

Agenda Item: ID#18-0789 (1-D)

Date: 6/28/18

REC'D JUL 2 '18 PM 2:42
FRESNO CITY CLERK

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID#18-0789 (1-D)

Contents of Supplement: Amended Ordinance

Item(s)

BILL NO. -37 – (Intro. 6/21/2018) (For adoption) – Adding Article 22 to Chapter 12 of the Fresno Municipal Code to allow At-Risk Development

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



DOUGLAS T. SLOAN
City Attorney

July 2, 2018

MEMORANDUM

TO: YVONNE SPENCE, CMC
CITY CLERK

RE: Technical Correction to Bill No. B-37 as Item 1D (File ID No. 18-0789) of the June 28, 2018, Regular Meeting of the City of Fresno

On June 28, 2018, Council adopted Bill B-37. An incorrect version of the ordinance was included in the Council packet. The adopted version of Bill B-37 should have been identical to the version introduced on June 21, 2018, with the exception of a technical correction to the last sentence of 12-2201, which was clarified to read, "A production home is a home without an identified buyer built on speculation that shall not be sold, leased, financed, or offered for sale until a final map records."

The changed language in 12-2201 appears in the version adopted by Council on June 28, however, when the change was made, it was made to a prior draft of the ordinance which was then inadvertently submitted in the Council packet. The correct version is attached hereto.

This correction does not affect or alter the intent of the ordinance.

Respectfully submitted,

KATIE DOERR
Chief Assistant City Attorney

Attachment

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ADDING ARTICLE 22 TO
CHAPTER 12 OF THE FRESNO MUNICIPAL CODE TO
ALLOW AT-RISK DEVELOPMENT.

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

SECTION 1. Article 22 is added to Chapter 12 the Fresno Municipal Code to read:

ARTICLE 22

AT-RISK DEVELOPMENT

- Section 12-2201. Authority to Issue At-Risk Permits.
- 12-2202. Conditions of Issuance.
- 12-2203. Holder to Proceed at Its Own Risk
- 12-2204. Rules and Regulations.

SECTION 12-2201. AUTHORITY TO ISSUE AT-RISK PERMITS. For residential, commercial, and industrial projects, after receipt of "first round" comments regarding any infrastructure improvement plans (including grading plans), and a finding the infrastructure improvement plans are substantially acceptable, or submittal of a completed application for a building permit, the appropriate official, and/or building official, is authorized to issue an "at-risk" permit for grading, sewer, water, dry utilities, buildings and structures (including model and production homes) before the relevant construction documents have been finally approved, and before the final map records. For the purpose of this article, a model home shall be a home without an identified buyer constructed for marketing purposes to show the design, structure and appearance of units in a development. A production home is a home without an identified buyer built on

speculation that shall not be sold, leased, financed, or offered for sale until a final map records.

SECTION 12-2202. CONDITIONS OF ISSUANCE. An applicant must pay required application and inspection fees and charges, and provide evidence of required insurance and compliance with all conditions of third party agencies (including but not limited to Pacific Gas and Electric Company, Fresno Metropolitan Flood Control District, San Joaquin Valley Air Pollution Control District, and similar agencies), all as a condition precedent to issuance of an "at-risk" permit. Up to twenty-five (25) "at-risk" permits for buildings and structures (including model and production homes) may be granted per tract, provided appropriate Fire Department approval is granted.

SECTION 12-2203. HOLDER TO PROCEED AT ITS OWN RISK. The holder of such "at-risk" permit shall proceed at the holder's own risk, including all risk of liability, and without assurance that a notice of acceptance of infrastructure improvements will be recorded, or that a certificate of occupancy for a building or structure will be granted. The holder must receive all necessary inspections during the course of "at-risk" construction. Corrections or modifications in work performed may be required to meet the requirements of the technical codes and final approved plans. Occupancy will not be permitted until all plans are approved, all conditions of approval required for occupancy are met, and the final map, if required for the property, is recorded.

SECTION 12-2204. RULES AND REGULATIONS. The Development and Resource Management Department may set forth additional policies and procedures for the issuance of "at-risk" permits consistent with and to carry out

the intent of this article. Any additional policy or procedure issued pursuant hereto shall be approved by the Council.

SECTION 12-2205. ONE YEAR REVIEW. The operation of this article shall be reviewed by the Council within one (1) year of its effective date. The City Manager shall provide a report to the Council with findings and recommendations.

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 _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC
City Clerk

BY: _____
Deputy

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

BY: _____
Katie Doerr Date
Chief Assistant City Attorney

KBD:ns [80074ns/kbd]