City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 5-07-14

APPROVED BY

JENNIFER K. CLARK, AICP
DEPARTMENT DIRECTOR

May 7, 2014

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division

THROUGH: TIMOTHY HENRY, Deputy Chief
Fresno Fire Department

BY: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division

SUBJECT: CONSIDERATION OF TEXT AMENDMENT APPLICATION NO. TA-14-002 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. TA-14-002 RELATING TO FIRE DEPARTMENT RUNNING DISTANCE AND RESPONSE TIME

RECOMMENDATION

The appropriateness of the proposed text amendment has been examined pursuant to Section 12-402, and the Director has determined that the proposed text amendment is consistent with the goals and policies in the 2025 Fresno General Plan. Therefore, staff recommends the Planning Commission take the following actions:

1. **RECOMMEND APPROVAL to the City Council** that Environmental Assessment No. TA-14-002 be adopted for the project, which finds that pursuant to CEQA Guidelines section 15061(b)(3), there is no possibility that this project may have a significant effect on the environment.

2. **RECOMMEND APPROVAL to the City Council** that Text Amendment No. TA-14-002, amending Section 12-4.508-E of the Fresno Municipal Code, be adopted.

EXECUTIVE SUMMARY

Text Amendment No. TA-14-002 (see Attachment A) was initiated by the Director of the Development and Resource Management Department and proposes to amend Section 12-4.508-E relating to UGM Fire Stations/UGM Development Restrictions. The text amendment would allow the Fire Chief to determine that the Fire Department's physical response time is equivalent to running distance. This is now necessary because more tools are available to estimate response time and doing so would maximize the use of existing fire stations.

Currently, the Fresno Municipal Code (FMC) requires that in all UGM areas, no commercial development is 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. Running distance is defined as "the actual distance which must be traveled over public streets or rights-or-way from a fire station to reach the scene of a fire incident (FMC Section 12.4.501.5-G)." The Development and Resource Management Director is currently allowed to grant a temporary waiver from this requirement when the Fire Chief finds that certain conditions apply. The text amendment would add another basis for the granting of the waiver if the physical response time is equivalent to the industry standard response time of the three mile running distance.

BORDERING PROPERTY INFORMATION

City-wide application.

ENVIRONMENTAL FINDING

The State Guidelines for the implementation of the California Environmental Quality Act provide for the exemption of projects which will clearly have no significant effect on the environment. More specifically, Section 15061(b) (3) of the State CEQA Guidelines states:

> "...CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

It has been determined that there is no possibility of significant adverse effects as a result of this proposal (see Attachment B).

PUBLIC NOTICE AND INPUT

In accordance with Fresno Municipal Code Section 12-402-B, a notice of public hearing was published in the Fresno Bee on April 27, 2014, 10 days prior to the Planning Commission hearing date. No comments have been received by staff.

The Airport Land Use Commission reviewed the text amendment on April 7, 2014 and found it consistent with the airport land use plans within the City of Fresno.

Council District Committee 4 and 6 recommended approval of the text amendment. Council District 3 made no comment. The remaining committees are in the process of reviewing the text amendment and their recommendations will be forwarded at the Planning Commission meeting.

BACKGROUND/ANALYSIS

The FMC currently requires all new commercial construction to be within a three mile running distance from a fire station to allow for appropriate response times. Industry recognizes a three mile running distance as a four minute average response time.

There are geographical areas near the city limits that are within three driving miles of a fire station, but exceed the four minute response time because of road conditions and traffic patterns. There are also areas that are within four minutes driving time, but outside the three mile running distance from the closest fire station.

Physical response time is the actual time it takes a fire apparatus, while responding with emergency lights and sirens, from the fire station to the ending point, which is four minutes of driving time in all directions from the fire station. This standard would be equivalent to the three mile running distance from the fire station as defined in the FMC. The intent of the proposed change is to allow the Fire Chief to take into consideration the use of freeways and other expressways that may allow a fire apparatus to extend the running distance, thus maximizing the use of existing fire stations and ensuring that new development is not conditioned with construction of new fire stations if the property is within the four minute response time.

