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**AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE
REDEVELOPMENT PLAN FOR THE CHINATOWN EXPANDED COMMUNITY
REDEVELOPMENT PLAN**

Ordinance No. 2006-40

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Boyajian SECONDED BY Westerlund

BILL NO. B-41
ORDINANCE NO. 2006-40

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING THE REDEVELOPMENT PLAN FOR THE
CHINATOWN EXPANDED COMMUNITY REDEVELOPMENT
PLAN

WHEREAS, July 22, 1965, the Council of the City of Fresno (the "Council") established the West Fresno Business District Rehabilitation Project (the "Original Project Area"), by adopting Ordinance No. 6663, approving and adopting the Urban Renewal Plan for the Original Project Area; and the Council has adopted Ordinance No. 86-13 on January 28, 1986 (adding territory to the Original Project Area (hereafter the "Project Area"), renaming the Project Area as Chinatown Expanded Redevelopment Project Area and adopting a Redevelopment Plan for the expanded area), Ordinance No. 94-116 on December 6, 1994, and Ordinance No. 98-45 on June 30, 1998, each amending the Chinatown Expanded Redevelopment Plan (collectively the "Redevelopment Plan"); and

WHEREAS, Ordinance No. 98-45 included amendments that merged the Project Area with the Convention Center, West Fresno I, West Fresno II, West Fresno III, Jefferson, Mariposa, Central Business District, Fulton, and South Van Ness Industrial Redevelopment project areas, and the merged project area is called the "Merger No. 1 Project Area"; and

WHEREAS, the following reports are on file at the office of the City Clerk, City Hall, 2600 Fresno Street, Fresno, California: the Report to Council that the

Adopted 4/14/06
Approved 4/17/06
Effatus 5/18/06

2006-40

Agency presented to the Council in connection with Ordinance 6663 (the "1965 Report to Council"), the Report to Council that the Agency presented to Council in connection with Ordinance No. 86-13 that added territory to the Original Project Area (the "1986 Report to Council"), the Report to Council that the Agency presented to the Council in connection with Ordinance No. 98-45 (the "1998 Report to Council"), and any supplements thereto that contain information required by Health and Safety Code Section 33352 of the Community Redevelopment Law (Health and Safety Code Sections 33000, *et seq.*) (the "Redevelopment Law")¹ (the foregoing reports and the 2006 Report to Council described herein are collectively called the "Reports to Council"); and

WHEREAS, Ordinance No. 6663 included findings and determinations required for adopting a redevelopment plan, and Ordinance No. 86-13 included findings and determinations required for adopting and for amending a redevelopment plan including, without limitation, that the original and the expanded Project Area are blighted areas based on facts presented to the Council including, without limitation, the facts set forth in the 1965 and 1986 Reports to Council; and

WHEREAS, under Section 33368, the decisions of the Council in adopting Ordinances No. 6663 and No. 86-13 and the findings therein are final and conclusive, and it is conclusively presumed that the Project Area is a blighted area; and

¹ Unless otherwise stated all Section numbers herein are references to the Redevelopment Law.

WHEREAS, Ordinance No. 98-45 includes Council findings and determinations, based in part on the 1998 Report to Council, required by the Redevelopment Law for adopting major amendments to the Redevelopment Plan including, without limitation, that the 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, depreciated or stagnant property values, low lease rates, residential overcrowding, a high crime rate and inadequate or deteriorated public improvements, facilities and utilities; and

WHEREAS, under Section 33368, the decision of the Council in adopting Ordinance No. 98-45 and the findings therein are final and conclusive including, without limitation, that the Project Area is characterized by and suffers from a combination of significant remaining physical and economic blight conditions; and

WHEREAS, under Section 33450, the Council, by ordinance may amend a redevelopment plan any time after adopting the plan; and

WHEREAS, the proposed amendments to the Redevelopment Plan (the "2006 Amendments") have been presented to the Council and a copy of the 2006 Amendments are attached; and

WHEREAS, the focus of the Redevelopment Plan when adopted was to rehabilitate and revitalize the Project Area through the retention of existing businesses, and attraction of new investments for a range of retail, office, cultural, quasi-public, service and commercial, and housing uses, and when expanded in

1986 was to rehabilitate and revitalize the expanded Project Area through the retention of existing businesses, and attraction of new investments for a range of retail, office, cultural, quasi-public, service and commercial, housing, and industrial uses, among others; and

WHEREAS, the proposed 2006 Amendments do not propose to change the focus or purposes of the Redevelopment Plan; and

WHEREAS, the Council made relevant blight findings when it adopted the Redevelopment Plan in 1965, when it expanded the Project Area in 1986, and when it amended the Redevelopment Plan in 1998, merging it into the Merger No. 1 Project Area, and the Project Area is conclusively presumed to be blighted; and

WHEREAS, the 1965, the 1986, and the 1998 Reports to Council recognize eminent domain as a tool that may be used to help carry out the Redevelopment Plan; and

