

ATTACHMENT "D"

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Briggs SECONDED BY Patterson

BILL NO. B-55

ORDINANCE NO. 96-53

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN
FOR THE ROEDING BUSINESS PARK REDEVELOPMENT
PROJECT

WHEREAS, the City Council of the City of Fresno (the "Council") has received from the Redevelopment Agency of the City of Fresno (the "Agency") the proposed Redevelopment Plan (the "Redevelopment Plan") for the Roeding Business Park Redevelopment Project (the "Project"), as approved by the Agency, a copy of which is on file at the office of the City Clerk, City Hall, 2600 Fresno Street, Fresno, California, together with the Report of the Agency to the Council on the proposed Redevelopment Plan ("Report to Council"), and the June 25, 1996, Supplement to the Report to Council, including: (1) the reasons for selection of the Project Area; (2) a description of the physical and economic conditions existing in the Project Area; (3) a description of specific projects proposed by the Agency in the Project Area and an explanation as to how the proposed projects will improve or alleviate the conditions existing in the Project Area; (4) the proposed method of financing redevelopment of the Project Area, including an assessment of the economic feasibility of the Project and an explanation of why the elimination of blight and redevelopment of the Project Area cannot be accomplished by private enterprise acting alone or by the Council's use of financing alternatives other than tax increment financing; (5) a method or plan for the relocation of families and persons who may be temporarily or

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EFFECTIVE 8-16-96

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permanently displaced from housing facilities as a result of the Redevelopment Plan; (6) an analysis of the Preliminary Plan for the Project; (7) the report and recommendations of the Planning Commission of the City of Fresno (the "Planning Commission"); (8) a record of the summary of consultations with the Project Area Committee; (9) an environmental impact report; (10) the report of the county fiscal officer; (11) a neighborhood impact report; (12) an analysis of the report of the county fiscal officer, summary of consultations with affected taxing agencies and responses to written objections and concerns of affected taxing agencies; and (13) an Implementation Plan; and,

WHEREAS, the Redevelopment Plan (Exhibit "A") includes a 54-acre property at the southeast corner of Belmont and Marks Avenues, within the County of Fresno (the "County Area") and pursuant to Section 33213 of the California Community Redevelopment Law (Health and Safety Code Section 33000, et seq.), the County of Fresno authorized the Agency to prepare a redevelopment plan including the County Area by Ordinance No. 0-95-004 adopted on March 7, 1995; and,

WHEREAS, by Resolution No. 1434, adopted on May 21, 1996, the Agency referred the Redevelopment Plan and related Environmental Impact Report No. 10122 to the County of Fresno for their consideration in adopting the Redevelopment Plan with respect to the County Area included in the Redevelopment Plan; and,

WHEREAS, on June 13, 1996, the County Administrative Officer of the County of Fresno, submitted a letter declining to schedule the Redevelopment Plan for action by the County of Fresno at this time; and,

WHEREAS, on June 25, 1996, the City of Fresno heard testimony and received June 21, 1996, and June 25, 1996 letters from the County of Fresno identifying concerns associated with the Redevelopment Plan and its adoption at the scheduled June 25, 1996, joint public hearing; and,

WHEREAS, such letters have been considered as written objections pursuant to Section 33364 of the Health and Safety Code; and,

WHEREAS, the Council of the City of Fresno (1) in order to avoid delays in the implementation of the proposed Redevelopment Plan, and (2) desires that the effective date of the ordinance adopting a Redevelopment Plan for the Roeding Business Park Redevelopment Area become effective prior to August 20, 1996, in order to utilize the 1995-1996 Base Year for the calculation of tax increment revenues; and,

WHEREAS, by Resolution No. 1433, on May 21, 1996, the Agency adopted rules governing participation by property owners and the extension of reasonable preferences to business occupants; and,

WHEREAS, on May 30, 1996, in a public meeting, the Project Area Committee for the Roeding Business Park Redevelopment Project Area, has submitted to the Council its report recommending approval of the Redevelopment Plan as modified in Exhibit "B"; and,

