



RESOLUTION NO. 2009-265

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING A POLICY TO DEFER PAYMENT OF CITYWIDE DEVELOPMENT IMPACT FEES FOR FIRE, POLICE, PARKS, MAJOR STREETS AND TRAFFIC SIGNALS IN THE DOWNTOWN PRIORITY AREAS

WHEREAS, the City desires to provide incentives to facilitate downtown development and revitalization; and,

WHEREAS, the City has developed a map of Downtown Priority Areas within which the incentives are desired; and,

WHEREAS, the recommended Downtown Priority Areas represent the historic commercial core of our City and an area identified as key to the success of downtown revitalization; and,

WHEREAS, concentrating development in this limited area will have a larger visible impact on downtown revitalization than development that is not concentrated in this limited area; and,

WHEREAS, the current economic recession and the resulting slowdown has created cash flow issues for the residential, commercial and industrial sectors of the development community, which have made it more difficult to finance development projects; and,

WHEREAS, the City has adopted various development impact fees ("impact fees") to mitigate the impacts of new development and to fund infrastructure to serve new development, including parks, fire stations, police substations, street improvements and traffic signals; and,

WHEREAS, these impact fees are currently due at time of building permit, date of final inspection, or issuance of the certificate of occupancy, depending on the specific fee and the land use type; and,

WHEREAS, allowing these impact fees to be paid under four equal payments, each amounting to 25 percent of the total fee, at three, four, five and six years from the date the City issues the

Adopted 12/17/09
Approved 12/23/09
Effective 12/23/09

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certificate of occupancy, would provide an incentive to development within the Downtown Priority Areas by lessening the amount to be financed prior to building permit or occupancy; and,

WHEREAS, the City desires to provide these incentives for a limited period of time, specifically for development projects with complete entitlement applications filed prior to June 30, 2011 and that obtain building permits to construct the development projects between December 17, 2009 and June 30, 2012.

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

1. Payment of Citywide Park Facility Impact Fees, Citywide Fire Facility Impact Fees, Citywide Police Facility Impact Fees, Citywide Major Street Impact Fees and Citywide Traffic Signal Mitigation Impact Fees shall be deferred to four equal payments due at three, four, five and six years from the date of issuance of the certificate of occupancy on development projects located within the Downtown Priority Areas as shown on Attachment "A", for any parcel located within Priority Areas 0, 1 or 2, upon execution of a Fee Deferral Covenant by the developer. Each of the four equal payments shall amount to 25 percent of the development impact fees due for the development project.
2. Notwithstanding Section 1, any deferred development impact fees will be due and payable in full by the developer prior to any sale or transfer of title to the affected real property as set forth in the Fee Deferral Covenant in accordance with the Mitigation Fee Act (Gov. Code §§66000 et seq.).
3. The Public Works Director or City Engineer is authorized to execute the Fee Deferral Covenant on behalf of the City and to include language as necessary to provide for future ability to prorate the deferred fees to individual lots should the developer elect to subdivide the property through a



parcel map or subdivision map, or to require the portion of the deferred fees be paid in the event of a lot line adjustment that transfers only a portion of the property to another party.

4. The Fee Deferral Covenant shall be approved as to form by the City Attorney, contain a legal description of the affected property, and shall be recorded in the office of the Fresno County Recorder.

5. The Fee Deferral Covenant from the date of recordation shall constitute a lien against the property for payment of the outstanding fees..

6. The Public Works Director or City Engineer is authorized to record a release of the obligation upon proof that the Covenanter has fully complied with the terms of the Covenant and paid the deferred fees in full.

7. The incentives provided for by this resolution shall be limited to development projects with complete entitlement applications filed prior to June 30, 2011, and that obtain building permits between December 17, 2009 and June 30, 2012.



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 17th day of December, 2009.