WHEREAS, the 1965, the 1986, and 1998 Reports to Council recited a recommendation that Council adopt the redevelopment plan that included eminent domain as a redevelopment tool to help reverse physical conditions responsible for blight; and

WHEREAS, the purposes of the 2006 Amendments are to: (a) Expand the Agency's current eminent domain authority applicable to those properties identified in the acquisition plan (attached to and a part of the 1998 Redevelopment Plan Amendments), to all properties within the Project Area, with the authority exercisable for 12 years from the effective date of this ordinance approving the

2006 Plan Amendments, (b) renew the Agency's eminent domain authority over properties identified in the current acquisition plan, with the authority exercisable for 12 years from the effective date of this ordinance approving the 2006 Amendments (current authority would otherwise expire on August 6, 2010), (c) update the Redevelopment Plan to (i) cause the land use plan to be the same as the General Plan, and any applicable specific or community plans, as each may be amended or adopted from time to time, (ii) to remove detail, such as development, rehabilitation or building standards, (iii) to update plan provisions, resulting in a Redevelopment Plan that provides implementation flexibility, and (iv) provide for a consultation process for historic resources to implement General Plan policies; and

WHEREAS, the Agency is not required, under Sections 33354.5 and 33354.6 of the Redevelopment Law, to follow the same procedures and the Council is not subject to the same restrictions provided in the Redevelopment Law for adopting a redevelopment plan including, without limitation, establishing blight or significant continuing or remaining blight, since the 2006 Amendments will not: (a) amend the Redevelopment Plan to add tax increment financing, (b) amend the Redevelopment Plan to add new territory to the Project Area, (c) amend the Redevelopment Plan to increase either the limitation on the dollars allocated to the Agency or the time limit on establishing indebtedness, (d) amend the Redevelopment Plan to extend the duration of the Redevelopment Plan, (e) merge project areas, or (f) amend the Redevelopment Plan to add significant additional capital improvement projects; and

WHEREAS, eminent domain, is a necessary tool for achieving the public purposes of redevelopment; and

WHEREAS, California law provides strict guidelines and limitations on any exercise of eminent domain, and adequate protection for property owners; and

WHEREAS, adopting the proposed 2006 Amendments is subject to the noticed public hearing requirement (Sections 33451 and 33452 or 33458), and, *to the extent warranted by the proposed amendments*, this adopting ordinance contains the findings required under Section 33367, and the report and information required under Section 33352 was prepared and made available to the public before the hearing on the 2006 Amendments (Section 33457.1); and

WHEREAS, the findings warranted by the 2006 Amendments that will add real property parcels to the acquisition plan, thereby making the property subject to possible acquisition by eminent domain, and renew eminent domain power on properties within the current acquisition plan relate to whether, as to the existing and added acquisition area, eminent domain is necessary for carrying out the Redevelopment Plan, and findings associated with any exercise of eminent domain; and

WHEREAS, the findings warranted by the 2006 Amendments that will cause the land use element to be the City's General Plan, and any applicable community or specific plans, as such plans may be adopted or amended from time to time, relate to consistency with the City's General Plan including, without limitation, the housing element thereof; and

WHEREAS, though the Project Area is conclusively presumed blighted, Agency staff has, nonetheless, presented substantial evidence of remaining blight in the existing and added acquisition area; and

WHEREAS, Redevelopment Law considers amending a redevelopment plan to add eminent domain or to modify the land use element to be a minor or non-major amendment that does not require further blight findings; and

WHEREAS, when the Council is also the Agency, the Council may adopt a plan amendment without Agency action, even as to certain recommendations (Section 33458); and

WHEREAS, Section 12-606-B of the Fresno Municipal Code provides that redevelopment plan amendments shall be initiated only by the Council adopting a resolution of initiation; and

WHEREAS, by Resolution No. 2004-422, the Council initiated the plan amendment process for amendments to the Redevelopment Plan; and

WHEREAS, a Project Area Committee (the "PAC") was duly elected and formed September 20, 2005, to review and consider the 2006 Amendments, and October 11, 2005, Council adopted Resolution No. 2005-449 finding the election conformed to established PAC Formation Procedures and confirmed the elected members of the PAC; and

WHEREAS, the Council has received, from the Agency, the proposed 2006 Amendments, a copy of which is attached, and is on file at the office of the City

Clerk, City Hall, 2600 Fresno Street, Fresno, California, and at Agency's offices at 2344 Tulare Street, Suite 200, Fresno, California; and

WHEREAS, the Council has received the Agency's Report to the Council on the proposed 2006 Amendments ("2006 Report to Council"), a copy of which is on file at the office of the City Clerk, and the Agency offices, at the addresses listed above; and

WHEREAS, the 1965, 1986, and 1998 Reports to Council contained each element required under Section 33352 for adopting and amending the Redevelopment Plan; and

