

RECEIVED

2016 MAY 10 AM 8 22

Agenda Item: ID16-543 (2-C)

Date: 5/12/16

CITY CLERK, FRESNO, CA

## FRESNO CITY COUNCIL



### Supplemental Information Packet

Agenda Related Item(s) – ID16-543 (2-C)

**Contents of Supplement: Letter from Patience Milrod**  
**Item(s)**

Attached please find a Supplement to File ID16-543 (2-C). The title of the item is as follows:

**RESOLUTION - Adopting the Analysis of Impediments to Fair Housing Choice; approving submission to the U.S. Department of Housing and Urban Development (HUD); and authorizing the City Manager to sign all implementing documents required by HUD approved as to form by the City Attorney.**

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RECEIVED

May 9, 2016  
MAY 10 AM 8 21

CITY CLERK, FRESNO CA

Jennifer Clark, Director  
Department of Development and Resource Management

by email to: [Jennifer.Clark@fresno.gov](mailto:Jennifer.Clark@fresno.gov), [Cindy.Bruer@fresno.gov](mailto:Cindy.Bruer@fresno.gov), [District1@fresno.gov](mailto:District1@fresno.gov),  
[District2@fresno.gov](mailto:District2@fresno.gov), [District3@fresno.gov](mailto:District3@fresno.gov), [District4@fresno.gov](mailto:District4@fresno.gov), [District5@fresno.gov](mailto:District5@fresno.gov),  
[District6@fresno.gov](mailto:District6@fresno.gov), [District7@fresno.gov](mailto:District7@fresno.gov)

RE: 2016 Draft Analysis of Impediments

Dear Ms. Clark:

I write to provide a few comments on the City's 2016 Analysis of Impediments to Fair Housing Choice.

As you may recall, CCLS attorney Marcos Segura and I wrote to you in February (copy attached), during the early stages of your consultant's work on the Analysis of Impediments. That letter followed, and raised many of the same issues, from our January 19 meeting, also attended by Luisa Medina, Joe Trujillo, and two members of the City Attorney's staff. We'd wanted to give early warning of looming obstacles to a valid and useful Analysis of Impediments – so that you and your consultant would have time to course-correct. Alas, to no avail.

So the final product is indeed inadequate in many of the ways we had feared: failing to secure adequate public input; failing to call out City-perpetuated structural impediments to fair housing choice; and, crucially, failing to analyze the disparate impacts of the City's own administrative and entitlement decisions.

#### **"Public Involvement"**

As our February letter predicted (pages 3-4), the consultant bent the poorly drafted survey tool to purposes it was never intended to serve. Resulting participation: 7 (*seven*) respondents. Resulting data: apparently 0 (zero) – the tables purporting to report the responses are empty of data, and Appendix B (AI p.161), where it's all supposed to be collected, is likewise vacant, except for the (unfulfilled) promise "To be included in future drafts of the Analysis of Impediments." (Not that data from seven respondents could possibly be of any use whatsoever. But still – your consultants ought to have finished their work before it goes to Council, and definitely before they bill us all for it.)

Though they confess to the miserable survey response, the consultants do not mention the similarly miserable turnout at the "Fair Housing Forums." The Forum that I attended included one non-advocate community member and her two small children; the other 5 or 6 of us were The Usual Suspects. I heard from attendees at other forums that attendance there was also small. These poor results follow logically from the poorly organized and last-minute effort to accomplish public input that was apparently never integral or essential to the project.

Jennifer Clark  
Comments re: 2016 Analysis of Impediments  
May 9, 2016  
page 2

Unfortunately, bringing the AI to the Housing and Community Development Commission the evening before the City Council hearing – precluding a substantive written staff report conveying the Commissioners’ input to the City Council – is an inadequate substitute for real community involvement in the process. Finally, the City Council hearing itself is scheduled for mid-morning, after the Council President denied a request for a 5 p.m. setting to permit working members of the public to attend.

### **City-perpetuated impediments to fair housing choice**

#### **Housing Element**

The newly-adopted Housing Element is a structural contributor to segregated housing in the City of Fresno: it maps out future housing development along the same large-lots-in-the-north/density-in-the-south pattern that has been the rule for decades. Although the Housing Element calls for distribution of some less-dense/higher-income housing in the south part of the City, it fails to provide practical, enforceable measures to finance or otherwise incentivize such development. More problematically, the Housing Element preserves (for example) the almost entirely higher income enclave in northeast neighborhoods.

The AI’s maps clearly show the racially segregating impact of these allocations, but the AI text mentions the Housing Element’s proposed programs without calling out the Housing Element parcel inventory as itself being a barrier.

#### **Entitlement decisions**

The City’s entitlement grants over the past decade or so have persistently privileged above-moderate income housing, and have all but completely failed to incentivize, or otherwise to ensure, housing built for Fresnoans with moderate incomes and below.

The Analysis of Impediments fails to call out this structural barrier to fair housing, let alone provide some Actions or Measurable Objectives to correct this practice.

#### **Lack of coherent affordable housing policy**

The Analysis of Impediments does identify various ways in which the City of Fresno could begin to organize an achievable housing policy – one that meets the needs of all Fresnoans for safe, healthy and affordable housing in neighborhoods of opportunity.

But this AI is deeply flawed as a mechanism for accomplishing that aim. Such Actions and Measurable Objectives as the Analysis of Impediments does identify are untethered to deadlines, or to any analysis of the resources required to achieve them, or to any particular department or administrative function. It’s hard to say they’re even aspirational: in their current form, they are meaningless.

In a city where almost 50% of renters are paying more than 30% of their

Jennifer Clark  
Comments re: 2016 Analysis of Impediments  
May 9, 2016  
page 3

income for housing, the City's failure to adopt an actual *plan* – with deliverables and timelines and accountability processes – to protect and increase the affordable housing stock is at best a dereliction of duty.

Last summer, several of us met with administrative staff to propose that the City economize on consulting fees, and maximize the utility of consultants' analysis, by combining the Housing Element and Analysis of Impediments processes. These analyses should have informed each other, and could have contributed substantially to the coherent housing policy this City so desperately needs. In the event, none of that has occurred. We see part of the result in this Analysis of Impediments.

Thanking you for your consideration of these comments, I remain,

Very truly yours,

PATIENCE MILROD

#### Attachment

cc: Jeff Jackson, by email to [Jeff.Jackson@hud.gov](mailto:Jeff.Jackson@hud.gov)  
Adriana Windham, by email to [Adriana.N.Windham@hud.gov](mailto:Adriana.N.Windham@hud.gov)  
Marcos Segura, by email to [msegura@centralcallegal.org](mailto:msegura@centralcallegal.org)  
Ashley Werner, by email to [awerner@leadershipcounsel.org](mailto:awerner@leadershipcounsel.org)

Patience Milrod  
844 N. Van Ness Ave.  
Fresno, CA 93728  
[pm@patienceilrod.com](mailto:pm@patienceilrod.com)

Marcos Segura  
Central California Legal Services  
2115 Kern Street, Suite 1  
Fresno, CA 93721  
[msegura@centralcallegal.org](mailto:msegura@centralcallegal.org)

February 26, 2016

Sophia Pagoulatos  
Supervising Planner  
[Sophiap@fresno.gov](mailto:Sophiap@fresno.gov)

RE: Analysis of Impediments – Preliminary Comments re: Process

We write at this early stage of your consultants' work on the Analysis of Impediments (AI) in order to highlight some of its readily discernible deficits, trusting that you and WES will work together to correct course. What follow are proposals to ensure a high quality AI that performs a meaningful and useful function for this City, rather than mere compliance in checking certain boxes for the benefit of HUD.

In the city of Fresno, the most significant impediment to fair housing is the fundamentally segregated nature of the city's existing housing inventory – by race, ethnicity and economic class. WES's maps call this out quite clearly.

Fair housing change will require two types of effort by the City of Fresno: 1) ensuring different housing availability across the city, to allow people to choose to live in neighborhoods that have different balances of race and ethnicity; and 2) ensuring that existing neighborhoods in South Fresno and Pinedale are also Neighborhoods of Opportunity, in that they enjoy at least the same levels of amenities, and the same quality of infrastructure, as more-recently built and more affluent neighborhoods in North Fresno. Any serious Analysis of Impediments to fair housing must scrupulously examine how the City is going to accomplish these objectives.

Toward these ends, we respectfully submit the following comments.

- 1) It is unclear from the scope of work, and the presentation at the Fair Housing Forum we attended (also attended by Housing Authority staff), whether the Housing Authority (HA) is actively involved as a partner in preparing this AI. Since the HA is an essential execution partner for any actions the City may take to overcome our many impediments to fair housing here, we

strongly urge the City to do whatever may be necessary to bring the HA into this AI effort.

2) As its proposed scope of work promised (see attached Response to Bid (RTB), Task 4), WES must actually obtain pertinent data, and analyze without fear or favor, whether and to what extent the following matters constitute impediments to fair housing in the City of Fresno:

a. Land use codes and zoning. These must include but are not limited to:

- i. Zoned densities which effectively ensure new housing will exacerbate the already-existing racial and ethnic segregation that defines the landscape of this city. (E.g., see attached Housing Element draft, Appendix B – which needs to be sorted and *mapped* by affordability/density.)
- ii. Locations of residential vs. industrial uses – often virtually co-located in neighborhoods in the southern parts of the city, and thus far distant from homes in the north part of town. The City Council approved an Industrial Compatibility Study in the 2015-2016 budget. WES must obtain and use the data and analysis from this study in analyzing land use codes and zoning for Fresno’s new AI.

b. Public policy practices. These must include but are not limited to:

- i. Official City Council repudiation of inclusionary housing as a City policy\* – arguably unlawful under California law, but in any event certainly a signal from this City’s legislative body that it does not believe it has an obligation to remove impediments to fair housing.
- ii. Massive oversupply of above-moderate income housing (Table B, City of Fresno 2014 Housing Element Annual Progress Report, attached).
- iii. Extraordinary shortage of housing for residents with moderate (or lower) incomes (Table B, City of Fresno 2014 Housing Element Annual Progress Report, attached).
- iv. Inadequate systems for preserving low-income units (code

---

\* “Councilmember Brandau motioned to add section 15-2201-H regarding inclusionary zoning as follows: ‘Nothing in this Article shall be construed as a provision for inclusionary zoning where an applicant is required to provide housing affordable to moderate, low and very low income households as a condition of approval for a residential development. Furthermore, the Council shall not adopt a provision for inclusionary zoning, as described above, unless and until the Fresno General Plan adopted in December 2014 is updated and superseded by a new General Plan.’ The motion was seconded by Councilmember Brand and passed by a vote of 4 to 2 with President Baines and Councilmember Soria voting ‘no’ and Councilmember Quintero absent.” City of Fresno, Meeting Minutes – Final, November 19, 2015, pp. 16-17, attached.

enforcement failures, fires in abandoned buildings, deterioration to the point of tear-down – again, conditions almost exclusively found in south Fresno); e.g., the Fresno Fire Department can readily provide documentation of the steep increases in abandoned-house fires in the city over the past 5 years.

- v. Lack of consistent City action toward ensuring housing for homeless residents.
- vi. Differential allocations of infrastructure and public works maintenance dollars, reflected in readily-observable differences in the condition of streets, sidewalks, streetlights, parks, etc.
- c. Neighborhood attitudes; this must include but is not limited to:
  - i. Historical and recent NIMBY-esque public resistance, including lawsuits, attempting to prevent multi-family housing in the north part of Fresno.
  - ii. City councilmembers' "defense" of their own Districts' neighborhoods from the mission the AI is intended to accomplish, including public comments by Lee Brand and Steve Brandau (whose districts lie in north Fresno) that refer to HUD's Affirmatively Furthering rule as "social engineering." (Fresno Bee article, attached.)

