



RESOLUTION NO. 2009-12

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING A POLICY TO PROVIDE AN EXEMPTION FROM PAYMENT OF PARK AND FIRE IMPACT FEES WHEN UGM FEES FOR PARK AND FIRE HAVE BEEN PAID PRIOR TO THE EXPIRATION OF VESTING RIGHTS FOR THE FINAL MAP AND WHEN THE BUILDING PERMIT HAS BEEN PULLED PRIOR TO DECEMBER 31, 2009

WHEREAS, in past years the stronger housing market resulted in all building permits generally being issued within residential subdivisions prior to the expiration of vesting rights for the final subdivision maps; and,

WHEREAS, due to the economic downturn these relatively large final subdivision maps have not sold out prior to expiration of the vesting rights of final maps; and

WHEREAS, there are currently more than 1,400 unsold lots in residential subdivisions for which the developer had filed a vesting tentative tract map during the time when UGM Fire and UGM Park fees were in effect and had proceeded with a final subdivision map for which the vesting rights have now expired, thus subjecting the development to current city-wide development impact fees for the remaining lots; and

WHEREAS, in September 2005, the Council adopted Citywide Fire Facility Impact Fees and Citywide Park Facility Impact Fees to be paid by all new development throughout the City of Fresno to mitigate impacts and provide for the necessary public infrastructure to serve the new development; and

WHEREAS, the current Citywide Fire and Citywide Park Facility Impact Fees are substantially higher than the older UGM Fire and UGM Park fees; and

WHEREAS, the City desires to preserve and create jobs to the greatest extent possible and furthermore desires to develop an economic stimulus package for new development; and

Adopted 1/13/09
Approved 1/22/09
Effective 1/22/09

2009-12



WHEREAS, the City desires an analysis during the next 45 days of any potential impacts to taxpayers and the General Fund as well as an economic stimulus package that would generate the greatest benefit to the community; and

WHEREAS, the Council wishes to facilitate continued residential construction during the time period when the detailed economic stimulus package and associated policies are developed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Fresno, that the requirements to pay Citywide Fire Facilities Impact Fees and Citywide Park Facilities Impact Fees are waived until December 31, 2009 for residential units that meet all of the following criteria:

1. The lot is part of a final map that is within a UGM area.
2. The lot is part of a vesting tentative map that was filed under the UGM program prior to the Citywide Fire and Park impact fees becoming effective.
3. The developer paid the UGM Fire and Park fees for that lot prior to the loss of vesting rights for the final map, which is 2 years from the recording date of the final map.
4. The building permit has been pulled prior to December 31, 2009.
5. The UGM fees have been paid prior to both the expiration of the final map and prior to December 31, 2009. UGM Fees deferred to an occupancy date beyond December 31, 2009 shall result in the disqualification of the residential unit from obtaining a waiver of the Citywide Fire and Park Impact Fees.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 13th day of January, 2009.

AYES: Borgeas, Caprioglio, Dages, Perea, Xiong, Sterling
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Brand

Mayor Approval: January 22, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Veto: N/A, 2009

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By David P. Hale
David P. Hale, Chief Assistant City Attorney

Date: 1-9-09



	Remaining Lots in Currently Expired Maps	Remaining Lots in Final Maps Due to Expire (Current thru 12/31/10)
Total Number of Recorded Final Map Lots with no Building Permits	1,494	1,639
Total Acreage of Remaining Lots with no Building Permits	387.0	340.6

	FEE REVENUE SUBJECT TO CITY COUNCIL ACTIONS / MAYORAL VETO	
Citywide Regional Street Impact Fee (\$8,361 per Acre) - <u>Grace Period Approved</u>	\$3,235,350.65	\$2,847,993.95
Citywide Park Impact Fees (\$3,398/SFDU minus UGM @avg. \$231.70/SFDU)	\$4,730,452.20	\$5,189,565.70
Citywide Fire Impact Fees (\$539/SFDU minus UGM @avg. \$61.33/SFDU)	\$713,638.98	\$782,901.13

January 13, 2009

Council Adoption: 1/13/09

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

Mayor Approval:

Mayor Veto:

Override Request:

FROM: REBECCA E. KLISCH, CMC
City Clerk

2009 JAN 23 AM 10: 09

CITY CLERK, FRESNO CA



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/13/09, Council adopted the attached Resolution No. 2009-12 entitled **Adopting policy to exempt payment of Park/Fire impact fees when UGM fees for Park/Fire have been paid prior to expiration of vesting rights for final map & when building permit has been pulled prior to 12/31/09**, Item No. 9:15 A.M. - 1, by the following vote:

Ayes	:	Borgeas, Caprioglio, Dages, Perea, Xiong, Sterling
Noes	:	None
Absent	:	None
Recused	:	Brand

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 23, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin
Ashley Swearengin, Mayor

Date: 1/22/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	