WHEREAS, the 2006 Report to Council contains the elements under Section 33352 relating to adopting the 2006 Amendments for the Project Area including, without limitation, the following: (1) the reasons for the proposed 2006 Amendments, (2) a description of the physical and economic conditions that remain in the existing and the added acquisition area; (3) a reference to the Implementation Plan (defined herein) that contains a description of specific Agency programs and projects proposed and started in the Project Area and an explanation about how the proposed and implemented programs and projects will improve or alleviate the conditions that remain in the Project Area; (4) a reference to the Agency's existing method or plan for relocating families and persons who may be temporarily or permanently displaced from housing facilities because of the Redevelopment Plan; and (5) the report and recommendations of the Planning Commission of the City of Fresno (the "Planning Commission"); and



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WHEREAS, the 2006 Amendments do not warrant a discussion of all the elements addressed in Section 33352, such as, without limitation, reasons for selecting the Project Area, the Agency's use of financing alternatives other than tax increment financing, or a proposed method of financing the redevelopment of the Project Area, or an analysis of a preliminary plan; and

WHEREAS, the proposed 2006 Amendments were environmentally reviewed under Environmental Assessment No. RDA 2005-05 (the "EA No. RDA 2005-05"), in compliance with the California Environmental Quality Act ("CEQA"), resulting in a Mitigated Negative Declaration, and is included in the 2006 Report to Council; and

WHEREAS, in accordance with CEQA requirements, a Notice of Availability was published in the Fresno Bee and copies of the EA No. RDA-2005-05 were mailed or delivered to reviewing agencies and interested persons; and

WHEREAS, the public review period for the EA No. RDA-2005-05 ended February 2, 2006, and Appendix B of the 2006 Report to Council contains the comments and responses; and

WHEREAS, the Council has reviewed and considered EA No. RDA 2005-05;
and

WHEREAS, June 7, 2005, the Agency Board adopted Resolution No. 1661, approving an updated Five-Year Implementation Plan for the Merger No. 1 Project Area that includes the Project Area (the "Implementation Plan"), and a copy of the Implementation Plan is on file with the City Clerk and with the offices of the Agency;
and

WHEREAS, the Implementation Plan, among other things, contains sections describing how the Agency will expend the Low and Moderate Housing Set Aside Funds to meet the housing requirements of the Redevelopment Law; and

WHEREAS, February 15, 2006, the PAC considered the 2006 Amendments and voted 6-0 to recommend that Council approve the 2006 Amendments; and

WHEREAS, February 22, 2006, the Housing and Community Development Commission ("HCDC") considered the 2006 Amendments and the related EA No. RDA-2005-05, and recommended that the Agency and the Council adopt the EA No. RDA-2005-05 and approve the 2006 Amendments but (a) without renewing eminent domain authority in the existing acquisition plan, and (b) without expanding eminent domain authority to the balance of the properties in the Project Area; and

WHEREAS, March 1, 2006 the Planning Commission considered the 2006 Amendments and related EA No. RDA-2005-05, and adopted Resolution No. 12422 making certain findings including that the 2006 Amendments are consistent with the General Plan including, without limitation, the Housing Element, and recommended that the Agency submit the 2006 Amendments to the Council, and that Council approve the 2006 Amendments; and

WHEREAS a copy of the Planning Commission resolution and any report and recommendations of the Planning Commission have been submitted to the Council; and

WHEREAS, the 2006 Amendments will cause the land use element of the Redevelopment Plan to be the General Plan and any applicable community and

specific plans, as adopted or amended from time to time; and

WHEREAS, to address historic preservation concerns, and to implement the City's General Plan, and applicable Community and Specific Plan policies for the preservation of historic resources, the 2006 Amendments include a provision under which the Agency will implement a consultation and review process before any development agreement, owner participation agreement or capital improvement project in the Project Area is approved that may impact any potential historic structures; and

WHEREAS, besides providing citizens an opportunity to be heard at the HCDC, and at the Planning Commission, the Agency consulted with and obtained the advice of owners, residents and businesses, community organizations and other interested persons regarding the proposed 2006 Amendments, and property owners, residents and businesses, community organizations and others were given the opportunity to review the 2006 Amendments at a public information meeting on February 15, 2006, in conjunction with a meeting of the PAC; and

WHEREAS, a notice of the March 14, 2006 joint public hearing was duly and regularly published in The Fresno Bee, a newspaper of general circulation in the City of Fresno, once a week for three successive weeks before the March 14, 2006, joint public hearing, and a copy of the notice and affidavit of publication are on file with the Agency (the "Notice"); and

WHEREAS, copies of the Notice were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Project Area as

shown on the last equalized assessment roll of the County of Fresno, with a statement notifying the assessee that the property of the assessee is proposed to be subject to the possibility of acquisition by negotiation or condemnation under the proposed 2006 Amendments; and

WHEREAS, copies of the Notice were mailed by first-class mail to all residential and business occupants within the Project Area; and

WHEREAS, copies of the notice of joint public hearing were mailed by first class mail to the last known address of the assessee of each parcel of land within the Project Area, and