3) WES also promises to promote citizen participation (RTB, Task 5). If this is a serious goal, we look forward to seeing the following:

- a. Proper use of survey tools
  - i. The survey WES describes in its scope of work (RTB, p. 4) is intended to "target[] experts in the housing field, which will allow substantive information to be collected on perceptions of laws; regulations; and both public and private policies, practices, and procedures affecting housing choice." Setting aside whether a survey is the logical way to collect this information, the survey instrument distributed at the Fair Housing Forums is extremely poorly designed and unlikely to yield usable information, let alone reliable data (e.g.: compound questions requiring a yes/no answer; qualitative questions with only quantitative answer options; etc.).
  - ii. As bad as the survey tool is, even for experts in the housing field, it is completely inadequate and impossible for ordinary, non-expert residents. Nevertheless, DARM has expressed an intention to distribute it widely to the public through community groups, the Housing Authority, and other outlets – as if it could possibly collect data from these respondents that would be useful in an AI!
- b. Dissemination of surveys to appropriate audiences

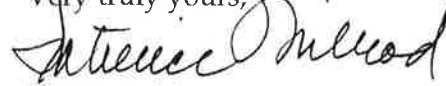
- i. Assuming WES does develop a survey tool adequate to elicit information from *non-expert* community members, WES will then need to partner with organizations and institutions that have both wide and deep reach, such as Building Healthy Communities (and its member partners), Building Neighborhood Capacity, and the Southwest Fresno Specific Plan Citizens Advisory Committee.
    - ii. Because NIMBY-ism is prevalent in Fresno's predominantly white neighborhoods, and because city councilmembers overtly and actively support such an attitude, it will be essential to survey residents of affluent north-Fresno neighborhoods about their level of information about fair housing and mechanisms for achieving it, their attitudes, and their desires. Ideally, such a survey will also have an educational component, and can begin to be part of the corrective process HUD and the AI anticipate.
  - c. Public meetings
    - i. The "Fair Housing Forums" were dismally attended, at least in part because the noticing was at the very last minute, and inadequately disseminated. Of course this is no way to solicit public input if you're serious about it. We trust there will be additional public meetings, and that they will be noticed well in advance, using multiple media (for example, flyers sent home from schools; newspaper advertising in many types of publications, including the California Advocate and Vida en El Valle; PSAs on television and radio, using multiple outlets such as Radio Bilingüe).
    - ii. In addition, engagement and collaboration with organizations based in and trusted by the community is key to getting the word out, and bringing attendance to some reasonable level.
    - iii. Results of public meetings—comments, input, *and* responses—need to be posted and available on line, with links widely disseminated. Otherwise, the public engagement process looks like a mere exercise rather than an honest attempt to learn, and to respond to, community members' concerns.
  - d. Records of public engagement efforts
    - i. How is the City requiring a showing of diverse populations participating? This doesn't appear in the contract, or in WES's scope of work. Please provide whatever guidance the City has given WES in this respect.
    - ii. What records regarding participation of diverse populations is WES keeping? Is the City maintaining any kind of records to document that its AI is meeting this requirement?




Pursuant to our meeting with Jennifer and José Trujillo on January 19, we have provided suggestions about CBOs that might participate with WES in ensuring adequate community engagement in this process, and we will continue to assist in any way within our power. We do rely, however, on the City and its consultant to develop a set of tools, and to deploy them, in a manner that ensures serious efforts to obtain a wide range of input from the public, development of good-quality data, rigorous analysis of that data, and thoughtful proposals for concrete actions that will begin to remove the many impediments to fair housing – including structural inequities and systemic racial prejudice – with which Fresno has struggled for over 150 years.

Thanking you for your kind attention to these matters, we remain,

Very truly yours,



PATIENCE MILROD



MARCOS SEGURA

Central California Legal Services

#### Attachments

- WES Response to Bid
- City of Fresno 2014 Housing Element Annual Progress Report
- City of Fresno Housing Element Appx B DRAFT
- City of Fresno, Meeting Minutes – Final, November 19, 2015
- 15.07.25 fresnobee.com – *Public policy vs private property: Housing fight looms in Fresno*

cc: District 1 Chief of Staff, Terry Cox  
District 3 Chief of Staff, Greg Barfield  
Jeff Jackson, HUD  
Adriana Windham, HUD  
Ashley Werner, Leadership Counsel for Justice and Accountability

**Exhibit A**

**SCOPE OF SERVICES**

**Consultant Service Agreement between City of Fresno ("City")  
and Western Economic Services, LLC. ("Consultant")**

Analysis of Impediments to Fair Housing  
PROJECT TITLE

See Attached

## I. WES Program Management Approach

---

### A. Overview of WES Approach and Work Plan

---

Western Economic Services, LLC (WES) recommends that the development of the AI for the City of Fresno unfold in four phases. WES will be 100 percent involved and will not be using any subcontractors for this project. It will be organized, as follows:


**Phase I – Orientation** entails an Orientation Meeting, with WES receiving applicable documents and project data files from the City, WES working with representatives of the City to better define the project parameters based on affirmed needs and expectations, and WES and the City developing a firm understanding of the process and deliverables. WES and the City will discuss the California protected classes, including race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin/ancestry, familial status (households with children under age 18), source of income, disability, genetic information and/or retaliation for protesting illegal discrimination. Completion of Phase I will ensure a solid and direct start to the project.

**Phase II – Data Collection** consists of the collection of Socio-economic and housing data from the U.S. Census Bureau, employment data from the U.S. Bureau of Labor Statistics, economic data from the U.S. Bureau of Economic Analysis, the location of poverty and LIPH, other public housing location, HUD Multi-family housing, Low Income Housing Tax Credit units, and Housing Choice Vouchers, as derived from City and PHA records, investment data from the Community Reinvestment Act, home loan application data from the Home Mortgage Disclosure Act, as it relates to denial rates and High Annual Percentage Rate Loans (HALs), and housing complaint data from HUD and local agencies, including all relevant existing fair housing research and fair housing law cases from the City of Fresno.

An AI should not be created in a vacuum, void of public participation; it is critical to receive citizen and stakeholder involvement throughout the City. WES proposes several ways to obtain such public input. The first is **Option I - The 2016 Fair Housing Survey**, an online questionnaire of citizens and stakeholders, including real estate agents, lenders, property managers, fair housing advocates, representatives of migrant communities, special needs service providers, community activists, the legal community, and other interested parties. The second is **Option II – Interviews with 50 Community Members**, which represents a telephone survey of 50 interested community representatives. The third is **Option III – Three Focus Groups**, a set of gatherings of experts within the for-sale residential real estate, the rental markets, and public land use planning sectors designed to elicit commentary about the fair housing challenges and methods to overcome such challenges seen in each of these three expert communities. These will be held at the City offices in Fresno.

Together, these tasks both broaden and enrich the data collection process by enhancing the qualitative nature of the data, as well as better fulfill the duty to affirmatively further fair housing.

**Phase III – Analysis of Data and Development of Preliminary Findings** involves assimilation and analysis of both quantitative and qualitative data. This includes a depiction of the socio-economic context and disproportionate concentrations of racial and ethnic minorities and low-income populations by Census tract, as well as descriptions of HUD and any other fair housing entities operating in the City. Identification of preliminary findings represents description of prospective impediments to fair housing choice found in City. **Phase III concludes with three Fair Housing Forums**, a public input meeting format designed for community representatives and citizens to learn about the AI as well as affording citizens an opportunity to contribute their perspective and commentary about Fair Housing in City. **These consecutively scheduled meetings will be held in**

 WESTERN ECONOMIC SERVICES, LLC

three physical locations, at least two of which will be in targeted neighborhoods for the CDBG/HOME development work, with at least one in the evening.

**Phase IV – Draft and Final Reports** includes submission of a Draft Report for Internal Review. This document will include the identified impediments and suggested actions to overcome the impediments, as well as objective measurement criteria reflecting the analysis and actions taken. After receipt of comments from the City, WES will incorporate the feedback into the AI report and submit a Draft Report for Public Review. During the public review period, WES will be available to hold formal presentations before the Housing and Community Development Commission (HCDC) and the City Council. Following receipt of comments on the Draft for Public Review, and after the Formal Presentation, WES will submit the final report in both printed and digital formats.

## **B. Summary of Key Work Tasks**

---

WES has designed six methodological tasks in the analysis, evaluation, production, and presentation of the AI. The tasks are described as follows:

**Task 1. Socio-Economic, Housing, and General Community Profile.** WES will examine demographic, income, employment, and housing data depicting the context in which housing choices are made.

- The demographic data will be drawn from Census Bureau data and will compare socio-economic characteristics by Census tract, revealing any prospective racial or ethnic segregation or over concentrations throughout the Fresno metropolitan area. Demographic trends will also be identified.
- Racially Concentrated Areas of Poverty (RCAPs) and Ethnically Concentrated Areas of Poverty (ECAPs) will be identified for Fresno for 2000, 2010, and 2014 and WES will determine if such areas are increasing or decreasing over time.
- WES will assemble the dissimilarity index for the City and determine if this index of minority segregation is growing larger or shrinking over time, using 2000, 2010, and 2014 Census data.
- The income and employment assessment will analyze household incomes, poverty levels, and low-income populations from Census Bureau data as well as the labor force, employment, and unemployment rates from the Bureau of Labor Statistics (BLS), and employment and income data from the Bureau of Economic Analysis (BEA). WES will review the location of employment centers and the residence locational choice made by residents of City, if such employment center data is made available to WES by the City.
- The housing evaluation will include an assessment of household size and overcrowding; housing type, tenure, and vacancy; age of housing; ownership and rental housing costs; and housing affordability, including median rents and values. WES will also examine Housing Choice Vouchers and other assisted or public housing uses to identify any segregation or overconcentration of these housing services in any particular area of the City, if such data are made available to WES by the City.
- WES will include a discussion of any disparate impacts that any of the protected classes are encountering and the degree that such impediments are occurring, particularly as it relates to the availability of affordable housing and the geographic distribution of LIPH and other public assisted affordable housing.
- WES will engage in state-of-the-art ArcGIS mapping to evaluate geographic relationships among the demographic, income, employment, transportation, and housing data, including Section 8 and other assisted housing, if made available to WES. Numerous maps will be

prepared to represent concepts such as racial and income concentration, and assisted housing locations by Census tract within the City.

**Task 2. Status of the City's Fair Housing System.** WES will examine prior and current activities that promote fair housing; review local, state, and federal studies that relate to fair housing; and identify agencies currently providing fair housing programs in the City. This review will cover any Fair Housing Initiative Program (FHIP) grants, fair housing testing, and housing complaints conducted by other agencies, if such data is shared by the agencies, to determine the nature and extent of housing discrimination.

- WES will assess housing complaints filed with HUD, other Fair Housing agencies, and any other local entity engaged in Fair Housing activities in the City, including the Fair Housing Council of Central California (FHC-CC), located in Fresno. This includes the existence of any fair housing suits filed against any entity in the City and any fair housing testing conducted by representatives of the fair housing community, if they are willing to share these data.
- WES will identify and describe fair housing practices and procedures of real estate associations and apartment owners' associations, including through any complaints filed with the State or the City of Fresno.
- WES will assess any prospective inefficiency in the fair housing system through evaluation of fair housing discrimination suits, discriminatory housing practices experienced in the City, and other indicators of fair housing issues.
- WES will examine the existing fair housing infrastructure, including the roles and activities of various agencies, entities, and organizations active in the local fair housing arena in City, and will analyze their effectiveness in providing fair housing services, including the effectiveness of the FHC-CC as it pertains to the City's fair housing complexion.
- In conjunction with results of the optional 2016 Fair Housing Survey, WES will discuss whether a lack of understanding of fair housing law, such as source of income and rental vouchers, or a lack of information regarding where to file a complaint plays a role in the filing of fair housing complaints.

**Task 3. Examination of Private Sector Policies and Practices.** An investigation of private market issues is a key component in evaluating the fair housing arena. These issues include the sale or rental of housing; the provisions of brokerage services, mortgage lending, insurance sales and underwriting; property appraisal; and property management.

- Home mortgage loan application information will also be inspected through Home Mortgage Disclosure Act (HMDA) data assessed by gender, race, and ethnicity by Census tract for both loan denials and loan originations. Geographic maps will be prepared to show this data throughout the City.
- In particular, WES will inspect the geographic distribution of denial rates by race and ethnicity, as well as inspecting High Annual Percentage rate Loans (HALs) in neighborhoods of color, as identified by Census Tract. This will include the source of the loan as well, whether conventional, FHA, or VA loans.
- Insurance sales and underwriting, property appraisal, and property management for both the rental and for-sale markets will be examined through evaluation of recent court cases, housing complaint data, and perspectives gathered from stakeholders in the 2016 Fair Housing Survey, the optional focus groups, and optional outreach committees.
- WES will collect recent case histories of private sector housing providers, as drawn from HUD, the State of California Department of Fair Employment and Housing, the FHC-CC,



and other agencies, to assess the ability and willingness to affirmatively further fair housing by private parties in the City.