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

Mayor Approval: December 23, 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 Tei Yukimoto
Tei Yukimoto, Senior Deputy

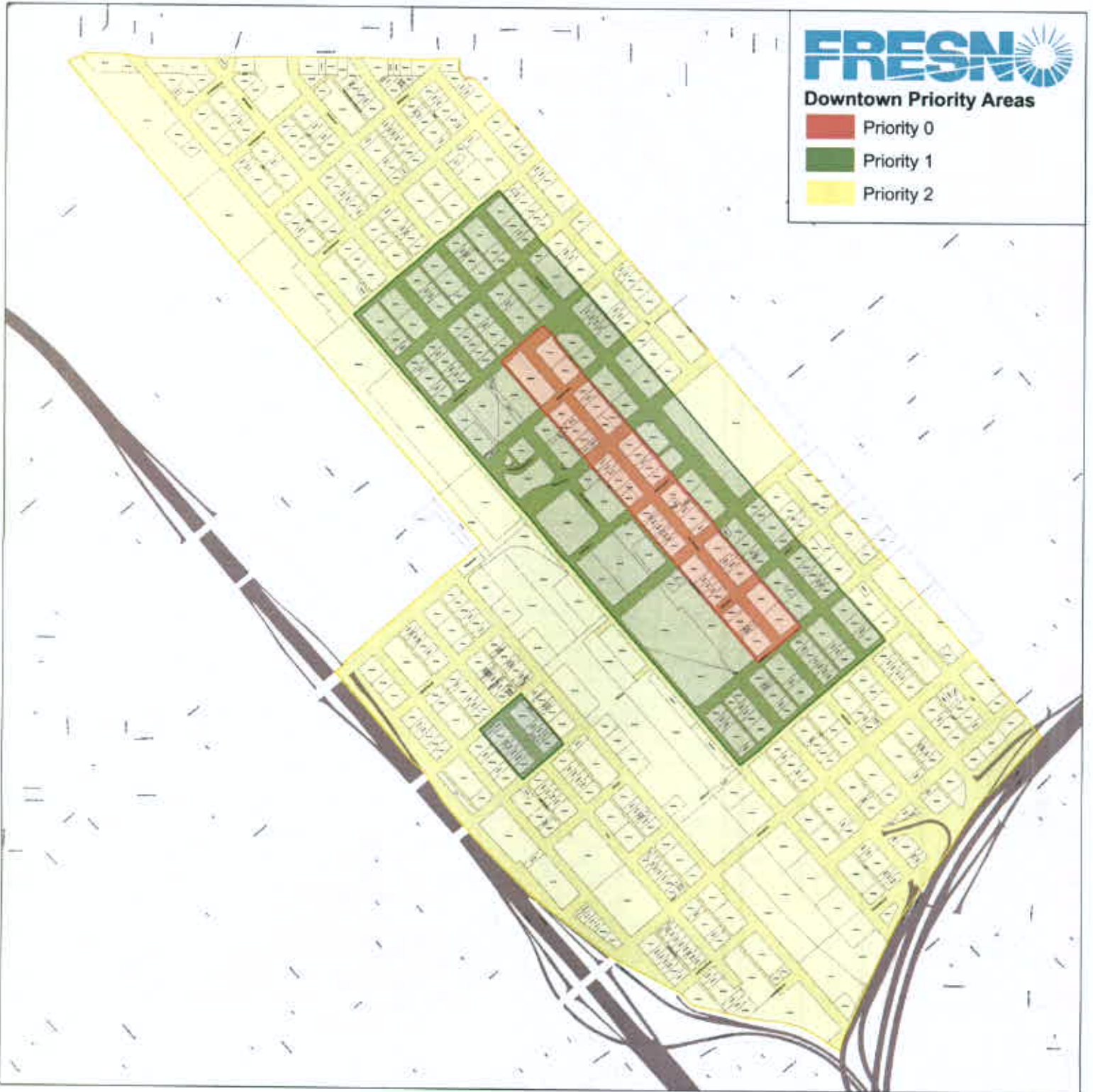
Date: 12/10/09



FRESNO

Downtown Priority Areas

- Priority 0
- Priority 1
- Priority 2



December 18, 2009

Council Adoption: 12/17/09

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

FROM: REBECCA E. KLISCH, CMC
City Clerk

pek 2009 DEC 23 PM 4:17

CITY CLERK, FRESNO CA



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/17/09, Council adopted the attached Resolution No. 2009-265 entitled **Adptng policy to defer payment of Citywide development impact fees for Fire, Police, Parks, major streets & traffic signals in downtown priority areas**, Item No. 9:15 a.m. - B, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None
Abstain	:	None

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 4, 2010. 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: 12/23/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: