

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

BILL NO. B-52
ORDINANCE NO. 98-50

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
APPROVING AND ADOPTING THE 1998 AMENDMENT TO THE
URBAN RENEWAL PLAN FOR THE WEST FRESNO PROJECT
TWO

WHEREAS, the Council of the City of Fresno (the "Council"), established the West Fresno Project Two (the "Project"), and approved and adopted the Urban Renewal Plan for the Project by Ordinance No. 6384, on December 19, 1963, and amended the Redevelopment by Ordinances Numbered 67-14, 86-201, and 94-121 (the "West Fresno Two Plan"); and

WHEREAS, the Council has received from the Redevelopment Agency of the City of Fresno (the "Agency") a proposed 1998 Amendment to the West Fresno Two Plan (the "West Fresno Two 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 the Central Business District Project One, the Community Redevelopment Plan for the

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

98-50

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

WHEREAS, the West Fresno Two Amendment, the Other Proposed Amendments and the Proposed New Redevelopment Plans provide for the merger of the area included within the West Fresno Two Plan (the "West Fresno Two 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 West Fresno Two 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 West Fresno Two Plan, (2) increase the dollar limitation on the allocation of tax increments from the West Fresno Two Project Area, (3) extend the time limit of the Agency's power of eminent domain (4) amend the land use provisions to be consistent with the current General Plan of the City of Fresno (the "General Plan"), (5) merge the West Fresno Two Project Area with the Other Existing Project Areas and the Proposed New Project Areas, and (6) make certain other textual changes to update and

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

WHEREAS, the Council has also received from the Agency the Report of the Agency to the Council, as supplemented by a Supplemental Report of the Agency to the Council, on the West Fresno Two 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 West Fresno Two 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

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

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

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

WHEREAS, the Council and the Agency held joint and concurrent public hearings on the West Fresno Two 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 West Fresno Two 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

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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 West Fresno Two 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 West Fresno Two 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 West Fresno Two 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 West Fresno Two 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 West Fresno Two Amendment; and has adopted written findings in response to each written objection to the West Fresno Two Amendment from an affected taxing entity or property owner within the West Fresno Two 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 West Fresno Two Amendment are: (1) to eliminate the significant remaining blighting influences and environmental deficiencies within the West Fresno Two 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 West Fresno Two Plan and redevelopment of the West Fresno Two 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 West Fresno Two Plan as set forth in the West Fresno Two Amendment in order to complete the redevelopment of the West Fresno Two Project Area and make possible the full achievement of the goals and objectives of the West Fresno Two Plan for the West Fresno Two Project Area. Significant blight remains within the West Fresno Two 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 West Fresno Two Amendment. These findings are based upon the facts, as more particularly set forth in the Agency's Report, that:

(1) The West Fresno Two Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions, including building vacancies and depreciated or stagnant property values.

(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 West Fresno Two 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 West Fresno Two 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 West Fresno Two 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 West Fresno Two Project Area.

b. The West Fresno Two Amendment would redevelop the West Fresno Two 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 West Fresno Two Project Area, as contemplated by the West Fresno Two Plan, as amended by the West Fresno Two 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 West Fresno Two 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 West Fresno Two 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 West Fresno Two 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 West Fresno Two Plan, as amended by the West Fresno Two 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 West Fresno Two 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 West Fresno Two 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 West Fresno Two Amendment conforms to the General Plan of the City of Fresno.

e. The carrying out of the West Fresno Two 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 West Fresno Two Amendment, will benefit the West Fresno Two 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 West Fresno Two Project Area and the Merged No. 1 Project Area as a whole and that the continued redevelopment of the West Fresno Two Project Area will further promote and stimulate new private investment and redevelopment in the West Fresno Two Project Area and the Merged No. 1 Project Area as a whole.

f. The condemnation of real property, as extended by the West Fresno Two Amendment, is necessary to the execution of the West Fresno Two 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 West Fresno Two 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 continuation of the elimination of blight and the effective redevelopment of the West Fresno Two 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 West Fresno Two 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.

h. The time limitations and the tax increment dollar limitation contained in the West Fresno Two 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 West Fresno Two 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 West Fresno Two 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 West Fresno Two Project Area and the Merged No. 1 Project Area as a whole.