- WES will map SBA lending for small businesses by Census tract and size of loan to determine if certain areas of the City are being overlooked by the small business investment community.

**Task 4. Examination of Public Sector Regulations, Ordinances, Policies, and Practices.** WES will prepare an evaluation of public policies and practices that affect the provision of fair housing, including but not limited to public services provision, **planning and zoning laws and decisions**, land use regulations, community development policies and practices, procedures and practices of the local public housing authority, methods used to regulate the residential rental markets, and property tax policies. This review will be conducted through several research activities.

- **If elected by the City**, WES will implement a set of targeted telephone interviews with 50 community representatives to identify their views on fair housing and the duty to affirmatively further fair housing, any prospective impediments in the City, as well as any policies and practices that may adversely affect the fair housing landscape and ways the City enhance the fair housing environment.
- WES will review local studies, including FHC-CC case histories, access to transportation and access to educational opportunity. WES and the City will discuss and define areas of opportunity.
- Public sector-related questions in the 2016 Fair Housing Survey will help to identify fair housing issues within zoning laws; land use policies; and any other public administrative actions, regulations, or practices. The survey will also ask respondents to identify their awareness of barriers that limit access to public services such as public housing, transportation, or employment services.
- WES will evaluate if the lack of affordable housing choice falls disproportionately on selected groups, or protected classes, thereby being identified as an impediment to fair housing choice. This will be conducted with the context of all of the City's affordable housing programs, including the Fresno Public Housing Authority.
- WES will create geographic maps of assisted housing, public housing, and housing choice voucher locations, including the Low Income Public Housing (LIPH) and project based affordable housing of the housing authorities, if provided to WES by the City. WES will compare these to disproportionate concentrations of racial and ethnic minorities and poverty for current residents. Furthermore, WES will determine if these types of housing uses are overly concentrated in particular areas of the City.

**Task 5. Citizen Participation.** WES proposes several sub-tasks that will aid in promoting citizen participation and involvement in the AI development process, including the optional 2016 Fair Housing Survey and the three Fair Housing Forums, or optional Focus Meetings.

- The **optional** 2016 Fair Housing Survey will be initiated as an online survey of citizens, stakeholders, agencies, and individuals in the City's overall housing arena. WES will begin by targeting experts in the housing field, which will allow substantive information to be collected on perceptions of laws; regulations; and both public and private policies, practices, and procedures affecting housing choice. This survey can have any number of respondents, and respondents can forward the survey to anyone they so desire. This will also be used to address the availability of stock that is accessible for residents with disabilities.

- The **three Fair Housing Forums** will afford the public opportunities to review the AI process and inspect preliminary findings as well as offer their perspectives, commentary, and experiences with fair housing in the City. WES will present fair housing definitions and preliminary findings, which will be followed by an open session for public comments or questions.
- Furthermore, WES is offering the **optional Focus Groups**, having discussion with experts in three separate meetings. WES will create and offer the discussion materials, as well as facilitate and record the discussion groups. Tentatively these are suggested as rental markets, homeownership, and public policy and practices.
- WES also offers the concluding Formal Presentations to the HCDC and City Council in Mid-April of 2016. This will fulfill the public input and public review components of fair housing planning, as itemized in HUD's *Fair Housing Planning Guide*, and will allow the public the required period of time to review the findings and suggested actions.

**Task 6. Identification of Impediments, Recommendations, and Draft and Final Reports.** Impediments and actions will be identified as they relate to actions, omissions, or decisions that restrict fair housing choice based upon protected class status; or those actions, omissions, or decisions that have this effect.

- City representatives and WES will discuss the City's goals and objectives in terms of affirmatively furthering fair housing.
- WES will identify prospective impediments to fair housing choice.
- One or more action items that can be undertaken to ameliorate or overcome the impediment will accompany each identified impediment, including measurable results. The measurable results will be identified by measurement criteria that represent effective record keeping, documenting actions taken by the City.
- WES will submit the Draft Review for Internal Review and receive comments from the City within one week.
- WES will submit the Draft Report for Public Review, and after the public review period, receive any final comments.
- WES will be available to make the concluding presentations
- WES will submit the final report in both digital and printed formats.

TB  
3/10



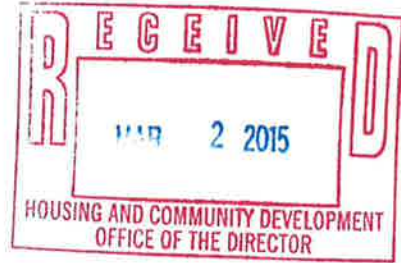
Housing and Community Development Division  
2600 Fresno Street, Room 3070  
Fresno, California 93721-3604  
(559) 621-8300 • (559) 488-1078

Development and Resource Management Department

Jennifer K. Clark, AICP, Director

February 25, 2015

Claudia Cappio, Director  
State of California  
Department of Housing and Community Development  
2020 W. El Camino Avenue  
Sacramento, CA 95833



**Subject:** City of Fresno 2014 Housing Element Annual Progress Report

Dear Ms. Cappio:

In accordance with Government Code Section 65400, the City of Fresno is submitting the enclosed Housing Element Annual Progress Report as a true and correct representation of the City's efforts made during 2014 to fulfill its Housing Element objectives.

The report is organized as follows:

- Annual Building Activity Report – New Construction (Table A)
- Annual Building Activity Report – Units Rehabilitated, Preserved and Acquired Pursuant to GC Section 65583.1(c)(1) (Table A2)
- Regional Housing Allocation Needs Progress (Table B)
- Program Implementation Status (Table C)
- Contact Information sheet

During the report period, City staff continued to work diligently to execute programs as outlined in the Housing Element and to meet the housing needs for all segments of the community.

If you have any questions regarding the report, please contact Corrina Nunez, Project Manager, at (559) 621-8506 or by email at [Corrina.Nunez@fresno.gov](mailto:Corrina.Nunez@fresno.gov).

Sincerely,

  
José Trujillo, Housing Manager

Enclosures



# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction City of Fresno  
 Reporting Period 1/1/2014 - 12/31/2014

**Table A**  
**Annual Building Activity Report Summary - New Construction**  
**Very Low-, Low-, and Mixed-Income Multifamily Projects**

Housing Development Information								Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development  See Instructions	Deed Restricted Units  See Instructions	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income					
Cedar Heights	M-F	R	31	0	0	0	31	31	HOME/LIHTC	Deed	N/A
			0	0	0	0	0	0			
			0	0	0	0	0	0			
			0	0	0	0	0	0			
			0	0	0	0	0	0			
			0	0	0	0	0	0			
<b>(9) Total of Moderate and Above Moderate from Table A3</b>					0	626	626	0			
<b>(10) Total by income Table A/A3</b>			0	0	0	626	626	31			
<b>(11) Total Extremely Low-Income Units*</b>											

\* Note: These fields are voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202)

Jurisdiction City of Fresno  
Reporting Period 1/1/2014 - 12/31/2014

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	87	49	46	162	CDBG, HOME, and Lead Hazard Control funds were used to complete single-family rehabilitation projects during 2014. In addition, the City provided HOME Program funds to the Housing Authority for its RAD projects: Cedar Courts, Inyo Terrace, and Viking Village.
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	87	49	46	162	

\* Note: This field is voluntary

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of Infill units*
No. of Units Permitted for Moderate	0	0	0	0	0	0	0
No. of Units Permitted for Above Moderate	557	4	65	0	0	626	0

\* Note: This field is voluntary

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation (CCR Title 25 §6202)

Jurisdiction City of Fresno  
Reporting Period 1/1/2014 - 12/31/2014

**Table B**

### Regional Housing Needs Allocation Progress

#### Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		1/1/08-12/31/08	1/1/07-8/31/08	7/1/08-12/31/08	1/1/09-12/31/09	1/1/10-12/31/10	1/1/11-12/31/11	1/1/12-12/31/12	1/1/13-12/31/13	1/1/14-12/31/14	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9			
Very Low	Deed Restricted	4,820	101	40	33	226	87	248	5	154	31	923	3,897
	Non-deed restricted		0	0	0	0	0	0	0	0	0	0	
Low	Deed Restricted	3,260	72	167	45	239	149	134	0	123	0	929	2,331
	Non-deed restricted		0	0	0	0	0	0	0	0	0	0	
Moderate	Deed Restricted	3,896	0	6	25	28	18	0	0	19	0	68	3,800
	Non-deed restricted		0	0	0	0	0	0	0	0	0	0	
Above Moderate		9,195	1,982	2,164	1,563	1,257	997	1,085	3,248	4,813	561	17,680	-8,485
Total RHNA by COG. Enter allocation number:		20,971	2,155	2,377	1,668	1,750	1,251	1,475	3,253	5,109	582	19,828	1,343
Total Units ▶ ▶ ▶													
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

## ANNUAL ELEMENT PROGRESS REPORT

*Housing Element Implementation*

(CCR Title 25 §6202 )

Jurisdiction City of Fresno  
 Reporting Period 1/1/2014 - 12/31/2014

Table C

## Program Implementation Status

Program Description (By Housing Element Program Names)		Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe In H.E.	Status of Program Implementation	
Implementation of General Plan 1.1.1	Create a range of housing opportunities	2013	The General Plan Update and Master Environmental Impact Report program was adopted in December 2014. It provides considerable additional opportunities for medium-high (16 to 18 dwelling units per acre) and high (43 dwelling units per acre) residential development in close proximity to public transit and employment opportunities. The updated Development Code provisions will establish rezoned areas with Master Environmental Impact Report clearance to accommodate the development of at least 25,112 multiple family dwelling units as identified by Amendment No. 1 to the 2008-2013 Housing Element, as amended by SB 375.	
Implementation of General Plan 1.1.1.a	Complete activity center	2010	These have been incorporated into areas planned for Mixed Use in the city's General Plan Update, adopted in December 2014 (see status in 1.1.1 above).	
Implementation of General Plan 1.1.1.b	Adopt form based code/update zoning ordinance	2012	General Plan Update, adopted in December 2014, lays the land use foundation for adoption of the new form-based development code, anticipated to occur in spring 2015 (see status in 1.1.1 above).	
Implementation of General Plan 1.1.1.c	Adopt land use plan for SEGA	2013	The SEGA administrative draft plan is complete and aspects of this plan were incorporated into the General Plan update adopted in December 2014.	
One Stop Shop Processing 1.1.2	Implementation DPC	Aug. 2008	A Development Review Committee has been established for the purpose of one-stop processing and project streamlining.	
Reduce Housing Costs 1.1.3	Assist LIHTC Applications	Ongoing	The City evaluated one Low Income Housing Tax Credit application during the 2014 report period.	
Institutional Barriers 1.1.4	Monitor institutional barriers and advise on the findings and develop maximum densities	Ongoing	There were no institutional barriers identified during the 2014 report period.	
Complaint Referral 1.1.5	Contract with FHCCC for compliance and dissemination of information	Ongoing	The FHCCC received 473 complaints during the 2014 plan year. Of the 473; 473 cases were located in Fresno and 108 were referred for further investigation. Additionally, literature was distributed to over 50 community agencies and schools. In addition, FHCCC broadcasted 12 radio programs entitled "Fair Housing; It's The Law" on KFCF 88.1 FM Fresno, CA.	
Support Current Law 1.1.6	Contract with FHCCC \$50,000 per year	Annually	The City proposed to provide \$25,000 in CDBG funds to the FHCCC during the 2014-2015 program year.	

