



BILL NO. B-7

ORDINANCE NO. 2022-008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADDING ARTICLE 22 TO CHAPTER 12 OF THE FRESNO MUNICIPAL CODE TO ALLOW AT-RISK DEVELOPMENT.

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

SECTION 1. Article 22 is added to Chapter 12 the Fresno Municipal Code to read:

ARTICLE 22

AT-RISK DEVELOPMENT

- Section 12-2201. ~~[At Risk Defined.]Authority to Issue At-Risk Permits.~~
- 12-2202. ~~[Authority to Issue At-Risk Permits.]Conditions of Issuance.~~
- 12-2203. ~~[Conditions of Issuance.]Holder to Proceed at Its Own Risk~~
- 12-2204. ~~[Holder to Proceed at Its Own Risk.]Rules and Regulations.~~
- 12-2205. Rules and Regulations
- 12-2206. One Year Review

[SECTION 12-2201. At Risk Defined. At-Risk” shall be defined as construction up to and including wall and roof framing.]

SECTION 12-220~~[2]~~4. AUTHORITY TO ISSUE AT-RISK PERMITS. For residential, commercial, and industrial projects, after receipt of “first round” comments regarding any infrastructure improvement plans (including grading plans), and a finding the infrastructure improvement plans are substantially acceptable, or submittal of a completed application for a building permit, the appropriate official, and/or building official, is authorized to issue an “at-risk” permit for grading, sewer, water, dry utilities, buildings and structures (including model



and production homes before the relevant construction documents have been finally approved, and before the final map records. For the purpose of this article, a model home shall be a home without an identified buyer constructed for marketing purposes to show the design, structure and appearance of units in a development. A production home is a home without an identified buyer built on speculation that shall not be sold, leased, financed, or offered for sale until a final map records

SECTION 12-220[3]2. CONDITIONS OF ISSUANCE. An applicant must pay required application and inspection fees and charges, and provide evidence of required insurance and compliance with all conditions of third party agencies (including but not limited to Pacific Gas and Electric Company, Fresno Metropolitan Flood Control District, San Joaquin Valley Air Pollution Control District, and similar agencies), all as a condition precedent to issuance of an "at-risk" permit. Up to twenty-five (25) "at-risk" permits for buildings and structures (including model and production homes) may be granted per tract, provided appropriate Fire Department approval is granted. [An additional twenty-five "At-Risk" permits may be granted by the Planning and Development Director provided that Fire approval is granted and the respective Final Map for the subdivision is submitted and deemed technically correct by the Public Works Department.]

Upon issuance of an At Risk Permit, applicants shall respond within 30 days to plan review comments through the submittal of revised plans until the At Risk Permit is converted to a formal permit, or the At Risk Permit could be revoked. Two additional 30 days extensions may be granted by the Building Official.]



SECTION 12-220[4]3. **HOLDER TO PROCEED AT ITS OWN RISK.** The holder of such "at-risk" permit shall proceed at the holder's own risk, including all risk of liability, and without assurance that a notice of acceptance of infrastructure improvements will be recorded, or that a certificate of occupancy for a building or structure will be granted. The holder must receive all necessary inspections during the course of "at-risk" construction. Corrections or modifications in work performed may be required to meet the requirements of the technical codes and final approved plans. Occupancy will not be permitted until all plans are approved, all conditions of approval required for occupancy are met, and the final map, if required for the property, is recorded.

SECTION 12-220[5]4. **RULES AND REGULATIONS.** The Development and Resource Management Department may set forth additional policies and procedures for the issuance of "at-risk" permits consistent with and to carry out the intent of this article. Any additional policy or procedure issued pursuant hereto shall be approved by the Council.

SECTION 12-220[6]5. **ONE YEAR REVIEW.** The operation of this article shall be reviewed by the Council within one (1) year of its effective date. The City Manager shall provide a report to the Council with findings and recommendations.

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, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 28<sup>th</sup> Day of April, 2022.


AYES :Soria, Arias, Maxwell, Bredefeld, Esparza  
NOES :None  
ABSENT :Karbassi, Chavez  
ABSTAIN :None

Mayor Approval: May 6<sup>th</sup> 2022  
Mayor Approval/No Return: N/A 2022  
Mayor Veto: N/A 2022  
Council Override Veto: N/A 2022

TODD STERMER, CMC  
City Clerk

BY:  5-9-2022  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By:  5/9/22  
Kristi Costa Date  
Senior Deputy City Attorney



April 29, 2022

Council Adoption: 04/28/2022  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: JERRY DYER  
FROM: TODD STERMER, CMC  
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of April 28, 2022 Council adopted the attached Bill No. B-7, Ordinance No. 2022-008, entitled **\*\*\*BILL B-7 -(Intro'd 4/21/2022) (For Adoption) - Amending Article 22 of Chapter 12 of the Fresno Municipal Code, relating to At-Risk Development (Subject to Mayor's Veto).** Item 1-S, File ID 22-675, by the following vote:

Ayes : Soria, Arias, Maxwell, Bredefeld, Esparza  
Noes : None  
Absent : Karbassi, Chavez  
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 May 9, 2022. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> 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.

**APPROVED /NO RETURN:** \_\_\_\_\_

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

Jerry Dyer, Mayor

**COUNCIL OVERRIDE ACTION:**

Ayes :  
Noes :  
Absent :  
Abstain :

Date: 5/5/22

Date: \_\_\_\_\_

RECEIVED  
2022 MAY -6 P 1:21  
CITY OF FRESNO  
CITY CLERK'S OFFICE