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

WHEREAS, March 14, 2006, the Council and Agency Board held the noticed joint public hearing in the Council Chambers, 2600 Fresno Street, Fresno, California, to consider the 2006 Amendments, and the Agency has approved the 2006 Report presented to Council; and

WHEREAS, at the public hearing Council received the staff's report and materials, heard the testimony of all interested persons, and received written communications from interested persons; and

WHEREAS, March 14, 2006, the Council closed the joint public hearing, and continued the matter to April 4, 2006, at 3:00 pm to deliberate the matter and adopt written findings responding to written objections to the 2006 Amendments received

from affected property owners; and

WHEREAS, on April 4, 2006, the Council considered the written responses to written objections and adopted a Resolution approving the responses and making certain findings; and

WHEREAS, the Council and Agency have considered the 2006 Report to Council, the recommendations of the PAC, the Planning Commission, and the HCDC concerning the 2006 Amendments, the Planning Commission's certification that the 2006 Amendments are consistent with the General Plan including, without limitation, the Housing Element, and has considered the findings in Ordinances No. 6663 and 86-13, the 1965 and 1982 Reports to Council, the findings in Ordinance No. 98-45, and the 1998 Report to Council, the Redevelopment Plan, the Implementation Plan, and other information presented to it and available to it, has provided an opportunity for all persons to be heard and has received and considered all evidence and statements presented for or against any aspect of the 2006 Amendments; and

WHEREAS, the 2006 Report, the staff report and documents that submitted to Council in support of the 2006 Amendments contain the elements under Section 33352 warranted by the 2006 Amendments; and

WHEREAS, the Council and Agency have provided an opportunity for all persons to be heard and have received and considered all evidence and statements presented for or against any aspect of the 2006 Amendments; and

WHEREAS, all actions required by law have been taken by all appropriate

public bodies;

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

SECTION 1. The purposes and intent of the Council with respect to the 2006 Amendments are to do the following: (a) Expand the Agency's current eminent domain authority applicable to those properties identified in the acquisition plan (attached to and a part of the 1998 Redevelopment Plan Amendments), to all properties within the Project Area, with the authority exercisable for 12 years from the effective date of this ordinance approving the 2006 Plan Amendments, (b) renew the Agency's eminent domain authority over properties identified in the current acquisition plan, with the authority exercisable for 12 years from the effective date of this ordinance approving the 2006 Amendments (current authority would otherwise expire on August 6, 2010), (c) update the Redevelopment Plan to (i) cause the land use plan to be the same as the General Plan, and any applicable specific or community plans, as each may be amended or adopted from time to time, (ii) to remove detail, such as development, rehabilitation or building standards, (iii) to update plan provisions, resulting in a Redevelopment Plan that provides implementation flexibility, and (iv) provide for a consultation process for historic resources to implement General Plan policies; and

SECTION 2. The Council finds and determines that:

2.1 Amending the Redevelopment Plan, as set forth in the 2006 Amendments, is necessary and desirable to complete redevelopment of the Project

Area and to increase the probability of achieving the goals and objectives of the Redevelopment Plan, and to provide plan implementation flexibility. This finding is based on the facts as set forth in the 2006 Report to Council and EA No. RDA 2005-05.

2.2 Pursuant to Section 33368 of the Redevelopment Law, the adoption of the Redevelopment Plan is final and conclusive and the Project Area is presumed to be blighted, and all prior proceedings are deemed to have been duly and regularly taken.

2.3 Though the Redevelopment Law does not require that blight be re-substantiated for any part of a project area when amending a redevelopment plan to subject properties to eminent domain powers, the Council finds that significant blight continues within the existing and added acquisition area. This finding is based on the facts, more particularly set forth in (a) the 1965 Report to Council that documented blight in the original Project Area, and the 1986 Report to Council that documented blight in the existing Project Area, (b) in the 1998 Report to Council that documented significant remaining physical and economic blighting conditions in the Project Area and (c) in the 2006 Report to Council that documents significant remaining physical and economic blighting conditions in the Project Area.

2.4 The combination of blighting conditions within the Project Area continues to cause a reduction of, or lack of, proper utilization of the properties and affects the added acquisition area and the existing acquisition area to such an extent that it constitutes a

serious physical and economic burden on the City that cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

2.5 Authorizing the power of eminent domain in the added acquisition area and extending the time for exercising the power in the existing acquisition area will help the Agency effectively implement the Redevelopment Plan and to carry out the goals and objectives of the Project Area by providing a necessary tool for site assembly, as needed, to complete public improvements and to implement and continue redevelopment programs necessary to help alleviate the remaining blighting conditions and to promote and stimulate new private investment in the Project Area.

2.6 The availability of the power of eminent domain in the added acquisition area and the existing acquisition area are necessary to carry out the Redevelopment Plan, and adequate provisions exist to pay for property to be acquired, all as provided by law. This finding is based on the following facts: (a) to facilitate development of existing vacant or underutilized properties, the Agency may need to assemble parcels to produce more cohesive and economically feasible development; (b) the Agency is required to comply with all state laws pertaining to a public agency acquiring real property, whether acquisition is by condemnation or negotiation, and these laws require paying just compensation for all real property, and (c) the Agency will not proceed with any voluntary acquisition or with condemnation of real property for which it does not have funds available.