The attached map shows the areas within and around the city that would be served by the three mile running distance and the four mile response time (see Attachment C).

2025 Fresno General Plan Objectives and Policies

Objective E-25 of the Public Facilities Element states:

Ensure that fire protection, emergency medical and all emergency services are provided in an adequate, efficient and cost effective manner.

Policy E-25-a further states:

Utilize the procedures and criteria contained within the Urban Growth Management Policy and Ordinance to provide an equitable means through which the provision of fire service can be addressed throughout the UGM area including the planned North and Southeast Growth Areas.

Staff believes that the proposed amendment is consistent with the above objective and policy, as it would appropriately increase the areas of the urban area that can be adequately served by existing fire stations, thereby increasing the efficient provision of city services.

Conclusion

Staff believes that the proposed text amendment is in the best interest of the City of Fresno. and supports Text amendment No. TA-14-002 as proposed in the attached Ordinance.

Attachments:

A: Text Amendment No. TA-14-002
B. Environmental Assessment No. EA-14-015 dated May 1, 2014
C: UGM Fire Station Response Map

Attachment A
Text Amendment No. TA-14-002

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

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

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

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

(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.

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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.

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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 _____, 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, Deputy
Dated:

TKB:cg[63703cg/ORD]1/6/14

Attachment B
Environmental Assessment No. EA-14-015

CITY OF FRESNO
ENVIRONMENTAL FINDING OF NO POSSIBILITY OF SIGNIFICANT EFFECT
ENVIRONMENTAL ASSESSMENT NO. EA-14-015

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO HAVE NO SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 5 OF THE STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

APPLICANT: City of Fresno
Development and Resource Management Department
2600 Fresno Street, Third Floor Rm 3076
Fresno, CA 93721-2760

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: Text Amendment No. TA-14-002 proposes to amend Section 12-4.508-E relating to UGM Fire Stations/UGM Development Restrictions. The text amendment would allow the Fire Chief to determine if the Fire Department's physical response time is equivalent to running distance. This is now necessary because more tools are available to estimate response time.

This project is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: In accordance with section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the project has been determined not to be subject to the requirements of CEQA as City staff can state with certainty that there is no possibility that the adoption of the proposed text amendment may have a significant adverse effect on the environment.

Currently, the Fresno Municipal Code (FMC) requires that in all UGM areas, no commercial development is 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. Running distance is defined as "the actual distance which must be traveled over public streets or rights-or-way from a fire station to reach the scene of a fire incident (FMC Section 12.4.501.5-G)."

The Development and Resource Management Director is currently allowed to grant a temporary waiver from this requirement when the Fire Chief finds that certain conditions apply. The text amendment would add another basis for the granting of the waiver if the physical response time is equivalent to the industry standard response time of the three mile running distance (four minutes). The proposed text amendment provides flexibility to determine that new commercial development would not require construction of a new fire station if such development was within a four minute response time of an existing fire station. The result is better utilization of the city's existing facilities without compromising level of service. The 2025 Fresno General Plan Policy E-26-b calls for an average response time of not more than five minutes for all emergency requests for service within the metropolitan area.

The proposed text amendment would not interfere with an emergency response plan. In addition, the text amendment may result in reduction of environmental impacts that may have been caused by the construction of additional fire stations.

The proposed text amendment is consistent with the goals of the 2025 Fresno General Plan.