SECTION 3. The merger of the West Fresno Two 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 4. In order to implement and facilitate the effectuation of the West Fresno Two Amendment, certain official actions must be taken by the Council; accordingly the Council hereby:

- i) pledges its cooperation in helping to carry out the West Fresno Two Plan, as amended by the West Fresno Two Amendment;
- ii) directs the various officials, department, boards and agencies of the City of Fresno having administrative responsibilities in the West Fresno Two Project

Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the West Fresno Two Plan, as amended by the West Fresno Two Amendment;

- iii) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the West Fresno Two Plan, as amended by the West Fresno Two 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 West Fresno Two Plan, as amended by the West Fresno Two Amendment.

SECTION 5. 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 West Fresno Two Amendment, the Council hereby overrules all written and oral objections to the West Fresno Two Amendment.

SECTION 6. The mitigation measures and mitigation monitoring plan, findings, and statement of overriding considerations made pertaining to the West Fresno Two 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 West Fresno Two Amendment.

SECTION 7. The West Fresno Two Plan, as adopted and amended by Ordinances Numbered 6384, 67-14, 86-201 and 94-121, is hereby further amended as set forth in the West Fresno Two Amendment attached hereto as Attachment 1 and incorporated herein by reference. As so amended, the West Fresno Two Plan is hereby incorporated by reference herein and designated as the official Community Redevelopment Plan for the West Fresno Two Expanded Area. The Executive Director of the Agency is hereby authorized to combine the West Fresno Two Plan, as amended by the West Fresno Two Amendment into a single document, and said document, when filed with the City Clerk and the Secretary of the Agency, shall constitute the official West Fresno Two Plan.

SECTION 8. Ordinance No. 6384, as amended by Ordinances Numbered 67-14, 86-201 and 94-121, is continued in full force and effect as amended by this Ordinance.

SECTION 9. 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 West Fresno Two Plan, as amended by the West Fresno Two Amendment.

SECTION 10. The City Clerk is hereby directed to record with the County Recorder of Fresno County a notice of the approval and adoption of the West Fresno Two Amendment pursuant to this Ordinance, containing a statement that proceedings for the redevelopment of the West Fresno Two Project Area pursuant to the West Fresno Two

Plan, as amended by the West Fresno Two Amendment, have been instituted under the California Community Redevelopment Law.

SECTION 11. Section XI of the West Fresno Two Amendment to the West Fresno Two Plan, approved and adopted by this Ordinance, provides for the merger of the West Fresno Two Project Area with the Other Existing Project Areas and the Proposed New Project Areas (the "West Fresno Two 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 West Fresno Two Project Area (the "Other Project Merger Provisions").

When the West Fresno Two Merger Provision takes effect and one or more of the Other Project Merger Provisions take effect, the West Fresno Two 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 West Fresno Two Merger Provision shall have no effect.

SECTION 12. If any part of this Ordinance or the West Fresno Two 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 West Fresno Two Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the West Fresno Two Amendment if such invalid portion thereof had been deleted. It is the specific intent of the Council that the West Fresno Two Merger Provision

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be considered wholly independent of the other provisions of the West Fresno Two Amendment. In the event the West Fresno Two 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 West Fresno Two Amendment approved hereby.

SECTION 13. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

Attachment 1: 1998 Amendment to the Urban Renewal Plan for the West Fresno Project Two

CLERK'S CERTIFICATE

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

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

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

Mayor Approval: 7/6, 1998
Mayor Approval/No Return: N/A, 1998
Mayor Veto: N/A, 1998
Council Override Vote: N/A, 1998

REBECCA E. KLISCH,
City Clerk

By: Rebecca E. Klisch
~~Deputy~~

APPROVED AS TO FORM

HILDA CANTU MONTROY
City Attorney

By: Hilda Cantu Montroy
Deputy

1998 AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE
WEST FRESNO PROJECT TWO

The Urban Renewal Plan for the West Fresno Project Two adopted on December 19, 1963, by Ordinance No. 6384, as amended on December 16, 1986, by Ordinance No. 86-201, and December 6, 1994, by Ordinance No. 94-121 (the "Plan"), is hereby further amended as follows:

- I. Section 101 of the Plan is hereby amended to add a fourth 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 201 of the Plan is hereby amended to read as follows:

"There is attached hereto as Map No. 1 and as an integral part of this Plan, a map designated 'PROJECT AREA PLAN MAP (REVISED 1998).' One of the purposes of Map No. 1 is to delineate and show the boundaries of the Project Area."

