



Legislation Details (With Text)

File #: ID#15-141 **Version:** 1 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 2/12/2015 **In control:** City Council
On agenda: 3/5/2015 **Final action:**
Title: BILL - (For Introduction) - Adding Article 3.13 to Chapter 12 of the Fresno Municipal Code relating to the transfer of development impact fees for the reestablishment of businesses relocated due to condemnation.
Sponsors: Public Works Department
Indexes:
Code sections:
Attachments: 1. DIF transfer condemnation.pdf

Date	Ver.	Action By	Action	Result
3/5/2015	1	City Council	continued	Pass

REPORT TO THE CITY COUNCIL

March 5, 2015

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SUBJECT

BILL - (For Introduction) - Adding Article 3.13 to Chapter 12 of the Fresno Municipal Code relating to the transfer of development impact fees for the reestablishment of businesses relocated due to condemnation.

RECOMMENDATION

Staff recommends that the City Council introduce the attached ordinance adding Article 3.13 to Chapter 12 of the Fresno Municipal Code relating to the transfer of development impact fees for the reestablishment of businesses relocated due to condemnation.

EXECUTIVE SUMMARY

Article 3.13 will allow the transfer of development impact fees credits, under certain circumstances, from one parcel to a new site when the old site is condemned for a public use. The City currently

provides a fee reduction or waiver for new construction on a site that was previously developed but does not allow credits to be transferred. A business that is located on a site that is condemned has either already paid impact fees or was grandfathered into the program. Typically, the old site will not redevelop because it is being used for roadway, railroad or other public improvements. If any portion of the condemned site is ever redeveloped, the new development would not receive any reduction or waiver of fees. Article 3.13 will allow a transfer of development impact fees up to \$50,000 for any new construction and reestablishment of a business when their existing site is condemned and demolished.

BACKGROUND

The City currently provides a fee reduction or waiver for new construction on a site that was previously developed. The fee is completely waived, if the new structure is of the same size as the old structure and does not intensify the impacts on City resources. If the new structure is larger or has greater impacts on City resources, then the developer is required to pay the fees, but a reduction is provided for the previous use. Fee credits cannot currently be transferred from a parcel where a building was demolished to a new site. Article 3.13 will allow the fee credits to be transferred, under certain circumstances, when the existing site is condemned.

When a property is condemned and demolished the impacts to City resources are removed from that site and the property will typically never be redeveloped. If any portion of the condemned site is ever redeveloped, the new development would not receive any reduction or waiver of fees. Article 3.13 will allow the business owner to transfer the fee credits from the old site over to the new property, so long as all of the following criteria are met:

- The applicant's prior location was completely condemned by a public agency and demolished, requiring the applicant to relocate their business and construct a new facility;
- Development at the new location does not significantly change, expand, or intensify the business's prior use at the condemned location;
- The new location is considered infill development; and
- The new location is owner-occupied.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378 this item does not qualify as a "project" as defined by CEQA.

LOCAL PREFERENCE

Not applicable because this is not a competitive bid.

FISCAL IMPACT

There will be no impact to the General Fund as a result of the recommended action. The Impact Fee Program will not be impacted because no net new impact to City resources will occur.

Attachment: Ordinance