

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 and intended to be offered for sale.

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]