- III. Paragraph A.2. of Section 204 of the Plan is hereby amended to add a sentence to the end of the paragraph to read as follows:

"Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the 1998 Ordinance becomes effective."

- IV. Article III of the Plan is hereby amended and restated in its entirety to read as follows:

"ARTICLE III - USES PERMITTED IN THE PROJECT AREA

Section 301 Project Area Plan Map

The Project Area Plan Map (Revised 1998) illustrates the location of the Project Area boundaries, the streets within the Project Area, the proposed land uses to be permitted in the Project for all land, public, semi-public and private, and the existing properties which may not be acquired, subject to owner participation.

Section 302 Designated Land Use

All the area within the Project Area, as shown on the Project Area Plan Map, (Revised 1998) is designated as Commercial/Industrial and shall be used for the permitted commercial, industrial and public uses set forth and described in the Central Area Community Plan.

Of the various uses permitted in the zoning districts permitted in the Commercial/Industrial designation of the Central Area Community Plan, the M-1 Light Manufacturing District is the preferred zoning district for the uses within the Project Area.

Section 303 Public Rights-of-Way

The public rights-of-way are illustrated on the Project Area 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.

- V. Article IV of the Plan is hereby amended and restated in its entirety to read as follows:

"ARTICLE IV -- LAND USE PROVISIONS AND BUILDING REQUIREMENTS

Section 401 Development Standards and Site Plan Review

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

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

Section 402 Signs and Outdoor Advertising

All signs shall conform to the applicable sign requirements set forth in the

Central Area Community Plan and City of Fresno zoning ordinances."

- VI. Section 501 of the Plan is hereby amended to read as follows:

"SECTION 501 Duration of Plan and Covenants

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective until January 1, 2009; provided, however, that, subject to the limitations set forth in Section 1001 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."

- VII. Section 602 of the Plan is amended to add a new fourth paragraph to read as follows:

"The Agency may, at its sole and absolute discretion, determine that certain other 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."

- VIII. Section 904 of the Plan is hereby deleted in its entirety.

- IX. New seventh and eighth paragraphs are hereby added to Section 1001 of the Plan to read as follows:

"The portion of taxes divided and allocated to the Agency pursuant to paragraph B. hereof shall not exceed a cumulative total of \$60,000,000.

The Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Project with tax increments beyond January 1, 2009. 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 1001 beyond January 1, 2019."

- X. A new Section 1102 of the Plan is hereby added to read as follows:

"SECTION 1102 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."

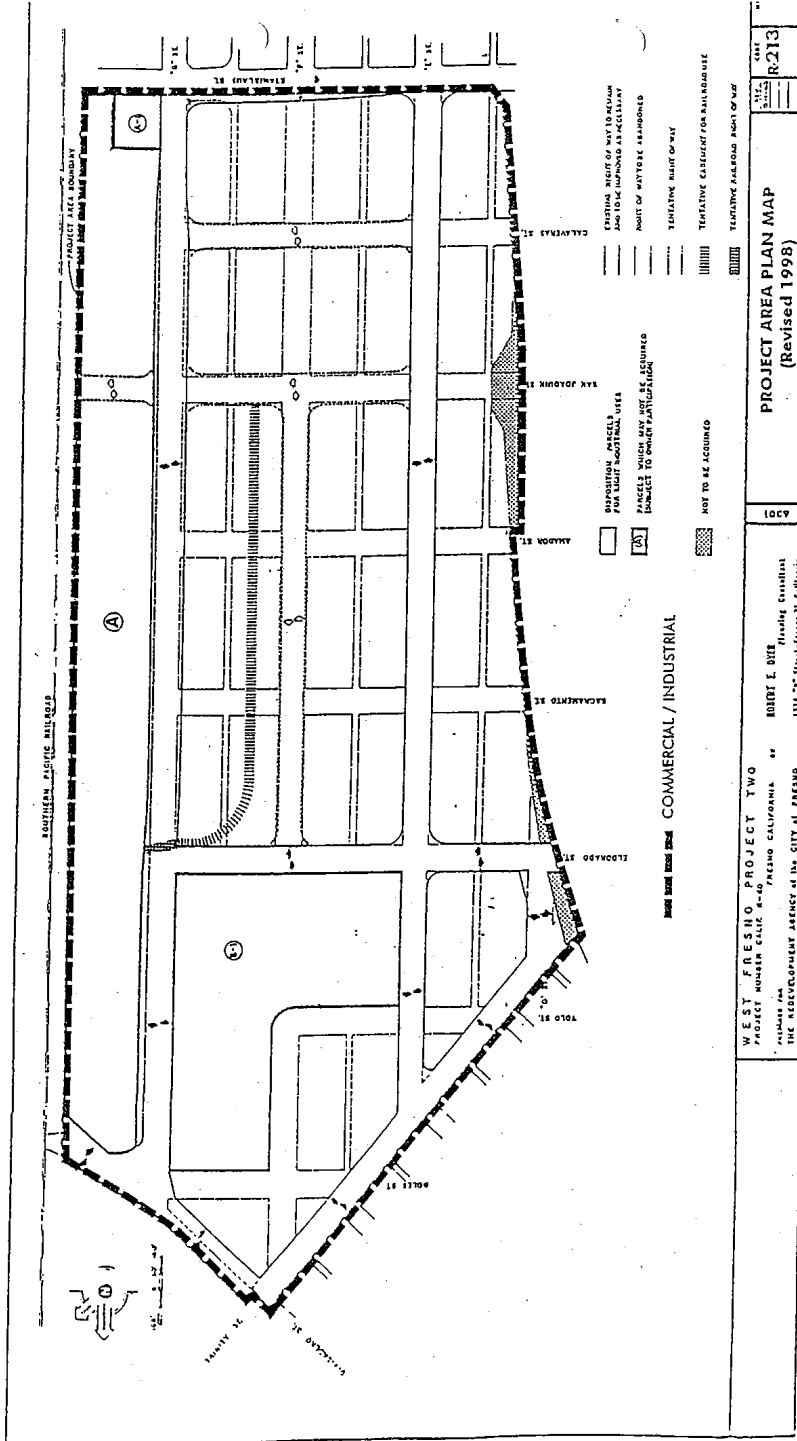
- XI. A new ARTICLE XII, Section 1201 is hereby added to the Plan to read as follows:

"SECTION 1201 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, Jefferson Community Redevelopment Plan, Mariposa Urban Renewal Plan, West Fresno Project One 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."

- XII. The "Project Area Boundary and Existing Zoning Map," attached as Exhibit 1, Map No. 1 of the Plan is hereby deleted and replaced with the "Exhibit 1, Project Area Plan Map (Revised 1998)," attached hereto and incorporated herein by reference.
- XIII. The "Proposed Zoning Plan," attached as Exhibit 2, Map No. 2 of the Plan, the "Project Area Plan," attached as Exhibit 3, Map No. 3 of the Plan and the "Right-of-Way and Easement Adjustment Plan," attached as Exhibit 4, Map No. 4 of the Plan are hereby deleted in their entirety and all references in the Plan to Exhibits 2, 3 and 4 or Map No. 2, 3 and 4 shall hereinafter mean Exhibit 1, Map No. 1.



July 1, 1998

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

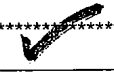
Council Adoption: _____
Mayor Approval: _____
Mayor Veto: _____
Override Request: _____
By: _____
Deputy

At the Council meeting of June 30, 1998, Council adopted the attached Ordinance No. 98-50, entitled Prop. amndmnts and merger of W. Fresno II RDA Proj., by the following vote:

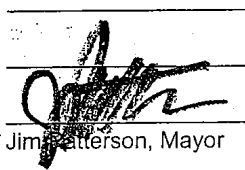
Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None
Abstain : None

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

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

RECEIVED