2.7 The Redevelopment Plan, as amended, by the 2006 Amendments would

redevelop the Project Area in conformity with the Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area, as contemplated by the Redevelopment Plan, as amended, will implement the objectives of the Redevelopment Law and help to alleviate conditions of blight within the Project Area, by returning undeveloped and bypassed property to productive use; promoting the production of a range of retail, commercial, office, cultural, entertainment, community services, housing and industrial uses; facilitating and continuing to provide the planning, development, redesign, clearance, reconstruction or rehabilitation of properties that need improvement; thereby potentially providing additional employment opportunities or recouping lost jobs and maintaining those jobs within the Project Area.

2.8 The Redevelopment Plan, as amended by the 2006 Amendments, is consistent with the General Plan including, without limitation, the Housing Element. This finding is based on the Planning Commission Resolution No. 12422 that includes such finding.

2.9 The Agency has a feasible method or plan for relocating any families and persons displaced temporarily or permanently from housing facilities in the Project Area. This finding is based on the fact that the Redevelopment Plan, the Agency relocation policies, and the adopted Relocation Method in the 1986 Report to Council contain; and the current Implementation Plan, and the Property Acquisition and Policies and Procedures adopted December 6, 2005, reflects, the Agency's general method and plan for relocating

families and persons who may be displaced temporarily or permanently, from housing facilities in the Project Area, and provide for relocation assistance according to law. Those methods and plans for relocation will continue to apply following adoption of the 2006 Plan Amendments.

2.10 If any residential displacement will occur, no person or family will be required to move from any dwelling unit until suitable replacement housing is available, and on testimony and other information presented, there are, or shall be provided in the 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 project area, decent, safe, and sanitary dwellings available to, and equal in number to, the number of displaced families and persons and reasonably accessible to their places of employment. This finding is based on the fact that pursuant to the Redevelopment Plan, as amended by the 2006 Amendments, if the Agency does displace any persons or families from a dwelling unit in the Project Area, no person or family will be required to move until suitable replacement housing is available.

2.11 Families and persons will not be displaced before the Agency adopts a relocation plan pursuant to Sections 33411 and 33411.1. Dwelling units housing persons and families of low or moderate income will not be removed or destroyed before the Agency adopts a replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5.

2.12 Carrying out of the Redevelopment Plan, as amended, will promote the

public peace, health, safety, and welfare of the City of Fresno and will achieve the purposes and policy of the Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated in the Redevelopment Plan, as amended by the 2006 Amendments, will benefit the Project Area by implementing the objectives of the Redevelopment Law by eliminating and correcting blighting conditions, and by coordinating additional public and private actions needed to stimulate development and improve the physical and economic conditions of the Project Area, and that continued redevelopment of the Project Area will further promote and stimulate new private investment and redevelopment in the Project Area.

SECTION 3. The 2006 Amendments will not add new territory to the Project Area, will not create any noncontiguous project areas, will not amend the boundaries of the Project Area, will not increase either the limitation on the number of dollars to be allocated to the Agency or the time limit on establishing loans, advances, and indebtedness, will not lengthen the time during which the Redevelopment Plan is effective, will not merge project areas, and will not add significant additional capital improvement projects. Therefore, no findings related thereto are required.

SECTION 4. The Council finds, in the exercise of its own independent judgment, based on the mitigation measures, and considering the record before it, that there is no substantial evidence in the record that the 2006 Amendments may have a significant effect on the environment, as identified in EA No. RDA 2005-05, and hereby approves and adopts EA No. RDA 2005-05 based on the testimony and information presented at the joint public hearing and on review and consideration of the environmental documentation

provided.

SECTION 5. The Council is satisfied that its findings and determinations, as set forth above, are all the findings warranted under Section 33367 by the proposed 2006 Amendments, and so finds.

SECTION 6. The Council is satisfied that written findings have been adopted in response to each written objection received from any affected property owner either before or at the noticed joint public hearing, and that no objections were received from any affected taxing entity. Having considered all evidence and testimony presented for or against any aspect of the 2006 Amendments, the Council overrules all written and oral objections to the 2006 Amendments and incorporates by reference into this Ordinance those findings, responding to the written objections, contained within the Resolution that Council adopted April 4, 2006 with findings in response to written objections to adopting the 2006 Amendments.

SECTION 7. The Redevelopment Plan is amended as set forth in the 2006 Amendments attached as Exhibit 1. The Redevelopment Plan, as so amended, is incorporated herein and designated as the official redevelopment plan for the Project Area.

