

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADDING ARTICLE 4.13 TO CHAPTER 12 OF THE FRESNO MUNICIPAL CODE RELATING TO THE TRANSFER OF DEVELOPMENT IMPACT FEES FOR THE REPLACEMENT OF BUSINESSES RELOCATED DUE TO CONDEMNATION

SECTION 1. Article 4.13 is added to Chapter 12 of the Fresno Municipal Code to read:

ARTICLE 4.13

TRANSFER OF DEVELOPMENT FEES FOR THE REPLACEMENT OF CONDMENED BUSINESS PROPERTY

Section	12-4.1301.	Purpose.
	12-4.1302.	Definition.
	12-4.1303	Fee Transfer Program.
	12-4.1304.	Application Process and Approval.
	12-4.1305.	Development at Condemned Location.

SECTION 12-4.1301. PURPOSE. The Council desires to provide credit for the transfer of development impact fees, up to fifty thousand dollars (\$50,000), for any business that must relocate and construct a new facility due to its previous location being completely condemned and demolished. Typically, impact fees would have been paid when the owner’s original location (now condemned) was constructed, and if the requirements of this Article are met, there is no net new impact to city resources, and the fees originally paid will transfer to the new location.

SECTION 12-4.1302. DEFINITIONS.

(a) For the purpose of this Article, “Applicant” shall mean a business owner applying for development impact fee transfer credits

whose business location is completely condemned by a public agency and demolished, requiring the business owner to relocate and reconstruct at a new location.

(b) For the purpose of this Article, "Infill Development" shall mean a project that complies with all of the following criteria:

(i) The proposed development is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses;

(iii) The project site has no value as a habitat for endangered, rare, or threatened species;

(iv) Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(v) The site can be adequately served by all required utilities and public services.

SECTION 12-4.1303. FEE TRANSFER PROGRAM. An Applicant may be eligible for transferred fee credits up to fifty thousand dollars (\$50,000), provided the business meets all of the following criteria:

(a) The Applicant's prior location was completely condemned by a public agency and demolished, requiring the Applicant to relocate its business and newly construct its facility;

(b) Development at the new location does not significantly change, expand, or intensify the business's prior use at the condemned location;

(c) The newly constructed facility is the same size or smaller than the facility at the condemned location;

(d) The new location is considered Infill Development; and

(e) The new location is owner-occupied.

#### SECTION 12-4.1304. APPLICATION PROCESS AND APPROVAL.

(a) Applications for fee transfers shall be submitted to the Public Works Director, at or before the time of building permit approval. Applications for fee transfers shall not be submitted until after approval of all discretionary planning entitlements, except that applications for fee transfers can be submitted concurrently with applications for design review.

(b) The Public Works Director shall approve the application upon a determination the Applicant meets the criteria in Section 12-4.1303.

(c) The transferred fee credits shall be capped at fifty thousand dollars (\$50,000). All impact fees above that amount shall be the responsibility of the Applicant.

SECTION 12-4.1305. DEVELOPMENT AT CONDEMNED LOCATION.

Any future development by anyone at Applicant's prior condemned location will be subject to full payment of development impact fees.

SECTION 2. 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.

\* \* \* \* \*

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2015  
Mayor Approval/No Return: \_\_\_\_\_, 2015  
Mayor Veto: \_\_\_\_\_, 2015  
Council Override Vote: \_\_\_\_\_, 2015

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Katherine B. Doerr, Assistant