WHEREAS, by Resolution No. 10875, adopted on June 5, 1996, in a noticed public hearing, the Planning Commission of the City of Fresno has submitted to the Council its report (1) that the Redevelopment Plan conforms to the 1984 Fresno General Plan, as proposed to be amended, including, but not limited to, the Housing Element of the General Plan; (2) of its

recommendation for approval of the proposed Redevelopment Plan in Exhibit "A," as modified in Exhibit "B," except for Recommendations No. 4 and 5 thereof, including the Project Area Boundary Alternative, if necessary, for deletion of the 54-acre property in Exhibit "C"; (3) that the Planning Commission shall have the ability to review Development and Disposition Agreements, Eminent Domain Proceedings, Owner Participation Agreements, and Assessment Districts when there is an issue that cannot be resolved by the staff and the property owners through the absence of willing buyers, willing sellers, and willing participants, respectively; and,

WHEREAS, on June 12, 1996, in a noticed public hearing, the Housing and Community Development Commission (the "HCDC") has submitted to the Council and Agency its report (1) that the Redevelopment Plan conforms to the 1984 Fresno General Plan, as proposed to be amended, including, but not limited to, the Housing Element of the General Plan; (2) of its recommendation for approval of the proposed Redevelopment Plan in Exhibit "A," as modified in Exhibit "B," except for Recommendations No. 4 and 5 thereof, including the Project Area Boundary Alternative, if necessary, for deletion of the 54-acre property in Exhibit "C"; (3) and its approval of the finding that the use of 20 Percent Low-and Moderate-income Housing Funds outside the Project Area will be of benefit to the Project Area, and further that priority in the use of the 20 Percent Housing Set-Aside Funds be given to the surrounding areas of the Project Area; and,

WHEREAS, on June 17, 1996, in a noticed public hearing, the Fresno County Airport Land Use Commission (the "ALUC"), considered the Final Environmental Impact Report No. 10122, and determined (see Exhibit "D") that the Roeding Business Park Redevelopment

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Plan is consistent with the Fresno-Chandler Downtown Airport Environs Specific Plan (the "Environs Plan"), subject to the following revisions to the proposed Redevelopment Plan: (1) All structures proposed within the approach and horizontal surfaces of the Environs Plan shall be limited to the height limits of the applicable imaginary surface; (2) All proposed uses within the Environs Plan Airport Safety Zones (I, II, & III) shall conform with the "Safety and Noise Compatibility Comparison" matrix of the Environs Plan; (3) Utility substations shall not be established in ASZ II; (4) Avigation Easements shall be required for all private property that is in the 65 CNEL noise contour area.

WHEREAS, by Council Resolution No. 96-140 and Agency Resolution No. 1436, adopted on June 18, 1996, the Council and the Agency certified Final Environmental Impact Report No. 10122 for the Roeding Business Park Redevelopment Plan with attachments: (A) Statement of Potential Adverse Environmental Effects and Associated Mitigation Measures to Lessen or Avoid those Effects; (B) Statement of Unavoidable Adverse Effects; (C) Statement of Overriding Considerations that the Project Benefits Outweigh the Unavoidable Adverse Effects; and (D) Mitigation Monitoring Checklist; and,

WHEREAS, the Charter of the City of Fresno permits the ordinance adopting the Roeding Business Park Redevelopment Plan to be adopted by the Council on the day of its introduction; and,

WHEREAS, the Council and the Agency held a joint public hearing on June 25, 1996, at 5:30 p.m., heard testimony concerning the proposed Redevelopment Plan, closed the joint public hearing, and continued the matter to July 16, 1996, at 9:30 a.m. to deliberate, to adopt

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necessary written findings, and to make determinations relating to the adoption of the Redevelopment Plan in the Council Chambers, 2600 Fresno Street, Fresno, California; and,

WHEREAS, pursuant to Community Redevelopment Law, the notice of said joint public hearing (1) was duly and regularly published in The Fresno Bee, a newspaper of general circulation in the County of Fresno, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk; (2) copies of said notice were mailed by first-class mail to the last known address of each assessee of each parcel of land in the proposed Project Area as shown on the last equalized assessment roll of the County of Fresno, with a statement notifying that said property is proposed to be subject to the possibility of acquisition or condemnation under the proposed Redevelopment Plan; (3) copies of said notice were mailed by first-class mail to all residential and business occupants within the proposed Project Area at least 30 days prior to said joint public hearing; (4) copies of said notice 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, the Council and Agency have considered the report and recommendations of the Planning Commission, the Housing and Community Development Commission, the Fresno County Airport Land Use Commission, the Owner Participation Rules adopted by the Agency, the Report to the Council, the Redevelopment Plan and its economic feasibility, the feasibility of its relocation method or plan, and the Final Environmental Impact Report No. 10122, has provided an opportunity for all persons to be heard and has received and considered all evidence and statements presented for or against any and all aspects of the Redevelopment Plan, and has

made written findings in response to each written objection to the Redevelopment Plan from an affected property owner or taxing entity; and,

