

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, INITIATING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF FRESNO TO ADD SECTION 15-2769 RELATING TO NON-TRANSIENT RESIDENCE REQUIREMENTS, PURSUANT TO FRESNO MUNICIPAL CODE SECTION 15-5803-A(1)

WHEREAS, on December 3, 2015, the Council of the City of Fresno, (Council) voted to adopt Ordinance Bill No. B-43, adding Chapter 15 to the Fresno Municipal Code, which is a comprehensive update to the City's Zoning Ordinance and is referred to as the "Citywide Development Code"; and

WHEREAS; Section 15-2700 et. seq. of the Citywide Development Code sets forth standards for specific uses and activities that are permitted or conditionally permitted in some or all districts; and

WHEREAS, Fresno Municipal Code section 15-5803-A(1) authorizes the Council to initiate an amendment to the text of the Citywide Development Code by adopting a Resolution of Initiation; and

WHEREAS, the Council desires to amend the Citywide Development Code to establish standards for non-transient residences in order to preserve and maintain public health and safety.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Pursuant to Fresno Municipal Code section 15-5803-A(1), the Council initiates the necessary proceedings to amend the text of the City of Fresno's Zoning Ordinance relating to non-transient residence requirements.

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Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: AGST

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2. The Council further directs staff to review and analyze the proposed draft (attached as Exhibit A), bring the Text Amendment before the Airport Land Use Commission for consideration within thirty-one days (or as soon thereafter as environmental review under CEQA may be legally completed) of the effective date of this Resolution, before the Planning Commission for consideration within thirty days of it being reviewed by the Airport Land Use Commission, and back before the Council for consideration within thirty days of the Planning Commission's review. Staff shall return to the Council thirty days from the effective date of this Resolution to update the Council on the status of the proposed Text Amendment and shall return to the Council every thirty days thereafter until it returns to the Council for final consideration.

* * * * *

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the ___ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Talía Kolluri Date
Supervising Deputy City Attorney

Attachment: Exhibit A

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING SECTION 15-2769 TO THE
FRESNO MUNICIPAL CODE, RELATING TO NON-
TRANSIENT RESIDENCE REQUIREMENTS

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

SECTION 1. Section 15-2769 is added to the Fresno Municipal Code to read:

SECTION 15-2769. Non-Transient Residence Requirements.

A. Definitions.

1. "Non-transient facility" shall be defined as a hotel or motel that offers accommodations to non-transient residents, for all or a portion of the facility.
2. "Non-transient residents" shall be defined as a person who resides in a non-transient facility for a period of thirty-one or more consecutive days.

B. Compliance with Existing Regulations.

1. Non-transient facilities shall be in full compliance with the California Building Code, the California Fire Code, and the California Electrical Code, as may be amended and any local amendments thereto.
2. Non-transient facilities shall be subject to the occupancy classifications and change of occupancy requirements in the California Building Code based upon the classification most similar

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to the primary use of the facility, as determined by the Building Official.

3. Non-transient facilities offering rooms to non-transient residents shall not operate if the facility or any portion of the facility exists with any of the conditions necessary to be declared a substandard building within the meaning of California Health and Safety Code section 17920.3.
4. In the event a non-transient facility is declared a substandard building or otherwise exists with any of the conditions necessary to be declared a substandard building, the facility shall be subject to the provisions of Fresno Municipal Code sections 1-301 et. seq.

C. Minimum Standards.

1. Fire Safety. Non-transient facilities shall either:
 - a. Be built with fire-resistive construction; or
 - b. Be equipped with fire-extinguishing systems or equipment as set forth in the California Building Code and California Health and Safety Code.
2. Lavatory. Non-transient facilities rooms shall provide private lavatory and bathing facilities in each unit, including but not limited to the following:
 - a. Bathroom sink.
 - b. Toilet.
 - c. Shower or tub and shower combined facility.

3. Heating and Cooling. Non-transient facilities shall provide heating and cooling equipment in each unit.
4. Food Storage and Preparation. Non-transient facilities shall provide access to cooking and refrigeration spaces to non-transient residents by either:
 - a. Providing a full size refrigerator, separate sink for food preparation, microwave, and cooking appliance such as an oven and stove or efficiency cooktop; or
 - b. Providing a dedicated common-use space on the premises with kitchen facilities to be used by non-transient residents. Sites that provide a common-use kitchen space shall provide access to secured refrigeration for non-transient residents to store perishable items, a separate sink and counter for food preparation, an oven, a microwave, and a stove.
5. Electrical Capacity. Non-transient facilities shall provide electrical capacity, subject to review, inspection, and approval of the Building Official as follows:
 - a. A main electrical panel sufficient to accommodate non-transient occupants in all units; and
 - b. A sub-electrical panel for each unit in the facility. Each sub-electrical panel shall have sufficient capacity to accommodate a refrigerator, a cooktop, and a microwave, in

addition to any electrical capacity needs generated by lighting, heating, and cooling appliances; and

- c. Any other improvements related to the provision of electricity deemed necessary by the Building Official to preserve the public health and safety.

D. **Applicability.** This section shall be applicable as follows:

1. Non-transient facilities constructed after the effective date of this ordinance shall be subject to this ordinance upon its passage.
2. Facilities that were constructed prior to the effective date of this ordinance but began offering accommodations to non-transient residents after the effective date of this ordinance shall be subject to this ordinance as of the date the facility first offered accommodations to non-transient residents.
3. Facilities that were constructed prior to the adoption of this ordinance and have previously accommodated or currently accommodate non-transient residents shall be subject to this ordinance six months after its effective date.

E. **Enforcement.**

1. Non-transient facilities subject to this ordinance that fail to comply with its provisions shall immediately cease offering accommodations for periods in excess of thirty consecutive days, upon written notice from the Director.

2. Pursuant to Article 63 of this Code, any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating a provision of this ordinance or failing to comply with a mandatory requirement of this ordinance shall be guilty of a misdemeanor, but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in Fresno Municipal Code Chapter 1, Article 3, Code Enforcement; Judicial and Administrative Remedies and Procedures. A person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm, or corporation, and shall be punished accordingly.
3. Notwithstanding the above, the City, at its discretion, may issue an administrative citation and civil penalty in lieu of charging any violation of this ordinance as a misdemeanor or an infraction. The enforcement of those civil penalties shall be governed by the civil administrative citation procedures set forth Fresno Municipal Code Chapter 1, Article 3, Code Enforcement: Judicial and Administrative Remedies and Procedures, or as more specifically provided in other provisions of the Fresno Municipal Code.

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.

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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 _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
TALIA KOLLURI Date
Supervising Deputy City Attorney