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202 )

Jurisdiction	City of Fresno		
Reporting Period	1/1/2014 - 12/31/2014		
Fresno Green 1.1.7	20% of all future City-sponsored affordable housing units shall meet the Fresno Green or compatible standard	Ongoing	There were no City-sponsored mixed-income housing projects that met the Fresno Green or compatible standard during 2014.
Fresno Green 1.1.7	Adopt and implement a solar rebate program	Ongoing	The CaliforniaFIRST Program is currently refocused on businesses due to housing lien issues.
Fresno Green 1.1.7	Add weatherization/energy conservation component to the City's rehabilitation programs	Ongoing	The City did not operate a weatherization program during the 2014 plan period.
Funding Energy Saving Improvements 1.1.8	Monitor and apply to H.R.6. Energy Independence and Security Act Legislation for funds	Ongoing	There were no applicable H.R. 6899 NOFA's identified during 2014.
Land Demand 2.1.1	Ensure that there is at least a 10-yr supply of planned residential land and at least 5-yr supply of zoned land	Annually	The City will initiate rezoning of land to meet Housing Element requirements, as part of the Fresno Green Development Code, General Plan Update and Master Environmental Impact Report Program (see status in 1.1.1 above).
Reduction in Density 2.1.2	Comply with State density law	Yr 1-5	There were no requests for a density bonus in 2014; however, zoning concessions were provided pursuant to density bonus law on two properties.
Central Community Plan Area Housing 2.1.3	Priority processing within an average of 75 days	Yr 1-5	Priority processing is provided to all projects that are submitted within the boundaries of the Central Community Plan Area. There were two projects in 2014.
Inner City Residential Development 2.1.4	Create 700 housing units	Yr 1-5	There were two projects approved but not constructed in 2014. creating 102 housing units: Hotel Fresno (79 units) and 820 Fulton (23 units).
Inner City Residential Development 2.1.4	Reduce application fees from 10% to 50%	Yr 1-5	The City of Fresno continues to offer reduced fees for designated Inner City areas. There are four such areas in the City (Downtown, Highway City at Shaw & State Route 99, Herndon Townsite at Herndon & State Route 99, and Pinedale). There has been no change to the City's longstanding policy of offering significantly reduced application processing fees to encourage residential development in these areas.
Other Infill Housing 2.1.5	Acquisition of sites and construction of 300 affordable housing units	Yr 1-5	The City did not acquire any housing sites during 2014.
Multi-family Land Supply 2.1.6	Monitor and ensure an adequate supply of multi-family planned and zoned land as needed	Annually	Incorporated as a task of the Fresno Green Development Code, General Plan Update and Master Environmental Impact Report Program (see status in 1.1.1 above).
Facilitate the Development of Multi-family Housing Affordable to Lower-Income Households 2.1.6 A	Rezone 500 acres to R-2 or R-3 and 200 acres to R-3 and R-4 and prepare land use amendments	2010	Incorporated as a task of the Fresno Green Development Code, General Plan Update and Master Environmental Impact Report Program (see status in 1.1.1 above).

## ANNUAL ELEMENT PROGRESS REPORT

*Housing Element Implementation*

(CCR Title 25 §6202 )

Jurisdiction City of Fresno  
 Reporting Period 1/1/2014 - 12/31/2014

Increase Housing Yield 2.1.7	Review State regulations and change City plans, policies, and ordinances as needed	Annually	Staff continues to implement all tools available to maximize densities, including implementation of mixed-use code provisions and provisions that allow development at R-3 densities in the C-P (Administrative and Professional) zone districts.
Maximum Density 2.1.7 A	Achieve maximum density, particularly in the R-3 and R-4 zoning districts, and facilitate maximum densities	Annually	The West Community Plan was amended to allow more development at R-3 densities. In addition, planning staff continues to use all available tools to maximize density in housing developments where infrastructure and environmental conditions permit.
Mixed-Use Zoning 2.1.8	Complete activity center study	Yr 1-5	Incorporated as a task of the Fresno Green Development Code, General Plan Update and Master Environmental Impact Report Program (see status in 1.1.1 above).
Farmworker Housing Funding and Development 2.1.9	Support farmworker housing through available funding sources and seek funding for new projects	Yr 1-5	No available funding sources were identified during the 2014 plan period.
Emergency Grant Allocation 2.1.10	Review applications and provide funding	Annually	During the plan period, the City did not enter into any ESG agreement for services.
Zoning for Emergency and Homeless Shelters 2.1.11	Identify zoning districts and revise Zoning Ordinance pursuant to Code Section 65583(a)(4)	2009	Providing facilitated application processing of the spectrum of housing types as required by State law and critical to meeting Fresno's housing needs is a high priority of the zoning and development code update program to be completed by spring 2015.
Zoning for Special Needs Housing 2.1.12	Review and revise Zoning Ordinance for consistency with special needs housing requirements	2009	Providing facilitated application processing of the spectrum of housing types as required by State law and critical to meeting Fresno's housing needs is a high priority of the zoning and development code update program to be completed by spring 2015.
Transitional and Supportive Housing 2.1.13	Identify funds and support construction of 100 transitional housing units	Yr 1-5	The City did not provide any funds for transitional or supportive housing during the 2014 program year.
Transitional and Supportive Housing 2.1.13	Amend Zoning Ordinance to comply with state law	Yr 1-5	Providing facilitated application processing of the spectrum of housing types as required by State law and critical to meeting Fresno's housing needs is a high priority of the zoning and development code update program to be completed by spring 2015.
Single Room Occupancy Housing 2.1.14	Amend Zoning Ordinance to comply with state law	Yr 1-5	Providing facilitated application processing of the spectrum of housing types as required by State law and critical to meeting Fresno's housing needs is a high priority of the zoning and development code update program to be completed by spring 2015.
Very-Low Income large Family Single- and Multi-Family Housing 2.1.15 (HA)	Support funding applications to help produce 400 large family units	Yr 1-5	During the plan period, the City funded one project that was later cancelled.
Extremely Low-, Very Low-, and Low-Income Senior Housing 2.1.16	Find/provide funding to assist with the production of 400 senior affordable housing units	Yr 1-5	During the plan period, the City did not provide any funding for senior housing.
Other Extremely Low- and Very Low-Income Housing 2.1.17	Provide financial assistance for the construction of 1,000 units	Yr 1-5	During the plan period, the City did not provide any funding for low-income housing.

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202 )

Jurisdiction City of Fresno  
Reporting Period 1/1/2014 - 12/31/2014

Inclusionary and Alternative Housing Policy 2.1.18	Investigate alternative and comparable housing policies to increase affordable housing	Yr 1-5	The City Housing Trust study was canceled.
Inclusionary and Alternative Housing Policy 2.1.18	RDA to utilize mandated inclusionary housing	Yr 1-5	The local Redevelopment Agency no longer exist.
Proposition 1C Program 2.1.19	Review NOFAs and submit qualified housing applications	Yr 1-5	On July 27, 2014, the City received an award of 1,486,425 in Housing Related Park Program funding.
Strengthening Partnerships with Affordable Housing Developers 2.1.20	Continue ongoing efforts	Yr 1-5	During 2014, the City continued to partner with local developers and the Housing Authority in an effort to leverage available public and private funding.
Zoning for Farmworker Housing 2.1.21	Revise Zoning Ordinance to facilitate farmworker housing pursuant to state law	Year 1	Providing facilitated application processing of the spectrum of housing types as required by State law and critical to meeting Fresno's housing needs is a high priority of the zoning and development code update program to be completed by spring 2015.
Single Room Occupancy Housing 2.1.22	Amend Zoning Ordinance to permit single room occupancy pursuant to state law	Year 1	Providing facilitated application processing of the spectrum of housing types as required by State law and critical to meeting Fresno's housing needs is a high priority of the zoning and development code update program to be completed by Spring 2015.
Comprehensive Code Enforcement 3.1.1	Conduct code enforcement inspections of 7,000 units each year in targeted neighborhoods	Annually	The City's Code Enforcement Division completed 7,290 inspections and 13,311 re-inspections for a total of 20,601 during the program period.
Neighborhood Infrastructure 3.1.2	Provide infrastructure to accommodate at least 2,500 households	Yr 1-5	During 2013, there were 9 sewer-related projects totaling \$5 million; 5 misc. road and median island projects totaling \$2.2 million; 5 street construction projects totaling \$6.3 million; 8 traffic signal project totaling \$6.1 million; 6 well-related projects totaling \$2 million, and 4 water-related projects totaling \$33 million.
Public Utilities Sewer and Water Deficiencies 3.1.3	Provide priority sewer and water development processing to adhere to state law for affordable housing developments	Yr 1-5	The City of Fresno Department of Public Utilities has executed a priority wastewater collection & water services policy for affordable housing developments.

## ANNUAL ELEMENT PROGRESS REPORT

*Housing Element Implementation*

(CCR Title 25 §6202 )

Jurisdiction	City of Fresno		
Reporting Period	1/1/2014 - 12/31/2014		
Enhance Police Service to High Crime Neighborhoods 3.1.4	Utilize pro-active efforts in high crime neighborhoods	Yr 1-5	During the plan period, the Police Department addressed crimes through their use of proactive units like the Violent Crime Impact Teams, Problem-Oriented Policing Teams, Multi Agency Gang Enforcement Consortium, Street Violence Tactical Team, Narcotics Teams, Neighborhood Traffic Units and District Patrol Officers who focused their efforts on criminals involved in gang activity, narcotics and those identified as having engaged in prior criminal activity by being placed on probation and parole. Overall, 2,382 violent crimes occurred in 2014, 170 fewer crimes than in 2013, equating to 6.7% reduction. Violent crime reductions were achieved in every category except homicide, which had a 17.5% increase. Rape remained even. There was a 13.5% reduction in robbery, and a 3.5% reduction in aggravated assault. There were 21,360 property crime reported in 2014; 1,407 fewer than reported in 2013, for a 6.2% decrease. In addition, auto theft was reduced by 23.5%. Overall crime was down 6.2% for 2014; from 25,319 crimes to 23,743, a reduction of 1,576 Part 1 crimes.
Housing Rehabilitation 3.2.1	Rehabilitate at least 2,000 units	Yr 1-5	During the plan period, a total of 13 senior paint and distressed property projects were completed with CDBG Program funds. One home rehabilitation was completed using HOME Lowell Rehabilitation funds. A total of 13 Lead Hazard Control projects were completed using Lead Hazard Control funds.
Housing Replacement 3.2.2	Replace or reconstruct at least 60 dilapidated housing units	Yr 1-5	There were no dilapidated units replaced during the 2014 plan period.
Home Buyer Assistance 3.2.3	First-time Home Buyer Program to assist 500 households	Yr 1-5	A total of 17 homes were sold to homebuyers using State Calhome funds.
Redeveloped Housing Sites 3.2.4	Acquire 30 properties for redevelopment	Yr 1-5	The local Redevelopment Agency no longer exist.
Comprehensive Housing Quality Survey and Upgrade Geographic Information 3.2.5	Conduct survey and address GIS programming updates	Year 3-5	The program has been canceled due to budget cuts.
At-Risk Housing 4.1.1	Monitor Notices	Yr 1-5	No notices were received during the 2014 plan period.
At-Risk Housing 4.1.1	Participate with local housing providers and contact agencies interested in preserving at-risk	Yr 1-5	There were no notices received and thus no agencies were contacted during the 2014 plan period.
At-Risk Housing 4.1.1	Amend Condominium Ordinance	Yr 1-5	Amendment of the Condominium Ordinance was cancelled.
Prevention and Alleviating Foreclosures 4.1.2	Monitor available funding programs	Yr 1-5	The City did not receive new funding during the 2014 plan period.
Prevention and Alleviating Foreclosures 4.1.2	Partner with housing counseling agencies	Yr 1-5	The City continues to partner with the local Community Housing Council which provides counseling services to homeowners facing foreclosures.
Prevention and Alleviating Foreclosures 4.1.2	Update applicable ordinances to prevent and/or alleviate foreclosures	Yr 1-5	The City of Fresno has adopted two Ordinances related to foreclosed properties.
Provide Relocation Services as Needed 4.2.1	Provide assistance as needed and required	as needed	During the plan period, there were three RAD projects (Cedar Courts, Inyo Terrace, and Viking Village) that required relocation.



**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

**Jurisdiction**      City of Fresno

**Reporting Period**      1/1/2014 - 12/31/2014

Report by RHNA Category 4.3.1	Provide detailed reports	Ongoing	The Housing Authority and Habitat for Humanity reported their units accordingly.
Public Service Processing for Affordable Housing 4.3.2	Provide certified HE to applicable City Departments and Agencies	Yr 1, month 1	This program objective was met.