SECTION 8. To implement and facilitate carrying out the Redevelopment Plan, as amended, the Council hereby:

8.1 Pledges to cooperate in helping to carry out the Redevelopment Plan, as amended;

8.2 Directs the various City officials, departments, boards and agencies,

having administrative responsibilities in the Project Area, to cooperate in helping to carry out the Redevelopment Plan, as amended, and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan, as amended;

8.3 Stands ready to consider and take appropriate action on proposals and measures designated to carry out the Redevelopment Plan, as amended; and

8.4 Declares its intention to undertake and complete any City proceeding including expending moneys that may be necessary under the Redevelopment Plan, as amended.

SECTION 9. The Executive Director of the Agency is authorized to combine the Redevelopment Plan, as amended, into a single document, and said document when filed with the City Clerk and the Secretary of the Agency, shall constitute the official Redevelopment Plan for the Project Area.

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

SECTION 11. The City Clerk is hereby directed to record with the County Recorder of Fresno County a notice that the 2006 Amendments have been approved and adopted pursuant to this Ordinance. The notice shall contain a statement that proceedings for the redevelopment of the Project Area, pursuant to the Redevelopment Plan, as amended, have been instituted under the California Community Redevelopment Law.

SECTION 12. If any part of this Ordinance amending the Redevelopment Plan is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion of it had been deleted.

SECTION 13. This Ordinance shall become effective and in full force and effect at 12:00 a.m. 31 days following its final passage.

Exhibit 1: 2006 Amendments to the Redevelopment Plan for the
Chinatown Expanded Project Area

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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 4th day of April, 2006, by the following vote.

AYES: Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund.

NOES: Duncan

ABSENT: None

ABSTAIN: None

Mayor Approval: April 17, 2006
Mayor Approval/No Return: N/A, 2006
Mayor Veto: N/A, 2006
Council Override Vote: N/A, 2006

REBECCA E. KLISCH,
City Clerk

By: Rebecca E. Klisch
~~Deputy~~

APPROVED AS TO FORM
HILDA CANTU MONTYOY
City Attorney

By: [Signature]
Sr. Deputy

EXHIBIT "A"

2006 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CHINATOWN EXPANDED COMMUNITY REDEVELOPMENT PLAN

The Community Redevelopment Plan for the Chinatown Expanded Area adopted by Ordinance No. 6663 on July 22, 1965, and amended by Ordinance No. 86-13 on January 28, 1986, by Ordinance No. 94-116 on December 6, 1994, and by Ordinance No. 98-45 on June 30, 1998, (collectively, the "1998 Plan"), is hereby further amended as follows:

I. The seventh paragraph of Section 1.1 of the 1998 Plan is hereby amended 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 Ordinance No. ****, adopted February ***, 2006, approving the 2006 Amendment to the 1998 Plan (the "2006 Ordinance"), reference herein to the "Plan" or the "Redevelopment Plan" shall mean the 1998 Plan, as amended by the 2006 Ordinance. The terms "Plan Area" and "Project Area" when used herein shall mean the land area within the boundaries of and subject to the Redevelopment Plan."~~

II. The first paragraph of Section 2.0 of the 1998 Plan is hereby amended in its entirety to read as follows:

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

"The City's long-range planning policy for the Chinatown Expanded Redevelopment Project Area is established by the General Plan of the City of Fresno, as it may be adopted or amended from time to time (the "General Plan"), and applicable community and specific plans, as may be adopted or amended from time to time. At the effective date of the 2006 Ordinance, the following City plans provide the planning policy

III. Section 2.1 of the 1998 Plan is hereby amended as follows:

~~"2.1 Fresno General Plan~~

~~The Fresno General Plan (ref. Exhibit 6, p.12); adopted by City Council Resolution No. 84-470 in November 1984; updates and expands the policy base provided by the 1974 Fresno-Clovis Metropolitan Area (FCMA) General Plan. As it relates to the Central Area (within which the subject project area is located), the 1984 Plan continues the policies established by its predecessor. Specifically, the 1984 Plan identifies the Central Area as a continuing dominant focal point of urban form, and incorporates policy statements which are intended to reinforce the role and economic vitality of the Central Area as a prime location for quality in-town housing; and for retail, office, entertainment, cultural, and governmental activities.~~

~~In order to stabilize the Central Area, the Plan recommends that incentives for its revitalization be pursued, initially concentrating upon implementation through the public redevelopment process as provided under the State Redevelopment Law. A broader range of implementation measures is proposed, possibly including a more flexible~~

~~application of land-use and development controls, provisions for mixed-use developments, and the inception of new, innovative financing tools, to stimulate private efforts in the revitalization process.~~

The General Plan in effect at the effective date of the 2006 Ordinance is commonly known as the 2025 General Plan. It promotes revitalization of existing areas and directs much of newly anticipated growth to the existing City boundaries."