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

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

SECTION 1. That the purpose and intent of the Council with respect to the Project Area is to accomplish the following: (a) eliminate blighting influences and correct environmental deficiencies in the Project Area, including, among others, small and irregular-shaped lots in multiple ownership, faulty exterior spacing, deteriorated and obsolete building types, incompatible and uneconomic land uses, inadequate or deteriorated public improvements, facilities and utilities and a high crime rate; (b) assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area; (c) replan, redesign and develop undeveloped and underdeveloped areas which are economically stagnant or improperly utilized; (d) provide opportunities for participation by owners and tenants in the revitalization of their properties; (e) strengthen industrial, commercial and aviation-related functions in the Project Area; (f) strengthen the economic base of the Project Area and the community by installing needed site improvements to stimulate revitalization, new industrial and commercial expansion, employment and economic growth; (g) provide adequate land for parking and open spaces; (h) provide a positive visual image through the implementation of performance criteria to assure high site design standards and environmental quality, compatibility with Chandler Airport operations, conservation of and compatibility with historic structures and monuments, and other design

elements which provide unity and integrity to the entire Project; (i) expand and improve the community's supply of low- and moderate-income housing; (j) encourage the active and continuous participation of Project Area occupants in the formulation, refinement, and implementation of the Redevelopment Plan, in order to ensure that Redevelopment Plan proposals are beneficial to the people who live and work within the Project Area, as well as the community in general.

SECTION 2. The Council hereby finds and determines that:

(a) The Project Area, as amended for deletion of the 54-acre County Area in Exhibit "C," is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law. This finding is based upon the following facts, as more particularly set forth in the Report to Council and the June 18, 1996 Supplement to the Report to Council:

- (1) The Project Area is predominantly urbanized.
- (2) The Project Area is characterized by and suffers from a combination of blighting physical and economic conditions, including, among others: buildings that are deteriorated and dilapidated; buildings suffering from defects in design or physical construction; buildings which are substandard in design; incompatible uses; lots of irregular form and shape and of inadequate size for proper usefulness which are under multiple ownership; impaired investments; low lease rates; vacant and underutilized parcels; a high crime rate; and inadequate public improvements and utilities.
- (3) The combination of the conditions referred to in paragraph (2) above is so

prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the Project Area to such an extent that it constitutes a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(4) The availability of tax increment revenues from the Project Area will allow the Agency to undertake redevelopment activities in the Project Area and the redevelopment of the Project Area will serve to promote and stimulate new private investment in the Project Area, and increase or improve the supply of low-and moderate-income housing within the community.

(b) The Redevelopment Plan will redevelop the 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 Project Area will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight; providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement; improving or increasing the supply of low- and moderate-income housing within the community; providing additional employment opportunities; and providing for higher economic utilization of potentially useful land.

(c) The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the facts, as more particularly set forth in the Report to Council that under the Redevelopment Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that 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 Project Area; and that under the Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

(d) The Redevelopment Plan conforms to the 1984 Fresno General Plan, as amended, including, but not limited to the Housing Element of the General Plan. This finding is based upon the finding of the Planning Commission that the Redevelopment Plan conforms to the 1984 Fresno General Plan, as proposed for amendment.

(e) The carrying out of the Redevelopment Plan would promote the public peace, health, safety and welfare of the City of Fresno and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based upon the fact that redevelopment, as contemplated by the Redevelopment Plan, will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the physical and economic conditions of the Project Area.

(f) The acquisition of real property including possible condemnation, as provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Redevelopment Plan will be carried out and to prevent the recurrence of blight.

(g) The Agency has a feasible method or plan for the relocation of families and persons who may be displaced, temporarily or permanently, from housing facilities in the Project

Area. This finding is based upon the fact that Exhibit 1 of the Agency's Report to Council contains a method or plan for relocation and the Redevelopment Plan provides for relocation assistance according to law.

(h) There are, or shall be provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who may be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that in the event any residential displacement is caused by the Redevelopment Plan, no person or family will be required to move from any dwelling unit until suitable replacement housing is available.

(i) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Community Redevelopment Law; and dwelling units housing persons and families of low or moderate income within the Project Area shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413 and 33413.5 of the Community Redevelopment Law.

(j) Inclusion of any lands, buildings or improvements in the Project Area which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part; and any area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law

without other substantial justification for its inclusion. This finding is based upon the fact that the boundaries of the Project Area were chosen as a unified and consistent whole to include all properties contributing to or affected by the blighting conditions characterizing the Project Area.

(k) The elimination of blight and the redevelopment of the Project Area could not reasonably be 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 Report to Council that because of the higher costs and more significant risks associated with development of blighted areas, individual developers are unable and unwilling to invest in blighted areas without substantial public assistance, that low and moderate-income persons are unable to finance needed improvements, and funds from other public sources and programs are insufficient to eliminate the blighting conditions.

(l) The Project Area is a predominantly urbanized area, as defined by subdivision (b) of Section 33320.1. This finding is based upon the facts, as more particularly set forth in the Report to Council, and the Supplement to the Report to Council, that approximately 89 percent of the land in the Project Area has been or is developed for urban uses and 100 percent of the land in the Project Area is an integral part of an area developed for urban purposes.

(m) The time limitations in the Redevelopment Plan, which are the maximum time limitations authorized under the Community Redevelopment Law, are reasonably related to the proposed projects to be implemented in the Project Area and the ability of the Agency to eliminate blight within the Project Area. This finding is based upon the facts 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. In addition, shorter time limitations would limit the revenue sources and financing capacity necessary to carry out proposed projects in the Project Area.

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

SECTION 4. In order to implement and facilitate the effectuation of the Redevelopment Plan, certain official actions must be taken by the Council; accordingly, the Council hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan; (b) directs the various officials, departments, boards and agencies of the City of Fresno having administrative responsibilities in the Project Area to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan; (c) stands ready to consider and take appropriate action on proposals and measures designed to effectuate the Redevelopment Plan; and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Redevelopment Plan.

SECTION 5. The Council is satisfied that written findings have been adopted in response

to each written objection, received either before or at the noticed public hearing. Having considered all evidence and testimony presented for or against any aspect of the Redevelopment Plan, the Council hereby overrules all written and oral objections to the Redevelopment Plan and incorporates by reference into this ordinance those findings in response to written objections filed by Fresno County contained within Resolution No. 96-166 adopted by Council on July 16, 1996.

SECTION 6. The mitigation measures, as identified in Council Resolution No. 96-140 and Agency Resolution No. 1436 adopted on June 18, 1996, making findings based upon certification of the Final Environmental Impact Report No. 10122 on the Roeding Business Park Redevelopment Plan with attachments: (A) Statement of Potential Adverse Environmental Effects and Associated Mitigation Measures to Lessen or Avoid those Effects; (B) Statement of Unavoidable Adverse Effects; (C) Statement of Overriding Considerations that the Project Benefits Outweigh the Unavoidable Adverse Effects; and (D) Mitigation Monitoring Checklist, will be incorporated in the Redevelopment Project as conditions of the Project entitlements; and

SECTION 7. That certain documents entitled "Redevelopment Plan for the Roeding Business Park Redevelopment Project," in Exhibit "A," a copy of which is on file in the office of the City Clerk, and as modified in Exhibit "B," and as further modified in Exhibits "C" and "D," is hereby incorporated by reference herein and designated as the official "Redevelopment Plan for the Roeding Business Park Redevelopment Project."

SECTION 8. The City of Fresno Development Department is hereby directed for a period of at least two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the Project Area that the site for which a building permit is sought for

the construction of buildings or for other improvements is within a redevelopment project area.

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 Redevelopment Plan.

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 Redevelopment Plan pursuant to this Ordinance, containing a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Community Redevelopment Law.

SECTION 11. The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the Clerk pursuant to Section 10 of this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Project Area, to the auditor and assessor of the County of Fresno, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area and to the State Board of Equalization within thirty (30) days following adoption of the Redevelopment Plan.

SECTION 12. If any part of this Ordinance or the Redevelopment Plan which it approves 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 or approved the remainder of the Redevelopment Plan if such invalid portion thereof had not been a part thereof.

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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 passage.

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 16th
day of July 1996, by the following vote:

Ayes: Briggs, Lung, Quintero, PATTERSON
Noes: Calandra, Ronquillo, Woody
Absent: None
Dated this 16 day of July 1996.

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch
~~Deputy~~

APPROVED AS TO FORM:

HILDA CANTÚ MONTOY
City Attorney

By Hilda Cantu Montoy
Deputy