**CONTACT INFORMATION**  
**ANNUAL HOUSING ELEMENT PROGRESS REPORT**

**CITY:** City of Fresno

**MAILING ADDRESS:** 2600 Fresno Street, Room 3070, Fresno, CA 93721

**CONTACT PERSON:** Jose Trujillo

**Title:** Housing and Community  
Development Division Manager

**PHONE:** (559) 621-8300

**E-mail:** Jose.Trujillo@fresno.gov

**REPORTING PERIOD:** 1/1/2014 to 12/31/2014





Table B-1 Sites Inventory Table

Site No.	APN	Address/Location	City	County	Acres	Parcel ID	Parcel Area	Parcel Type	Owner	Ownership	Year Built	Structure Type	Structure Area	Structure Level	Foundation	Construction	Construction Date	Construction Status
0001	00000001	10000 Main St	San Francisco	San Francisco	1.0	00000001	1.0	Residential	John Doe	Owned	2010	Single-Family	1000	1.0	Foundation	Completed	2010	Completed
0002	00000002	20000 Main St	San Francisco	San Francisco	1.0	00000002	1.0	Residential	Jane Smith	Owned	2011	Single-Family	1000	1.0	Foundation	Completed	2011	Completed
0003	00000003	30000 Main St	San Francisco	San Francisco	1.0	00000003	1.0	Residential	Bob Johnson	Owned	2012	Single-Family	1000	1.0	Foundation	Completed	2012	Completed
0004	00000004	40000 Main St	San Francisco	San Francisco	1.0	00000004	1.0	Residential	Alice Brown	Owned	2013	Single-Family	1000	1.0	Foundation	Completed	2013	Completed
0005	00000005	50000 Main St	San Francisco	San Francisco	1.0	00000005	1.0	Residential	Charlie White	Owned	2014	Single-Family	1000	1.0	Foundation	Completed	2014	Completed
0006	00000006	60000 Main St	San Francisco	San Francisco	1.0	00000006	1.0	Residential	Diana Green	Owned	2015	Single-Family	1000	1.0	Foundation	Completed	2015	Completed
0007	00000007	70000 Main St	San Francisco	San Francisco	1.0	00000007	1.0	Residential	Frank Black	Owned	2016	Single-Family	1000	1.0	Foundation	Completed	2016	Completed
0008	00000008	80000 Main St	San Francisco	San Francisco	1.0	00000008	1.0	Residential	Grace King	Owned	2017	Single-Family	1000	1.0	Foundation	Completed	2017	Completed
0009	00000009	90000 Main St	San Francisco	San Francisco	1.0	00000009	1.0	Residential	Henry Lee	Owned	2018	Single-Family	1000	1.0	Foundation	Completed	2018	Completed
0010	00000010	100000 Main St	San Francisco	San Francisco	1.0	00000010	1.0	Residential	Ivy Hill	Owned	2019	Single-Family	1000	1.0	Foundation	Completed	2019	Completed
0011	00000011	110000 Main St	San Francisco	San Francisco	1.0	00000011	1.0	Residential	Jack King	Owned	2020	Single-Family	1000	1.0	Foundation	Completed	2020	Completed
0012	00000012	120000 Main St	San Francisco	San Francisco	1.0	00000012	1.0	Residential	Karen White	Owned	2021	Single-Family	1000	1.0	Foundation	Completed	2021	Completed
0013	00000013	130000 Main St	San Francisco	San Francisco	1.0	00000013	1.0	Residential	Liam Green	Owned	2022	Single-Family	1000	1.0	Foundation	Completed	2022	Completed
0014	00000014	140000 Main St	San Francisco	San Francisco	1.0	00000014	1.0	Residential	Mia Black	Owned	2023	Single-Family	1000	1.0	Foundation	Completed	2023	Completed
0015	00000015	150000 Main St	San Francisco	San Francisco	1.0	00000015	1.0	Residential	Noah King	Owned	2024	Single-Family	1000	1.0	Foundation	Completed	2024	Completed
0016	00000016	160000 Main St	San Francisco	San Francisco	1.0	00000016	1.0	Residential	Olivia Lee	Owned	2025	Single-Family	1000	1.0	Foundation	Completed	2025	Completed
0017	00000017	170000 Main St	San Francisco	San Francisco	1.0	00000017	1.0	Residential	Peter Hill	Owned	2026	Single-Family	1000	1.0	Foundation	Completed	2026	Completed
0018	00000018	180000 Main St	San Francisco	San Francisco	1.0	00000018	1.0	Residential	Quinn King	Owned	2027	Single-Family	1000	1.0	Foundation	Completed	2027	Completed
0019	00000019	190000 Main St	San Francisco	San Francisco	1.0	00000019	1.0	Residential	Rachel White	Owned	2028	Single-Family	1000	1.0	Foundation	Completed	2028	Completed
0020	00000020	200000 Main St	San Francisco	San Francisco	1.0	00000020	1.0	Residential	Sam Green	Owned	2029	Single-Family	1000	1.0	Foundation	Completed	2029	Completed
0021	00000021	210000 Main St	San Francisco	San Francisco	1.0	00000021	1.0	Residential	Tina Black	Owned	2030	Single-Family	1000	1.0	Foundation	Completed	2030	Completed
0022	00000022	220000 Main St	San Francisco	San Francisco	1.0	00000022	1.0	Residential	Uma King	Owned	2031	Single-Family	1000	1.0	Foundation	Completed	2031	Completed
0023	00000023	230000 Main St	San Francisco	San Francisco	1.0	00000023	1.0	Residential	Victor Lee	Owned	2032	Single-Family	1000	1.0	Foundation	Completed	2032	Completed
0024	00000024	240000 Main St	San Francisco	San Francisco	1.0	00000024	1.0	Residential	Wendy Hill	Owned	2033	Single-Family	1000	1.0	Foundation	Completed	2033	Completed
0025	00000025	250000 Main St	San Francisco	San Francisco	1.0	00000025	1.0	Residential	Xavier King	Owned	2034	Single-Family	1000	1.0	Foundation	Completed	2034	Completed
0026	00000026	260000 Main St	San Francisco	San Francisco	1.0	00000026	1.0	Residential	Yara White	Owned	2035	Single-Family	1000	1.0	Foundation	Completed	2035	Completed
0027	00000027	270000 Main St	San Francisco	San Francisco	1.0	00000027	1.0	Residential	Zoe Green	Owned	2036	Single-Family	1000	1.0	Foundation	Completed	2036	Completed
0028	00000028	280000 Main St	San Francisco	San Francisco	1.0	00000028	1.0	Residential	Adam Black	Owned	2037	Single-Family	1000	1.0	Foundation	Completed	2037	Completed
0029	00000029	290000 Main St	San Francisco	San Francisco	1.0	00000029	1.0	Residential	Bella King	Owned	2038	Single-Family	1000	1.0	Foundation	Completed	2038	Completed
0030	00000030	300000 Main St	San Francisco	San Francisco	1.0	00000030	1.0	Residential	Carl Lee	Owned	2039	Single-Family	1000	1.0	Foundation	Completed	2039	Completed
0031	00000031	310000 Main St	San Francisco	San Francisco	1.0	00000031	1.0	Residential	Dora Hill	Owned	2040	Single-Family	1000	1.0	Foundation	Completed	2040	Completed
0032	00000032	320000 Main St	San Francisco	San Francisco	1.0	00000032	1.0	Residential	Ethan King	Owned	2041	Single-Family	1000	1.0	Foundation	Completed	2041	Completed
0033	00000033	330000 Main St	San Francisco	San Francisco	1.0	00000033	1.0	Residential	Fiona White	Owned	2042	Single-Family	1000	1.0	Foundation	Completed	2042	Completed
0034	00000034	340000 Main St	San Francisco	San Francisco	1.0	00000034	1.0	Residential	Gavin Green	Owned	2043	Single-Family	1000	1.0	Foundation	Completed	2043	Completed
0035	00000035	350000 Main St	San Francisco	San Francisco	1.0	00000035	1.0	Residential	Hannah Black	Owned	2044	Single-Family	1000	1.0	Foundation	Completed	2044	Completed
0036	00000036	360000 Main St	San Francisco	San Francisco	1.0	00000036	1.0	Residential	Ian King	Owned	2045	Single-Family	1000	1.0	Foundation	Completed	2045	Completed
0037	00000037	370000 Main St	San Francisco	San Francisco	1.0	00000037	1.0	Residential	Jessica Lee	Owned	2046	Single-Family	1000	1.0	Foundation	Completed	2046	Completed
0038	00000038	380000 Main St	San Francisco	San Francisco	1.0	00000038	1.0	Residential	Kyle Hill	Owned	2047	Single-Family	1000	1.0	Foundation	Completed	2047	Completed
0039	00000039	390000 Main St	San Francisco	San Francisco	1.0	00000039	1.0	Residential	Laura King	Owned	2048	Single-Family	1000	1.0	Foundation	Completed	2048	Completed
0040	00000040	400000 Main St	San Francisco	San Francisco	1.0	00000040	1.0	Residential	Max White	Owned	2049	Single-Family	1000	1.0	Foundation	Completed	2049	Completed
0041	00000041	410000 Main St	San Francisco	San Francisco	1.0	00000041	1.0	Residential	Nora Green	Owned	2050	Single-Family	1000	1.0	Foundation	Completed	2050	Completed
0042	00000042	420000 Main St	San Francisco	San Francisco	1.0	00000042	1.0	Residential	Oscar Black	Owned	2051	Single-Family	1000	1.0	Foundation	Completed	2051	Completed
0043	00000043	430000 Main St	San Francisco	San Francisco	1.0	00000043	1.0	Residential	Peter King	Owned	2052	Single-Family	1000	1.0	Foundation	Completed	2052	Completed
0044	00000044	440000 Main St	San Francisco	San Francisco	1.0	00000044	1.0	Residential	Quinn Lee	Owned	2053	Single-Family	1000	1.0	Foundation	Completed	2053	Completed
0045	00000045	450000 Main St	San Francisco	San Francisco	1.0	00000045	1.0	Residential	Rachel Hill	Owned	2054	Single-Family	1000	1.0	Foundation	Completed	2054	Completed
0046	00000046	460000 Main St	San Francisco	San Francisco	1.0	00000046	1.0	Residential	Sam King	Owned	2055	Single-Family	1000	1.0	Foundation	Completed	2055	Completed
0047	00000047	470000 Main St	San Francisco	San Francisco	1.0	00000047	1.0	Residential	Tina White	Owned	2056	Single-Family	1000	1.0	Foundation	Completed	2056	Completed
0048	00000048	480000 Main St	San Francisco	San Francisco	1.0	00000048	1.0	Residential	Uma Green	Owned	2057	Single-Family	1000	1.0	Foundation	Completed	2057	Completed
0049	00000049	490000 Main St	San Francisco	San Francisco	1.0	00000049	1.0	Residential	Victor Black	Owned	2058	Single-Family	1000	1.0	Foundation	Completed	2058	Completed
0050	00000050	500000 Main St	San Francisco	San Francisco	1.0	00000050	1.0	Residential	Wendy King	Owned	2059	Single-Family	1000	1.0	Foundation	Completed	2059	Completed
0051	00000051	510000 Main St	San Francisco	San Francisco	1.0	00000051	1.0	Residential	Xavier Lee	Owned	2060	Single-Family	1000	1.0	Foundation	Completed	2060	Completed
0052	00000052	520000 Main St	San Francisco	San Francisco	1.0	00000052	1.0	Residential	Yara Hill	Owned	2061	Single-Family	1000	1.0	Foundation	Completed	2061	Completed
0053	00000053	530000 Main St	San Francisco	San Francisco	1.0	00000053	1.0	Residential	Zoe King	Owned	2062	Single-Family	1000	1.0	Foundation	Completed	2062	Completed
0054	00000054	540000 Main St	San Francisco	San Francisco	1.0	00000054	1.0	Residential	Adam White	Owned	2063	Single-Family	1000	1.0	Foundation	Completed	2063	Completed
0055	00000055	550000 Main St	San Francisco	San Francisco	1.0	00000055	1.0	Residential	Bella Green	Owned	2064	Single-Family	1000	1.0	Foundation	Completed	2064	Completed
0056	00000056	560000 Main St	San Francisco	San Francisco	1.0	00000056	1.0	Residential	Carl Black	Owned	2065	Single-Family	1000	1.0	Foundation	Completed	2065	Completed
0057	00000057	570000 Main St	San Francisco	San Francisco	1.0	00000057	1.0	Residential	Dora King	Owned	2066	Single-Family	1000	1.0	Foundation	Completed	2066	Completed
0058	00000058	580000 Main St	San Francisco	San Francisco	1.0	00000058	1.0	Residential	Ethan Lee	Owned	2067	Single-Family	1000	1.0	Foundation	Completed	2067	Completed
0059	00000059	590000 Main St	San Francisco	San Francisco	1.0	00000059	1.0	Residential	Fiona Hill	Owned	2068	Single-Family	1000	1.0	Foundation	Completed	2068	Completed
0060	00000060	600000 Main St	San Francisco	San Francisco	1.0	00000060	1.0	Residential	Gavin King	Owned	2069	Single-Family	1000	1.0	Foundation	Completed	2069	Completed
0061	00000061	610000 Main St	San Francisco	San Francisco	1.0	00000061	1.0	Residential	Hannah White	Owned	2070	Single-Family	1000	1.0	Foundation	Completed	2070	Completed
0062	00000062	620000 Main St	San Francisco	San Francisco	1.0	00000062	1.0	Residential	Ian Green	Owned	2071	Single-Family	1000	1.0	Foundation	Completed	2071	Completed
0063	00000063	630000 Main St	San Francisco	San Francisco	1.0	00000063	1.0	Residential	Jessica Black	Owned	2072	Single-Family	1000	1.0	Foundation	Completed	2072	Completed
0064	00000064	640000 Main St	San Francisco	San Francisco	1.0	00000064	1.0	Residential	Kyle King	Owned	2073	Single-Family	1000	1.0	Foundation	Completed	2073	Completed
0065	00000065	650000 Main St	San Francisco	San Francisco	1.0	00000065	1.0	Residential	Laura Lee	Owned	2074	Single-Family	1000	1.0	Foundation	Completed	2074	Completed
0066	00000066	660000 Main St	San Francisco	San Francisco	1.0	00000066	1.0	Residential	Max Hill	Owned								