IV. Section 2.4 of the 1998 Plan is hereby deleted in its entirety as follows:

~~"2.4 Statement of Redevelopment Plan Conformance~~

~~This redevelopment Plan has been prepared as a refinement of the City's adopted long-range planning policies for the Chinatown Expanded Project Area. Consistent with the purposes of redevelopment planning, the subject plan provides greater specificity with regard to project implementation measures including land use, zoning, circulation, property development standards, and project finance mechanisms.~~

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

V. Section 3.4 of the 1998 Plan is hereby amended in its entirety (including all subsections) to read as follows:

~~"Section 3.4 Proposed Land Uses, Zoning and
3.4.1 Land Use Plan Map~~

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

~~3.4.2 Designated Land Uses~~

~~1. Residential Uses~~

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

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

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

~~3. Commercial/Industrial Uses~~

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

~~3.4.2 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.~~

3.4 Conformance to Adopted Plans and Policies. The land use plans and policies applicable to the Project Area shall be the plans and policies that the City of Fresno (the "City") adopts or amends from time to time. The applicable City land use plans and policies, as of the date of the 2006 Ordinance, are as follows:

a. General Plan

The General Plan contains the broad scale plans and policies and the overall framework for planning in the City, including the Project Area.

b. Area Community Plans and Specific Plans

The entire Project Area is within the boundaries of the Central Area Community Plan. The Central Area Community Plan is designed to further refine the goals of the General Plan, and provides the land use concept and policy framework for the Project Area."

3.4.1 Uses Permitted in the Project Area

a. Redevelopment Land Uses

The land uses shall be the land uses permitted in the Project Area pursuant to the General Plan, and any applicable community plans and specific plans for land within the Project Area, as from time to time adopted or amended. Specific permitted uses within the Plan Area shall be those that are permitted, or conditionally permitted, by the Zoning Ordinance contained in the Fresno Municipal Code, as it may be amended from time to time."

VI. Section 3.5 of the 1998 Plan is hereby amended as follows:

1. By adding the following as the first paragraph in that section:

"Section 3.5 Historic Structures

To address historic preservation concerns and to implement the General Plan, and applicable Community and Specific Plan policies for the preservation of historic resources, the Agency will implement a consultation and review process before any development agreement, owner

participation agreement or capital improvement project in the Project Area is approved that may impact any potential historic structures. The Executive Director of the Agency shall, or shall direct Agency staff to (1) consult with the City's Historic Preservation Officer, (2) screen the subject land area for possible historic resources, which may be adversely affected by the redevelopment proposal and (3) notify the City of Fresno Historic Preservation Commission, for its review and recommendation, of any property that may be a potential candidate for listing on local, state or national historic registers."

2. Amending the first sentence in the first paragraph of the 1998 Plan to read:

"Located within the project area are ~~twelve structures~~ *seventeen historic sites* which are identified in the ~~Local Official Register~~ *of historic resources December 16, 2005, City of Fresno Historic Resources*, as being of historic, architectural, or cultural significance (~~ref Historic Structures Map, p. 36~~).

VII. Section 3.6 of the 1998 Plan, titled "Property, Streetscape, and Sign Standards" is hereby deleted in its entirety as follows:

~~3.6~~ Property, Streetscape and Sign Standards

~~3.6.1~~ Development Standards and Site Plan Review

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

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

~~In addition to the above described development standards outdoor storage yards in the Project Area shall be required to be: (a) completely enclosed by an opaque fence/wall not less than six (6) feet in height; (b) further screened from view of abutting properties and public rights of way by a landscape buffer having not less than ten (10) feet in depth, and (c) paved with asphalt concrete in accordance with City standards.~~

~~3.6.2~~ Streetscape Standards

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

~~The following landscaping, streetscape, decorative and sidewalk standards may be modified by the Executive Director of the Agency to permit design flexibility~~

when beneficial to the Project Area, promote more diverse and higher quality streetscape and pedestrian environment, and are consistent with adopted plans and policies.

1. ~~Chinatown Target Area~~

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

2. ~~Special Development Requirements Along Major and Local Streets~~

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

3. ~~Center Divider Islands~~

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

3.6.3 ~~Sign Standards~~

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

~~In addition, all outdoor advertising signs in the Project Area shall be mounted on or parallel with any exterior wall, not to exceed ten (10) percent of the total area of said exterior wall or one hundred (100) square feet located on a wall with a public entrance, may not exceed building height in the district and be subject to the provisions of Section 12-217.5K of the C-1 Zone District except that advertising structures (billboards) shall not be permitted in the Project Area."~~

VII. Section 3.7 of the 1998 Plan is hereby renumbered as 3.6 and amended in its entirety to read as follows:

Section 3.7 Land Acquisition

In order to protect existing development and attract new investments, the implementation of this Plan is largely dependent upon the rehabilitation of existing development, but will also require the acquisition, clearance, and assemblage of properties for new development. As proposed by this Plan, the Redevelopment Agency will acquire properties primarily through mutually agreed negotiated settlements with the respective property owners, and not through the exercise of its power of eminent domain. Nevertheless, in the event purchase cannot be negotiated, the Agency may seek the acquisition primarily of vacant parcels, parcels with vacant buildings and/or, in the sole discretion of the Agency, severely blighted parcels, as shown on the Acquisition Plan Map (reference Exhibit 9), through the exercise of its power of eminent domain. All other properties in the project area, the use of which conforms to this Plan, are designated as properties which may not be acquired subject to owner participation. Where the structures on the properties are economically feasible to rehabilitate and the proposed reuse conforms to the Plan, it is anticipated that these properties will be rehabilitated as necessary to be in conformance with the Property Rehabilitation Standards contained in this Plan (see Sections 4.54 and 4.6).

"Section 3.6 Property Acquisition

Site assembly is a necessary tool in Plan implementation. The Agency may acquire, but is not obligated to acquire real property in the Project Area by gift, devise, exchange, purchase, or any other lawful method including, without limitation, eminent domain. Eminent domain procedures, if used, must be commenced within twelve (12) years from the effective date of the 2006 Ordinance.

"It is the policy of the Agency that when it wishes to acquire real property it shall first enter into cooperative negotiations with the real property's owner, and shall only consider employing its eminent domain powers, subject to all the legal prerequisites and findings, when an acquisition cannot be negotiated.

"In all property acquisition, the Agency shall comply with applicable provisions of California and federal law.

"The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than the fee.

"The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed.

"Generally, personal property shall not be acquired. However, when necessary, or useful, in the execution of this Plan, the Agency is authorized to acquire personal property by any lawful means, including, without limitation, eminent domain."

Sections 3.8, 3.9, and 3.10 of the 1998 Plan are hereby renumbered to Sections 3.7, 3.8, and 3.9 respectively

VIII. Section 4.2 of the 1998 Plan is hereby deleted in its entirety to read as follows:

~~"4.2 Applicability of City Codes and Ordinances~~

~~All City Codes and Ordinances including but not limited to the Zoning Ordinance, Building Code, and Noise Ordinance, shall be uniformly and appropriately applied in all areas of the Chinatown Expanded Project Area, unless as otherwise made more restrictive by property development standards, restrictions and requirements as specified in the Redevelopment Plan. In addition, all future development and construction in the project area shall conform to the State energy conservation standards as defined by Title 24, California Administrative Code, and to the applicable provisions and controls of the 1982 Fresno County Clear Air Plan."~~

Subsequent Sections 4.3, 4.4, 4.5, and 4.6 are hereby renumbered to 4.2, 4.3, 4.4, and 4.5., respectively.

- IX. Section 5.1.1 of the 1998 Plan is hereby deleted in its entirety:

~~"5.1.1-Initiation of Rezoning Procedures~~

~~The City Planning Commission of City Council shall initiate rezoning procedures to bring existing "on the ground" zoning into conformity with the Zone Plan Map in order to permit the types of uses permissible under the land use provisions of the Plan."~~

- X. Section 5.1.2 of the 1998 Plan is hereby renumbered to 5.1.1, and amended to delete Sub-Sections a. and b. in their entirety:

~~a. Acquisition of properties, where necessary, will be by cooperative negotiation between the owner of such property and the Agency.~~

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

Sub-Section c. is re-lettered Sub-Section a, and Sub-Section d. is re-lettered Sub-Section b, and subsequent Sections 5.1.3, 5.1.4, 5.1.5, and 5.1.6 of the 1998 Plan are hereby renumbered to 5.1.2, 5.1.3, 5.1.4, and 5.1.5 respectively.

- XI. The map entitled, "Exhibit 6, Fresno General Plan (1984)," is hereby deleted.

- XII. The map entitled, "Exhibit 7, Proposed Land Use Plan (Revised 1998)," is hereby deleted.

- XIII. The map entitled, "Exhibit 9, Proposed Acquisition Plan," is hereby deleted, and replaced with "Exhibit 6, Proposed Acquisition Plan (Revised 2006)".

- XV. The map entitled, "Exhibit 8, Historic Structures Map," is hereby deleted "

EXHIBIT 9
ACQUISITION PLAN (Revised 2006)



- ■ ■ ■ PROJECT AREA BOUNDARY
- ■ ■ ■ PROPERTY SUBJECT TO EMINENT DOMAIN AUTHORITY PURSUANT TO SECTION 3.7 OF THE 1998 PLAN*
- ■ ■ ■ PROPERTY ADDED TO THE AGENCY'S EMINENT DOMAIN AUTHORITY PURSUANT TO THE 2006 PLAN*

* The proposed 2006 Plan Amendments also propose to renew the Agency's current eminent domain authority for an additional 12 years from the effective date of the ordinance approving the proposed Plan Amendments



April 5, 2006

Council Adoption: 04/04/06

TO: MAYOR ALAN AUTRY

RECEIVED

Mayor Approval:

Mayor Veto:

Override Request:

FROM: REBECCA E. KLISCH, CMC
City Clerk

2006 APR 17 PM 1:35

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 04/04/06, Council adopted the attached Ordinance No. 2006-40, entitled **Appv Proposed 2006 Plan Amendments and related requirements re: Chinatown Expanded Plan - RDA, Item No. 3:00 p.m. #2 A-3**, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
Noes	:	Duncan
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 April 17, 2006. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. 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.)

Alan Autry, Mayor

Date: 4/17/06

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	