

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, AMENDING SECTION 12-4.508-E
OF THE FRESNO MUNICIPAL CODE RELATING TO UGM
DEVELOPMENT RESTRICTIONS ON THE RUNNING
DISTANCE BETWEEN COMMERCIAL AND INDUSTRIAL
DEVELOPMENTS AND AN OPERATING CITY FIRE
STATION

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan and on that date, by Resolution No. 2002-378, certified Master Environmental Impact Report ("MEIR") No. 10130 (State Clearinghouse No. 2001071097) which evaluated the potentially significant adverse environmental impacts of the General Plan's goals, objectives, and policies; and,

WHEREAS, Text Amendment Application No. TA-14-002 was initiated by the Director of the Development and Resource Management Department pursuant to Fresno Municipal Code Section 12-401-A-3; and

WHEREAS, the Fresno County Airport Land Use Commission, at its hearing of April 7, 2014, found the text amendment to be consistent with airport land use plans and recommended approval of the text amendment; and

WHEREAS, pursuant to the provisions of Section 402, Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a hearing on the 21st day of May, 2014, to consider Text Amendment Application No. TA-14-002 and related Environmental Assessment No. TA-14-002, during which the Commission solicited testimony, considered the environmental assessment, and

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



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recommended to the Council of the City of Fresno approval of the text amendment application as evidenced in Planning Commission Resolution No. 13283; and,

WHEREAS, the Council of the City of Fresno, on the 26th day of June 2014, held a public hearing and received the recommendation of the Planning Commission, considered the information in the staff report, and solicited testimony from the public on this matter.

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

1. The Council finds in accordance with its own independent judgment that there is no possibility that Text Amendment Application No. TA-14-002 would have significant effects on the environment pursuant to Section 15061(b) (3) of the California Environmental Quality Act Guidelines. Accordingly, the Council adopts Environmental Assessment No. TA-14-002, dated May 1, 2014.
2. The Council finds that the adoption of the proposed text amendment, as recommended by the Planning Commission, is in the best interest of the City of Fresno.
3. The Council of the City of Fresno hereby approves the Text Amendment Application to amend the Fresno Municipal Code as set forth below:

SECTION 1. Section 12-4.508-E of the Fresno Municipal Code is amended to read:

SECTION 12-4.508-E. UGM DEVELOPMENT RESTRICTIONS. In addition to payment of UGM Fire Station Capital Fees, all development in the UGM area shall be subject to the following restrictions:

1. Residential.

- a. No more than five thousand residential units, or their equivalent, shall be permitted beyond the primary service area and within a five mile running distance of an existing city fire station.
- b. Between the three and four mile running distance of an existing and operating fire station there shall be a one hundred-foot separation between buildings, or a fifty-foot separation between buildings, consistent with planned densities, and:
 - (1) All roofing materials shall be noncombustible, and
 - (2) All facing surfaces between buildings shall be noncombustible.
- c. Between the four and five mile running distance there shall be a one hundred-foot separation between buildings.
- d. Between the three and five mile running distance, the one hundred-foot and fifty-foot separation requirements may be waived with the installation of automatic fire extinguishing systems, as approved by the Fire Chief, in all buildings within the project area.
- e. In no event will residential development be permitted beyond the five mile running distance of an existing and operating city fire station unless the developer first constructs a city fire

station to serve such development, in which event the developer will be reimbursed in accordance with subsection G-2 of this section.

2. Commercial.

- a. In addition to the payment of UGM Fire Station Capital Fees, commercial and industrial development will be permitted beyond the two-mile running distance of an existing and operating city fire station only upon compliance by the developer with all conditions imposed by the Fire Chief and approved by the Council for fire safety purposes, such as additional spacing between buildings, installation of fire sprinklers, or the use of noncombustible materials.
- b. In no event will commercial or industrial development be permitted beyond the three-mile running distance of an existing and operating fire station unless the developer first constructs a city fire station to serve such development, in which event the developer will be reimbursed in accordance with subsection G-2 of this section.
- c. The Director may grant a temporary waiver from the restrictions of subdivision b. when the Fire Chief finds [either the physical response time is equivalent to the running distance or] all of the following [circumstances apply]:
 - (1) the development will improve the health and safety of

- the community.
- (2) the proposed development meets minimum fire safety standards acceptable to the Fire Chief for service times and risk of fire for the period of the waiver.
 - (3) the developer has provided adequate security, in a form approved by the Director and the City Attorney, to ensure development will be completed upon the expiration of the waiver.

The time limit on the waiver will be provided by the Fire Chief to ensure the protection of the public health and safety, but in no event shall the waiver be more than two years from the date of issuance of the first certificate of occupancy for the development. The Fire Chief shall adopt written standards to administer this waiver, including but not limited to, a list of building occupancies, water supply requirements, and building construction types appropriate for this waiver pursuant to the Fire Chief's authority and responsibilities under the Fresno Fire Code.

3. Exception. Notwithstanding the above, development will be permitted beyond the distances and densities specified herein provided the developer pays the appropriate UGM Fire Station Capital Fee and such development will be protected by another fire protection agency pursuant to a contract approved by the city.

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 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 _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN:

Mayor Approval: _____, 2014

Mayor Approval/No Return: _____, 2014

Mayor Veto: _____, 2014

Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
City Attorney

BY: _____
Talia Kolluri-Barbick
Senior Deputy City Attorney
Dated:

TKB:cg[63703cg/ORD]6/13/14