## City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
www.fresno.gov

### Meeting Minutes - Final City Council

*President - Oliver L. Baines, III*

*Vice President - Paul Caprioglio*

*Councilmembers:*

*Lee Brand, Steve Brandau, Clinton J. Olivier,*

*Sal Quintero, Esmeralda Z. Soria*

*City Manager - Bruce Rudd*

*City Attorney - Douglas T. Sloan*

*City Clerk - Yvonne Spence, CMC*

---

Thursday, November 19, 2015

1:30 PM

Council Chambers

---

#### Regular Session

The City Council met in regular session in the Council Chamber, City Hall, on the date and time above written.

#### 1:46 P.M. ROLL CALL

**Present:** 7 - President Oliver Baines III  
Vice President Paul Caprioglio  
Councilmember Lee Brand  
Councilmember Steve Brandau  
Councilmember Clinton Olivier  
Councilmember Sal Quintero  
Councilmember Esmeralda Soria

Invocation by Minister Bryson White of the St Rest Baptist Church and Community Organizer, Faith in Communities

Pledge of Allegiance to the Flag

#### CEREMONIAL PRESENTATIONS

##### ADD ON CEREMONIAL

Proclamation from the American Legion Riders of Post 509 to the Fresno City Council

*"In appreciation of generous donations to the American Legion Riders of Post 509 for Operation Flag Fresno. Your support, honoring our flag and veterans, demonstrates your patriotism and sets a positive example for other*

*civic leaders and the public!"*

PRESENTED

ID#15-105 Resolution of Commendation for Central High School  
7 Students Participation in 2015 National Youth  
Entrepreneurship Challenge in New York City

PRESENTED

ID#15-104 Proclamation of "STANLEY L. MCDIVITT DAY"  
9

PRESENTED

### **APPROVE MINUTES**

*No minutes were on the agenda for approval.*

### **COUNCILMEMBER REPORTS AND COMMENTS**

*Vice President Caprioglio announced the meeting would be adjourned in the memory of Robert Duncan. He was known as "Mr. Bulldog" because of his tremendous support of Fresno State and Fresno State athletics. Mr. Duncan was also a supporter of the City of Fresno and was the President of Duncan Ceramics, a successful local business, for more than thirty years.*

*Vice President Caprioglio announced he was at the opening of the "Walk of Honor" at the Veterans Administration Hospital on November 14, 2015. The beautiful memorial was meant to honor all veterans in the Central Valley. He noted the memorial currently listed more than 1,085 veterans, including more than 40 who were killed in action. Vice President Caprioglio said the Walk of Honor would continue to expand and he hoped to one day add the names of his brother and father. He encouraged all to visit the memorial at the Veterans Administration Hospital at Fresno Street and Shields Avenues.*

*Vice President Caprioglio congratulated Aetna Insurance on receiving part of 3.7 million dollar state tax credits from the Governor's Office of Business and Economic Development (GO-Biz). Thanks to the credits, Aetna will be able to hire additional employees and create 225 new jobs in the City.*

*Vice President Caprioglio reported he attended the ribbon cutting at Inspiration Park.*

*Vice President Caprioglio congratulated the Matoian family for opening a*

*new OK Produce facility in Fresno. He noted OK Produce was a great produce distribution company which had been a valuable local business for four generations.*

*Councilmember Soria reported her attendance at the ribbon cutting of Inspiration Park. She thanked Councilmember Brandau and Vice President Caprioglio for attending and sharing the moment. Councilmember Soria also thanked those that made the park opening possible: Resources for Independence, Central Valley; the Boys and Girls Club; City of Fresno PARCS Department; the office of the Mayor; former Councilmember Blong Xiong; Fresno Police Officers Association and Fresno Firefighters. She noted that approximately 1,200 people were in attendance and the event was a success.*

*Councilmember Soria reported she held a community meeting to update the members of her district about Van Ness Boulevard trees and median island. She thanked Assistant City Manager Smith and staff from the Public Works Department for attending and for all their hard work on things like the drip irrigation installation. She noted that their efforts were keeping the median island beautiful.*

*Councilmember Soria thanked Facilities Manager Sam Laird and his staff for lighting City Hall purple as part of Pre-Maturity Day Walk. First Five Fresno County was a partner for the walk.*

*Councilmember Soria reported that Self Help Credit Union would open today. She noted the entity would provide an alternative to pay day lenders for communities in need. Councilmember Soria stated she and President Baines were on the Self Help Credit Union Board and that Councilmember Quintero was a former boardmember.*

*Councilmember Brandau reported his attendance at the ribbon cutting for Inspiration Park. He noted the park was an amazing facility that was designed so that children with physical needs could enjoy the park. He also said the park was there for adults with physical needs that may want to enjoy the facility with their children or grandchildren. He noted that former Councilmember Blong Xiong took part in several votes to make sure the park was made a reality.*

*Councilmember Brandau commented on the terrorist attacks that took place in Paris, France on November 13, 2015. He placed a small French flag at*

his seat, "in recognition of the commitment to our friends and allies around the world that suffer these types of tragedies."

Councilmember Quintero reported he would not be in attendance for the 5:30 P.M. Scheduled Hearing regarding the Development Code. He stated he would read the transcripts. Councilmember Quintero asked the City Attorney when he would be able to add amendments to the Development Code concerning mobile vendor checks and balances. City Attorney Sloan replied that the Bill would only be introduced at the current meeting and adoption was planned for December 3, 2015. He stated the administration or another Councilmember could offer his amendments at the current meeting. City Attorney Sloan noted that if a substantial change was introduced on December 3, 2015 then that meeting would be treated as an introduction and adoption would occur the following week. He also noted Council had the option to meet later to clean up certain language and his changes could be added at that time. Councilmember Quintero stated he would have the suggested additions after his final meeting with the mobile vendor group.

## **APPROVE AGENDA**

City Clerk Spence announced that City Council items 3-A (File ID# 15-1047) and 3-C (File ID# 15-1060) had been removed from the agenda by staff.

Councilmember Soria motioned to table City Council Item 3-B (File ID# 15-1053) until after adoption of the Development Code update. Vice President Caprioglio seconded the motion which passed by a vote of 4 to 3 with Councilmembers Brand, Brandau and Olivier voting "no."

APPROVED AS AMENDED

**On motion of President Baines III, seconded by Councilmember Soria, the agenda was adopted as amended. The motion carried by the following vote:**

**Aye:** 7 - Baines III, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

## **5. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **2:00 P.M.**

[ID#15-929](#) HEARING - Regarding the vacation of the Lorena-Geary Alley, E. Geary Avenue, and the Geary-Florence Alley, all between S.

Plumas Street and S. Walnut Street (Council District 3)

1. RESOLUTION - Ordering the vacation of the Lorena-Geary Alley, E. Geary Avenue, and the Geary-Florence Alley, all between S. Plumas Street and S. Walnut Street

*The above hearing was called to order at 2:37 P.M. Public Works Assistant Director Benelli introduced the item to Council.*

*Upon call, no member of the public chose to address Council regarding this item.*

*The hearing was closed at 2:38 P.M.*

*RESOLUTION 2015-203 ADOPTED*

**On motion of President Baines III, seconded by Vice President Caprioglio, the above item was approved. The motion carried by the following vote:**

**Aye:** 7 - Baines III, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

**1. CONSENT CALENDAR**

APPROVAL OF THE CONSENT CALENDAR

**On motion of Vice President Caprioglio, seconded by President Baines III, the CONSENT CALENDAR was hereby adopted by the following vote:**

**Aye:** 7 - Baines III, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

- 1-A [ID#15-950](#) Authorize the City Manager or designee to execute a grant deed for the sale of City of Fresno owned vacant property (APN 478-163-16T), located at the intersection of E. Lorena Avenue and S. Railroad Avenue, to the State of California for the amount of \$103,000. (Council District 3)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-B [ID#15-951](#) Authorize the City Manager or designee to execute a grant deed for the sale of City of Fresno owned vacant property (APN 478-102-19T and 478-102-20T), located at the southeast corner

of Cherry Avenue and Railroad Avenue, to the State of California for the amount of \$107,000. (Council District 3)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-C [ID#15-954](#) Actions related to the sale of a small abandoned water well parcel:
1. Adoption of a finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061(b)(3) and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of a small abandoned water well parcel.
  2. The sale of a small abandoned water well parcel know as APN 417-061-15T east of 5336 N. Roosevelt Avenue, to adjacent property owner William Urrutia and authorization to give the Public Works Director, or his designee, authority to sign all documents related to the sale of the property. (Fresno County)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-D [ID#15-969](#) Approve the acquisition of 37,505 square feet of easement on property owned by J Beast, LP, a California Limited Partnership in the amount of \$62,600 (APN 330-021-24S & 25) for the construction of new sanitary sewer lines within E. Avenue, Orange Avenue, Cedar Avenue, Malaga Avenue and Central Avenue. (Council District 3)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-E [ID#15-986](#) Reject all bids for the Cultural Arts District Park Project (Bid File No. 3384) (Council District 3)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-F [ID#15-100](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6036,   
[1](#) Annexation No. 63, to the City of Fresno Community Facilities District No. 11 (west side of N. Grantland Avenue between W. Shaw and Barstow Avenues) (Council District 2)

*RESOLUTION 2015-204 ADOPTED*

**The above item was approved on the Consent Calendar.**

- 1-G [ID#15-101](#) \*\*\*RESOLUTION - Authorizing City's Parks, After School,   
[1](#) Recreation and Community Services (PARCS) Department to enter into an agreement with the California Department of Housing and Community Development to receive a Housing-Related Parks Program (Proposition 1C) Grant (DISTRICTS 3,4,and 5)

*RESOLUTION 2015-205 ADOPTED*

**The above item was approved on the Consent Calendar.**

- 1-H [ID#15-101](#) Approve a consultant services agreement with The Solis Group   
[3](#) for an amount not to exceed \$132,750 to provide Labor Compliance Monitoring Services for the Southeast Surface Water Treatment Facility project

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-I [ID#15-101](#) Approve a substitution of a listed subcontractor, Penguin   
[8](#) Engineering for Emergency Generator Upgrade at City Hall Project - Project ID SC00003 (Council District 3)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-J [ID#15-102](#) Approval of a three year agreement with Baptist Temple Church   
[1](#) for lead agency responsibility for recreational programming at Granny's Park (Council District 7)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-K [ID#15-102](#) Actions pertaining to the sale of excess property at L and   
[2](#) Stanislaus Streets:  
1. Adopt a finding of a categorical exemption pursuant to



Section 15332/Class 32 of CEQA Guidelines

2. Approve a Disposition and Development Agreement with Upside Enterprises, LLC, for property located on 1517 L Street (466-142-15T) and 2139 Stanislaus (466-142-14T)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-L** [ID#15-102](#) Approve appointment of Esther Postgilione to the Bicycle and Pedestrian Advisory Committee (BPAC)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-M** [ID#15-961](#) Approve the acquisition of 39,536 square feet of easement on property (APN 330-021-03) owned by Joe Rebella Jr. and Kathleen R. Rebella in the amount of \$66,700 for the construction of new sanitary sewer lines within East Avenue, Orange Avenue, Cedar Avenue, Malaga Avenue and Central Avenue. (Council District 3)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-N** [ID#15-100](#) BILL - (For introduction) - Amending Section 2-1105, Subsections (a) and (b) of the Fresno Municipal Code to revise the Local Campaign Contribution

*BILL B-42 INTRODUCED AND LAID OVER*

**The above item was approved on the Consent Calendar.**

- ~~1-O~~** [ID#15-101](#) \*\*\*BILL NO. B-41 - (Intro. 11/5/15) (For adoption) - Adding Section 11-112 to Article 1, Chapter 11 of the Fresno Municipal Code, entitled "Model Water Efficient Landscape Ordinance."

*ORDINANCE 2015-37 ADOPTED*

**The above item was approved on the Consent Calendar.**

### **CONTESTED CONSENT CALENDAR**

*No items were moved to the Contested Consent Calendar.*

**2. GENERAL ADMINISTRATION**

- 2-A [ID#15-993](#) Award a construction contract in the amount of \$158,766,000 to WM Lyles Company for the City of Fresno's 80-Million Gallon Per Day Southeast Water Treatment Facility, Bid File No. 3369 (Citywide)

*The above item was introduced to Council by Department of Public Utilities (DPU) Professional Engineer Knapp. DPU Director Esqueda also spoke on this item.*

APPROVED

**On motion of Councilmember Brand, seconded by Councilmember Brandau, the above item was approved. The motion carried by the following vote:**

**Aye:** 7 - Baines III, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

- 2-B [ID#15-980](#) Approve Fourth Amendment to the Professional Engineering Consulting Services Agreement with Carollo Engineers, Inc., in the amount of \$8,897,052 to provide Construction Phase and General Construction Contract Administration Services for the City of Fresno's 80-million gallon per day Southeast Surface Water Treatment Facility (Citywide).

*The above item was introduced to Council by DPU Director Esqueda.*

APPROVED

**On motion of Councilmember Soria, seconded by Councilmember Brand, the above item was approved. The motion carried by the following vote:**

**Aye:** 7 - Baines III, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

- 2-C [ID#15-101](#) [0](#) Actions Pertaining to the Recycled Water Transmission Main, Southwest Quadrant, Project SW1B (Bid File 3413) (Council District 3 and Fresno County)
1. \*\*\*RESOLUTION - 20th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$19,348,700 for the Southwest Recycled Water Distribution System (Requires 5 affirmative votes)

2. Award a construction contract in the amount of \$9,341,491 to Garney Construction of Livermore, California
3. Award a professional services contract to BSK Associates in the amount of \$174,519 for materials testing and Special Inspection for Project SW1A
4. Award a professional services contract to BSK Associates in the amount of \$189,960 for materials testing and Special Inspection for Project SW1B

*The above item was introduced to Council by DPU Supervising Professional Engineer Norgaard.*

*Mr. Norgaard read the following correction into the record: under the "Local Preference" section of the staff report, the last two sentences should be replaced with: "Local preference was not implemented for the professional services contract but the lowest proposer, BSK, is a local business."*

**RESOLUTION 2015-206 ADOPTED**

**On motion of President Baines III, seconded by Vice President Caprioglio, the above item was approved. The motion carried by the following vote:**

**Aye:** 7 - Baines III, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

Councilmember Brand exited the Council Chamber at 2:49 P.M. and returned at 2:55 P.M.

- 2-D**    [ID#15-102](#)    \*\*\*RESOLUTION - 21st amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to appropriate \$5,081,900 for operating programs and previously approved capital improvement projects in the Public Works Department (Citywide) (Requires 5 affirmative votes)

*The above item was introduced to Council by Public Works Director Mozier.*

**RESOLUTION 2015-207 ADOPTED**

**On motion of Vice President Caprioglio, seconded by President Baines III, the above item was approved. The motion carried by the following vote:**

**Aye:** 6 - Baines III, Caprioglio, Brandau, Olivier, Quintero and Soria

**Absent:** 1 - Brand

- 2-E [ID#15-917](#) Authorize the Fire Chief or designee to execute a contract with Pinnacle Training Systems for the Annual Wellness, Fitness and Physicals Program.

*The above item was introduced to Council by Deputy Fire Chief Semonious. City Manager Rudd also spoke on this item.*

APPROVED

**On motion of Councilmember Soria, seconded by President Baines III, the above item was approved. The motion carried by the following vote:**

**Aye:** 4 - Baines III, Caprioglio, Quintero and Soria

**No:** 3 - Brand, Brandau and Olivier

### **3. CITY COUNCIL**

- 3-A [ID#15-104](#) RESOLUTION - Encouraging Congress and the President of the  
[7](#) United States to pass Comprehensive Immigration Reform

*The above item was removed from the agenda.*

- 3-B [ID#15-105](#) RESOLUTION - To initiate an amendment to Fresno General  
[3](#) Plan Policy RC-9-C pursuant to Fresno Municipal Code Section 12-607-A

*The above item was tabled until after the adoption of the Development Code.*

- 3-C [ID#15-106](#) BILL - (for introduction) - Adding Article 4.15 to Chapter 12 of  
[0](#) the Fresno Municipal Code relating to the exemption of development impact fees for the replacement or reconstruction of existing commercial structures

*The above item was removed from the agenda.*

### **4. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 2:56 P.M. to 3:03 P.M. to discuss the following:*

- [ID#15-104](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING  
[4](#) LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Minerva Espinoza-Romero, et al., v. Rene Rodriguez, City of

Fresno; Fresno County Superior Court Case No.  
14CECG02288 (Lead Case)

*The above item was discussed during Closed Session. No open session announcement was made regarding this item.*

RECESSED 3:03 P.M. TO 5:46 P.M.

*As previously announced, Councilmember Quintero did not return to the Council Chamber following the 3:03 P.M. recess and was absent the remainder of the meeting.*

### **UNSCHEDULED COMMUNICATION**

*The following member(s) of the public addressed Council during Unscheduled Communication:*

*Sheila Anderson - discussed enforcement of trash bin laws.*

*Doug Richert of the Downtown Fresno Coalition - discussed Fulton Mall bids and non compliance with previously added conditions.*

### **5. SCHEDULED COUNCIL HEARINGS AND MATTERS** **CONTINUED**

#### **5:30 P.M.**

ID#15-103 CONTINUED HEARING to consider Text Amendment  
2 Application No. TA-15-001, Plan Amendment Application No. A-15-003, related environmental finding for adoption of the Citywide Development Code, and four resolutions related to finalization and implementation of the Citywide Development Code. Text Amendment Application No. TA-15-001 proposes to add Chapter 15 to the Fresno Municipal Code, repeal Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repeal Chapter 10, Article 12; and amend Chapter 1, Section 1-203, Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3. Plan Amendment Application No. A-15-003 proposes to update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).

(Public testimony closed)

1. ADOPT the environmental findings of Environmental Assessment No. TA-15-001/A-15-003, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 for the Fresno General Plan and Citywide Development Code pursuant to CEQA Guidelines Section 15162 and 15164;
2. BILL - (For Introduction) - Approving Text Amendment Application No. TA-15-001, including all revisions recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D, adding Chapter 15, Citywide Development Code, to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3;
3. RESOLUTION - Establishing the Zoning Designation Translation Table for the interim period between adoption of the Citywide Development Code and adoption of the corresponding zoning map;
4. RESOLUTION- Approving Plan Amendment Application No. A-15-003, updating tables in the Fresno General Plan that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).
5. RESOLUTION - Authorizing the City Clerk to make Numerical Classification and Cross Referencing Corrections in the Fresno Municipal Code in coordination with the City Attorney's Office;
6. RESOLUTION - Authorizing the Development and Resource Management Director or her designee to update the text, policies, maps, tables and exhibits contained in the Citywide Development Code to reflect the final action taken by the City Council, to the extent that such updates are necessary to maintain consistency.

*The above continued hearing was called to order at 5:54 P.M. The public comment portion of the hearing was held at the previous meeting on November 12, 2015 and was closed at that time. Development and Resources Management ("DARM") Director Clark introduced this item to Council. Mayor Swearengin and City Attorney Sloan also spoke on this*

item.

President Baines clarified that Councilmembers would first make motions to amend the Development Code and if they were approved, they would be included in the final motion to approve the Development Code.

Councilmember Brand provided a handout highlighting his proposed changes in yellow (now attached to FILE ID# 15-1032). Councilmember Brand motioned to:

1. Adopt the staff recommendation as printed in the Agenda ID# 15-1032 excepting section 15-1004E, 15-1005, 15-1104F, 15-1105 and incorporating additional revisions made by staff enumerated in Exhibit D; and

2. Make the following amendments:

a. Revise section 15-904-B 7, as amended, to read: "A front-loaded garage door, the width of which occupies less than 50 percent of the area of the front facade", and

b. Revise Section 15-904-B 8, as amended, to read: "A design in which no exterior front street-facing wall...", and

c. Revise Section 15-904-B 9, as amended, to read: "Stone or brick cladding accounts for no less than 25 percent of the cladding of ground floor front street facing facades excluding windows, doors and garages"; and

d. Revise Section 15-904-B 11, as amended, to read: "Shutters, lintels, sills, awnings, decorative trim or similar architectural treatments on front street facing windows and doors"; and

e. Revise Section 15-2609-C-2, to read "Maximum Sign Areas Per Sign. In the case of a CUP, this area can be increased at the discretion of the Review Authority."

f. Revise Section 15-2609-C-3, to read: "Height Limit. Eight feet when located within a required front or street side setback, 10 feet otherwise. In the case of a subdivision with a CUP, this height can be increased at the discretion of the Review Authority."; and

g. Revise Section 15-4108-K-1, as amended, to read: "The combined

*length of all cul-de-sacs and other dead -end streets in any subdivision shall not exceed 35 percent..."; and,*

*h. Revise Section 15-4108-K-2, as amended, to read: "Cul-de-sacs and dead-end streets may not exceed 600 feet unless there are unforeseen issues, topographical challenges, or other opportunities to promote pedestrian connectivity such as access to another street or trail"; and,*

*i. Revise Section 15-4108-M-1-a, as amended, to read: "an adjacent street with a sidewalk"; and,*

*j. Revise Section 15-4112-B, as amended, to read: "Park Frontage. A minimum of 50 percent of the perimeter of any public park must abut a street; external trail; internal lit trail that connects to an external trail or sidewalk; sidewalk; or similar facility that is accessible and visible to people traversing the neighborhood."*

*3. Direct staff to bring back a revised Zoning Map within 30 days of the effective date of this ordinance; and*

*4. Direct staff to solicit additional input from multifamily developers and architects and bring back final recommendations for Sections 15-1004E, 15-1005, 15-1104F and 15-1105 within 30 days.*

*The motion (1, 2 a through 2 j, 3, and 4) was seconded by Councilmember Olivier and passed by a vote of 6 to 0 with Councilmember Quintero absent.*

*Councilmember Brand motioned to add section 15-6102-E(3) which would allow development to proceed after the the Concept Plan had been received by the City if no general plan amendment was required. The motion was seconded by Councilmember Olivier and passed by a vote of 6 to 0 with Councilmember Quintero absent.*

*Councilmember Brand motioned to allow a member of the public, the administration, or a Councilmember to return to Council within 180 days with an amendment to address something that may have been missed, or to address an unforeseen consequence of adoption of the new Development Code, without payment of a fee. The 180 day period would commence from the effective date of January 3, 2016. The motion was seconded by Councilmember Olivier and passed by a vote of 6 to 0 with Councilmember Quintero absent.*



*For the record, Councilmember Brandau asked Director Clark the following question regarding legal non-conforming uses: If a person has a legal non-conforming use and a fire burns more than 50 percent of the building, does the city prohibit the non-conforming use from being re-established? Director Clark stated that section 15-405 (f) of the non-conforming section of the code would allow the structure to be rebuilt exactly as it was prior to the fire so long as it is rebuilt within one year of the destruction and permits are obtained.*