Date: May 1, 2014

Prepared By: Sophia Pagoulatos
Supervising Planner

Submitted By:

Sophia Pagoulatos
Supervising Planner
City of Fresno
Development and Resource Management Department
(559) 621-8062

Attachment C
UGM Fire Station Response Map

re Station Response Map

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ur Minutes from Fire Station

ree Miles from Fire Station

y of Fresno Sphere of Influence

y of Fresno Fire Station

CFPD Fire Station

y of Clovis Fire Station

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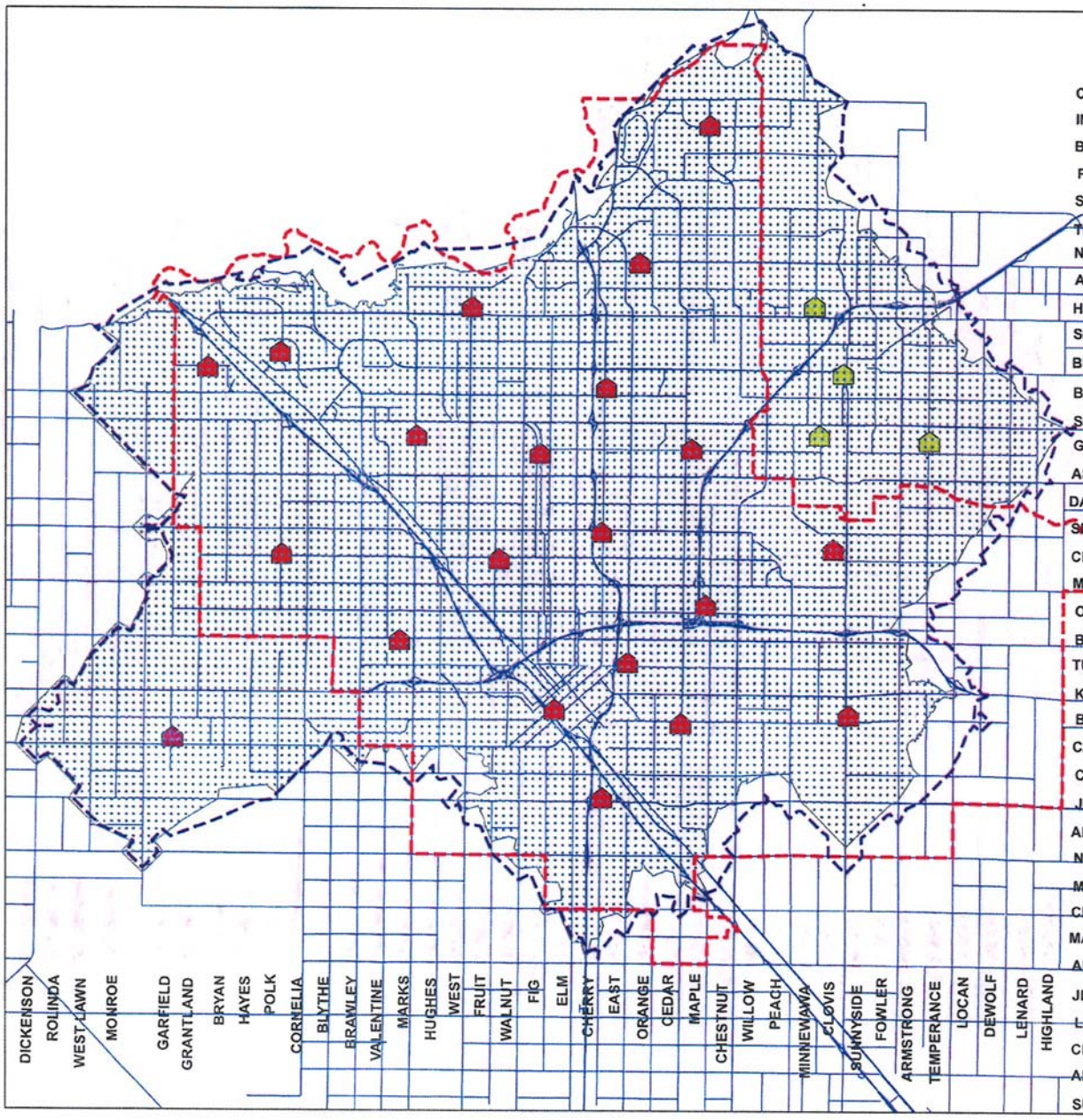

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