1 of the Plan is hereby amended to read as follows:

"7.1 Duration of Plan and Covenants

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective until December 18, 2024; provided, however, that, subject to the limitations set forth in Section 8.3.5.B. of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the effectiveness of this Plan terminates, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay

indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible."

VI. Paragraph B. of Section 8.1.2 of the Plan is hereby amended to read as follows:

"In cases where purchase cannot be negotiated, property shall be acquired by the Agency through the exercise of its right of eminent domain, which shall commence within twelve years from the effective date of the 1998 Ordinance. The Agency will comply with all the provisions of the statutes and Constitution of the State of California and the Department of Housing and Urban Development of the United States of America, relative to the exercise of the right of eminent domain. Payment for such property shall be in accordance with the State Law, as amended, and with applicable provisions of Federal law."

VII. A new Section 8.1.5 is hereby added to the Plan to read as follows:

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

VIII. The Plan is hereby amended to add a new Section 8.2.3. to read as follows:

"8.2.3 Conforming Owners

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

IX. The Plan is hereby amended to renumber Section 8.2.3 to Section 8.2.4. and to renumber Section 8.2.4. to Section 8.2.5.

X. Section 8.3.3 of the Plan is hereby amended to delete the phrase "Within 30 years from the effective date of the ordinance approving the Jefferson Community Redevelopment Plan," from the first sentence.

XI. Paragraph B. of Section 8.3.5 of the Plan is hereby amended to read as follows:

"That portion of said levied taxes each year in excess of such amount but not to exceed a Total Allocation Limitation of $235,000,000, shall be allocated to and when collected shall be paid into such a special fund of the Agency to pay the principal of and interest on bonds, loans, monies advanced to or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Community Redevelopment Plan. Unless and until the total assessed value 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 Section 8.3.5.A. above, all of the taxes levied and collected upon the taxable property in the project shall be paid into the funds of the respective taxing agencies.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond December 18, 2014. Loans, advances or indebtedness may be repaid from tax increments over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness as set forth herein. The Agency shall not receive, and shall not repay loans, advances or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 8.3.5 beyond December 18, 2034.

When said bonds, loans, advances, and indebtedness, if any, and interest thereon, have been paid, or when the $235,000,000 Total Allocation Limitation is reached, all monies thereafter received from taxes upon the taxable property in the project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid."

The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in this paragraph B. that can be outstanding at one time shall not exceed $99,000,000."

XII. Paragraph D. of Section 8.3.5 of the Plan is hereby amended to add a last paragraph to read as follows:

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

XIII. A new Section 8.3.6 is hereby added to the Plan to read as follows:

"8.3.6 Mergers

Upon the effective date of the 1998 Ordinance, the Project Area is hereby merged with those project areas for which an ordinance has become effective providing for merger with this Project Area (the "Other Merger No. 1 Ordinances"). Such other project areas may include: the areas of the existing Central Business District Amended Urban Renewal Plan, Chinatown Expanded Area Community Redevelopment Plan, Convention Center Redevelopment Plan, Mariposa Urban Renewal Plan, West Fresno Project One Urban Renewal Plan, West Fresno Project Two Urban Renewal Plan and West Fresno Project Three Urban Renewal Plan. Other project areas may also include the areas of the proposed Redevelopment Plan for the Fulton Redevelopment Project and the proposed Redevelopment Plan for the South Van Ness Industrial Redevelopment Project, if ordinances adopting such redevelopment plans, including the merger of such areas with this Project Area, become effective. Upon the effective date of the 1998 Ordinance and the Other Merger No. 1 Ordinances, the Project Area and the areas for which Merger No. 1 Ordinances become effective may hereinafter be known and referred to as the Merger No. 1 Project Area."

XIV. Section 9.2 of the Plan is hereby amended in its entirety to read as follows:

"9.2 Minor Variations

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

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

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

3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and

4. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan of the City.

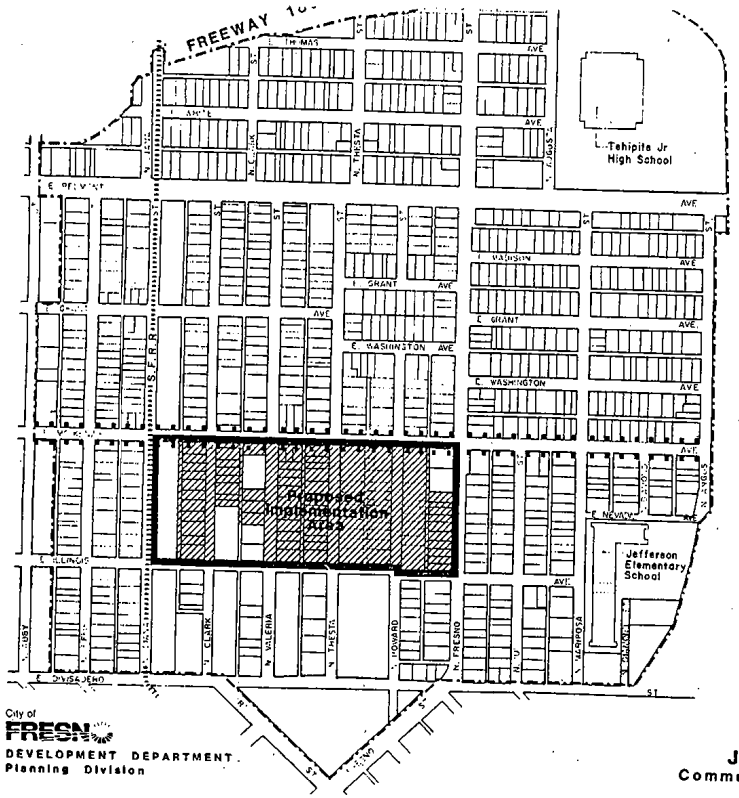
No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Executive Director of the Agency shall impose such conditions as are necessary to protect the public peace, health, safety or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Executive Director of the Agency hereunder shall not supersede any other approval required under applicable City codes and ordinances.

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

XV. The map entitled "Land Use Plan," attached as Exhibit 10 of the Plan is hereby deleted and replaced with the "Exhibit 9, Land Use Plan Map (Revised 1998)," attached hereto and incorporated herein by reference.

XVI. The map entitled "Exhibit 10, List of Public Improvements," attached hereto is hereby added to the Plan.

XVII. Exhibits 12, 13 and 14 of the plan are hereby renumbered as Exhibits 11, 12 and 13, accordingly.



City of FRESNO
DEVELOPMENT DEPARTMENT
Planning Division

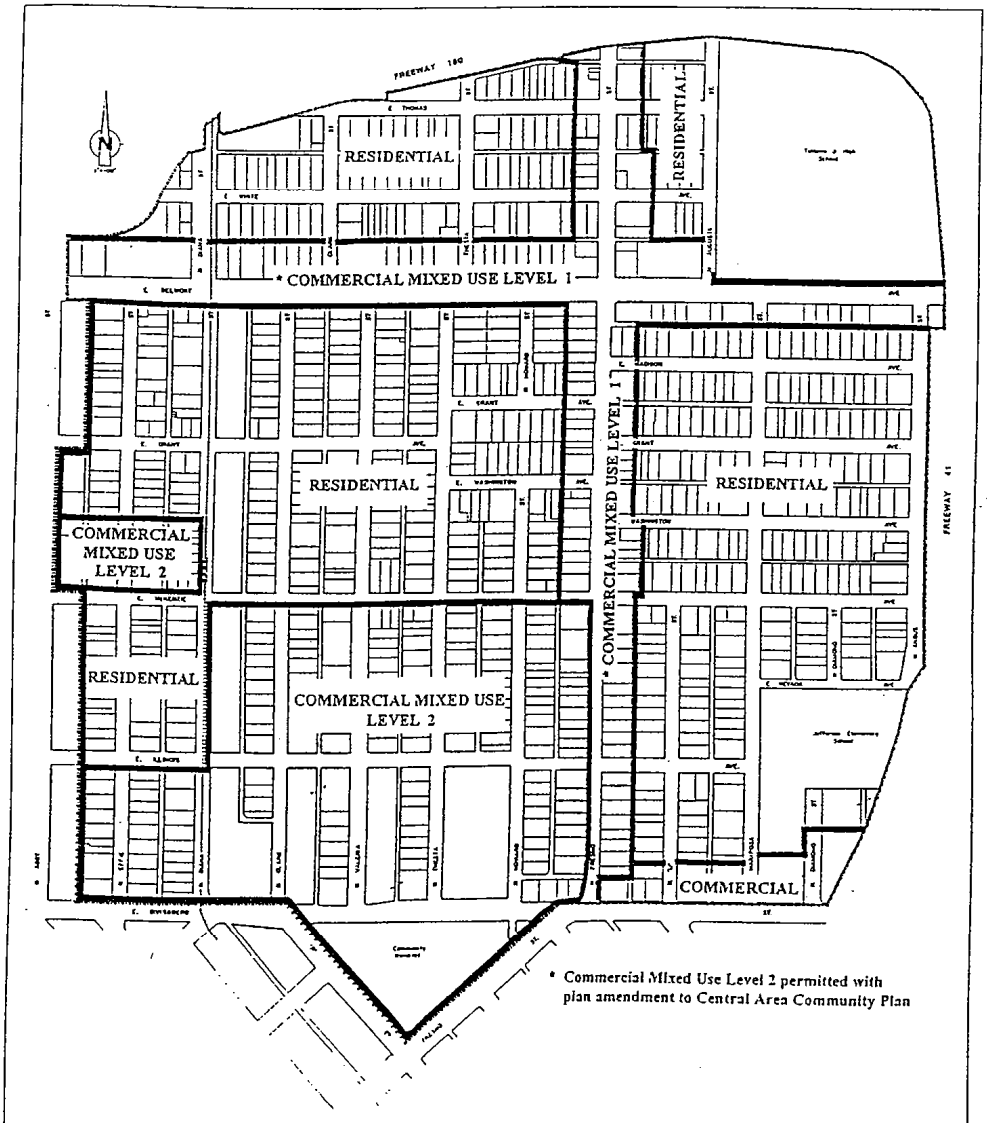
Proposed Implementation

LEGEND

- IMPLEMENTATION AREA
- POTENTIAL WIDENING / SPECIAL LANDSCAPING
- TARGET AREA BOUNDARY
- PROJECT AREA BOUNDARY

JEFFERSON AREA
Community Redevelopment Plan

Exhibit 8



FRESNO Redevelopment Agency | LAND USE PLAN (REVISED 1998) | JEFFERSON AREA COMMUNITY REDEVELOPMENT PLAN | 9

July 1, 1998

Council Adoption:_____
Mayor Approval:_____
Mayor Veto:_____
Override Request:_____
By:_____ Deputy

TO: MAYOR JIM PATTERSON

FROM: REBECCA E. KLISCH, City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of June 30, 1998, Council adopted the attached Ordinance No. 98-47, entitled Prop. amndmnts and merger of Jefferson RDA Proj., by the following vote:

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

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

Thank you.

****

APPROVED: ✓

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

_____

_____

Jim Patterson, Mayor

Date: 7/6/98

COUNCIL OVERRIDE ACTION:

Date:_____

Ayes		
Noes	:	
Absent	:	
Abstain	:	

CITY CLERK, FRESNO CA
98 JUL -7 PM 3:41
RECEIVED

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

EXHIBIT 10

JEFFERSON REDEVELOPMENT PROJECT
LIST OF PUBLIC IMPROVEMENTS

1. Street improvements, including but not limited to curbs, gutters, sidewalks, paving, landscaping and irrigation systems, turning lanes, median islands, parking spaces, street and alley abandonment, and street widening and extensions, especially on Belmont Avenue, McKenzie Avenue, Divisadero Street, Abby Street, and Fresno Street.

2. Railroad route and crossing safety improvements, including but not limited to the railroad right-of-way and crossings at White Avenue, Belmont Avenue, Grant Avenue, McKenzie Avenue, Illinois Avenue, and Divisadero Street.

3. Sewer improvements, including but not limited to sewer mains, service lines, manholes, and related temporary pavement and payment restoration work.

4. Water improvements, including but not limited to water wells, fire hydrants, water and service lines, water mains, and bore and jack casings, wet ties, and related pavement restoration work.

5. Storm drain improvements, including but not limited to outfalls and inlets, manholes, pipes, bore pipes, and related temporary pavement and pavement restoration.

6. Traffic signal and safety lighting improvements associated with plan implementation.

7. Utility installation, relocation and /or undergrounding.

8. Implementation of Fresno Central Area Streetscape Master Plan, including but not limited to street tree planting in sidewalk areas and planting strips, 4 feet by 4 feet tree grates and guards, new sidewalk paving for a minimum width of 10 feet, bus shelters, pedestrian crosswalks, landscape medians, and landscape planting nodes and gateways on all major and local streets as designated, particularly the "entry treatment" on Belmont Avenue, Divisadero Street, Abby Street, and Fresno Street.

9. Parking lots and structures improvements as necessary to support implementation of Redevelopment Plan.

10. Open space / Recreation / Park improvements, including but not limited to the adjacent vacant railroad right-of-way east of the Santa Fe Rail Line between Belmont Avenue and Divisadero Street.

CLERK'S CERTIFICATION

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

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

WITNESS my hand and official City Seal.

REBECCA E. KLISCH
CITY CLERK

BY: Jocelyne Gueret
DEPUTY