*For the record, Councilmember Brandau asked Director Clark the following question regarding legal non-conforming uses: Could legal non-conforming uses be passed down to family members or sold, so long as they remained the legal non-conforming use without interruption? Director Clark replied that legal non-conforming uses could be passed down and sold and added that they could continue indefinitely so long as they continued to operate under the rules they were established under.*

*For the record, Councilmember Brandau asked Director Clark the following question regarding legal non-conforming uses: Could a legal non-conform use expand its operation and could the building be expanded? Director Clark replied that the expansion of the use was governed by 15-404(b) and could not be done without a Conditional Use Permit. In order to expand the building, Director Clark stated certain findings would need to show the resulting use and project design would either: reduce current adverse impacts on adjacent properties and or the general public; would aid in the preservation of a historic resource, or; that the expansion of the use or enlargement of a structure housing and non-conforming use is necessary to comply with a requirement imposed by law for the operation of that use including but not limited to regulations for disabled access or seismic retrofit.*

*Councilmember Brandau motioned to add section 15-2201-H regarding inclusionary zoning as follows: "Nothing in this Article shall be construed as a provision for inclusionary zoning where an applicant is required to provide housing affordable to moderate, low and very low income households as a condition of approval for a residential development. Furthermore, the Council shall not adopt a provision for inclusionary zoning, as described above, unless and until the Fresno General Plan adopted in December 2014 is updated and superseded by a new General Plan." The motion was seconded by Councilmember Brand and passed by a vote of 4 to 2 with President Baines and Councilmember Soria voting "no" and Councilmember*

*Quintero absent.*

*Councilmember Brandau motioned to add language to Article 59, Planned Development Permits, that provides for a density transfer procedure that duplicates the current procedure set out in sections 12-403-B(44) and 12-304-B(23) of the Fresno Municipal Code. The motion was seconded by Councilmember Olivier and passed by a vote of 6 to 0 with Councilmember Quintero absent.*

*For the record, Councilmember Soria asked for clarification on Fair and Proportional Payments and whether grants would be the method the City would use to pay for the infrastructure needs of Disadvantaged Unincorporated Communities after a SB 244 analysis. Director Clark replied that annexation procedures sub section 6104(c)(3) would not exclude any type of financing that might be available and could include grants, or partnering by the county or other state agency. Director Clark clarified that Revenue Neutrality separated Fair and Proportional Payments and Disadvantaged Unincorporated Communities into separate sections.*

*For the record, Councilmember Soria stated that mobile food vendor amendments may be forthcoming as previously stated by Councilmember Quintero.*

*Councilmember Soria motioned to add language within the Condo Conversion approval process so that the developer, owner or applicant must file the required relocation assistance plan and a summary of all assistance provided demonstrating compliance with required relocation assistance plan prior to new Condo occupancy. The motion was seconded by President Baines and passed by a vote of 6 to 0 with Councilmember Quintero absent.*

*Councilmember Soria motioned that in the event of a conflict between the Development Code and California Health and Safety Code section 17021.6, relating to agricultural land use designations for employee housing, the Health and Safety Code would prevail. The motion was seconded by President Baines and passed by a vote of 6 to 0 with Councilmember Quintero absent.*

*Councilmember Olivier motioned to allow electric fences in all non-residential zones with corresponding changes made pursuant to his handout (now attached to FILE ID# 15-1032). The motion was seconded by Councilmember Brand and passed by a vote of 4 to 2 with President Baines*

*and Councilmember Soria voting "no" and Councilmember Quintero absent.*

*Councilmember Olivier motioned to remove the 500 foot buffer around Bus Rapid Transit stations, only as it relates to service stations, found in Table 15-1102, Use Regulations, footnote 12. The motion was seconded by Councilmember Brandau and passed by a vote of 4 to 2 with Vice President Caprioglio and Councilmember Soria voting "no" and Councilmember Quintero absent.*

*Vice President Caprioglio motioned to incorporate the existing medical marijuana dispensary language into the updated Development Code. The motion was seconded by President Baines and failed by a vote of 3 to 3 with President Baines, Councilmember Olivier and Councilmember Soria voting "no" and Councilmember Quintero absent. President Baines clarified that he seconded the motion for purposes of allowing discussion on the topic.*

*President Baines clarified with Director Clark that there would an operating procedure in place for discretionary routing of by-right uses to Council Offices. Director Clark acknowledged that the procedure would be implemented.*

*President Baines motioned to amend section 15-404-E(2), regarding non-conforming uses, to read as follows: "Non-Residential Districts. A Legal Non-Conforming use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming use has ceased for a consecutive 12-month period within 5 years of the effective date of this Code. Once the five year period from the effective date of this Code has passed, a Legal Non-Conforming Use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming use has ceased for a consecutive period of 90 days or more." The motion was seconded by Councilmember Soria and passed by a vote of 5 to 1 with Councilmember Olivier voting "no" and Councilmember Quintero absent.*

*The above hearing concluded at 9:24 P.M.*

*BILL B-43 INTRODUCED AS AMENDED AND LAID OVER  
RESOLUTION 2015-208 ADOPTED  
RESOLUTION 2015-209 ADOPTED  
RESOLUTION 2015-210 ADOPTED  
RESOLUTION 2015-211 ADOPTED*

**On motion of Councilmember Brand, seconded by President Baines III,**

the above item was approved as amended. The motion carried by the following vote:

**Aye:** 5 - Baines III, Caprioglio, Brand, Olivier and Soria

**No:** 1 - Brandau

**Absent:** 1 - Quintero

## **ADJOURNMENT**

*Adjourned in the memory of Robert Duncan at 9:24 P.M.*

**These minutes were approved by unanimous vote of the City Council, with Councilmember Soria absent, during the December 3, 2015 Council Meeting.**

## Public policy vs. private property: Housing fight looms in Fresno

By George Hostetter  
ghostetter@fresnobee.com

A new federal housing rule aims to end Fresno's long history of concentrated poverty and open wealthy neighborhoods to minorities and the impoverished.

One City Council member says the rule is full of social engineering that will harm all Fresnoans.

Fresno City Council Member Steve Brandau worries about the possible impacts of new federal rules on housing. | CRAIG KOHLRUSS Fresno Bee file photo



Housing advocates say equity demands immediate housing justice. Fresno's city manager counsels patience.

To be precise, the regulation is called the Final Rule for Affirmatively Furthering Fair Housing, and comes from the U.S. Department of Housing and Urban Development.

The rule is ambitious in its pursuit of long-cherished American goals — social justice, economic progress — and complex in its logic.

In a nutshell, the rule doesn't try to revive the Civil Rights battles of the mid-20th century, although it says blatant housing discrimination (you're black — go!) still exists. Rather, the rule focuses on the concentration of "opportunity assets."

In other words, geography has come to count above almost all else in the game of life. Stable, well-heeled neighborhoods, by their nature, provide advantages to residents that those living elsewhere are denied.

The rule says the American ideal, violates federal law and perpetuates stark disparities, HUD says. The rule seeks to remove barriers that stop legally protected classes, including minorities and the poor, from effortlessly moving into advantageous neighborhoods.

"As a former mayor, I know firsthand that strong communities are vital to the well-being and prosperity of families," says HUD Secretary Julian Castro, former mayor of San Antonio. "Unfortunately, too many Americans find their choices limited by where they come from, and a ZIP code should never determine a child's future."

"This important step will give local leaders the tools they need to provide all Americans with access to safe and affordable housing in communities that are rich with opportunity."

Fresno City Manager Bruce Rudd says he has talked with HUD officials, particularly about the prospect of more low-income housing in higher-income neighborhoods.

"There are obvious signals coming from the federal government that we need to start looking at putting these kinds of projects in other parts of the community," Rudd says.

None of this is new. What's new is the change this could bring to Fresno housing policy. It's a history full of intense, often angry, debate.

Do I think we're going to run into something like 'Great idea, but just not in my neighborhood?' Yes.

Fresno City Manager Bruce Rudd

City Hall for decades essentially had a colonial outlook. Growth rushed to the north after World War II. Political power went north, too. This power, ensconced in City Hall, sought to revitalize the south in its place. The new rule retains such a goal, but adds mobility. Why not bring the south into the north, even if the former hasn't first attained some sort of vaguely conceived northern ideal?

Council Member Steve Brandau, whose District 2 covers northwest Fresno, says justice and equity are dear to him, too. But, he says, the new rule looks like Big Brother using people as objects to advance centralized planning.

**"This is the social engineers at work again," Brandau says. "This rule is definitely going to be transformative. It's going to transform north Fresno in the wrong direction."**

## Pivotal housing fight

Fresno nearly 20 years ago was torn apart by a low-income housing struggle.

Wellington Place was to be a 324-unit apartment complex on 24 acres near Herndon and Spruce avenues in northwest Fresno. The developer, a Clovis-based company, wanted to finance the project with tax-exempt bonds issued by the Housing Authority.

The process required developer Peter Herzog to get City Council approval. After a month of fighting, the council in early 1997 rejected Herzog's request on a 5-2 vote.

The sticking point was in the eye of the beholder.

Herzog said nearby homeowners hated Wellington Place because the project would include 65 units for low-income renters. He painted opponents with their worries over increased crime and sinking property values as "elitist."

Chris Mathys, northwest Fresno's council member at the time, said Wellington Place was simply bad housing policy.

"I don't believe it is fair that we subsidize as taxpayers low-income housing when we already have a high vacancy rate in Fresno," Mathys said.

The urban core also would suffer if there was a flight of inner-city renters to north Fresno, Mathys said.

Supporters and opponents each held a rally to drum up public support. The Wellington Place hearing in March 1997 was moved to the Fresno Convention Center's Saroyan Theater to handle the crowd of 600. Speakers were cheered and jeered by the audience.

An official with Central Unified School District worried about overcrowded schools. Council Members Ken Steitz and Mike Briggs (the yes votes) worried about a lawsuit. Former Council Member Les Kimber worried about the integrity of fair housing laws.

Herzog filed a \$27 million lawsuit in May 1997. The charge: City Hall's decision discriminated against minorities, children and the disabled, each a protected class under federal and state fair housing laws.

More than a dozen defendants were named at the start. In the end, it was City Hall and Mathys against Herzog and one other plaintiff.

We will use enforcement as the last resort.

HUD spokesman Ed Cabrera

A federal jury decided the council's rejection of Wellington Place did have a "disproportionate impact" on minority

renters with little money. But, the jury added, the city would have come to the same decision even if low-income minority renters weren't in the picture.

An appeals court upheld the jury verdict. The plaintiffs walked away with \$2 in damages. Mathys and City Hall walked away with vindication.

"An incredible victory," said City Attorney Hilda Cantu Montoy.

The drama took nine years to play itself out.

### **Autry does his best**

It took another three years and the charisma of a former pro football quarterback-turned-Hollywood actor to get the justice of geography back in City Hall's spotlight.

Jim Patterson never seemed to have much time for low-income housing during his lone term (1997-2001) as a strong mayor. When he wasn't successfully battling a spirited recall effort, Patterson was losing a vicious fight with the City Council over the scale of a downtown baseball stadium.

Then came the summer of 2000 and Alan Autry.

"We continue to be a 'tale of two cities,' not a 'story of one,'" Autry said during his campaign for mayor against Dan Whitehurst.

Exactly what this meant wasn't clear until Autry took office in January 2001. What unfolded over the next eight years was ironic, indeed.

Autry frittered away political capital early in the game with bluster about reforming Fresno Unified School District. But mostly he focused on what essentially was a siege of the urban core's woes. He wouldn't take active measures to meld north and south. He would bring the south up to the north's level.

If people in the rebuilt south decided they were happy where they were, well, so be it.

Autry moved quickly to build the stadium, supposedly the catalyst for downtown's rebirth. He borrowed millions for No Neighborhood Left Behind, supercharging the construction of curbs and sidewalks in older areas. He pushed the Regional Jobs Initiative, another of those public-private collaborations designed to put people to work.

Conventional wisdom at this time, and for decades before, held that growth to the north was responsible for decay in the south. Autry issued piles of bonds to change this.

There was a catch.

Money for the bonds' annual bill was to come from a reformed system of developer fees. But to collect enough fees to pay for the growing load of debt, Fresno's developers had to build single-family homes like crazy.

This wasn't a problem during the go-go housing boom of 10 years ago. But almost all of the homes were built in the same suburbs that federal officials now see as impregnable vaults of opportunity assets not found in minority-heavy neighborhoods.

In the eyes of some critics, Autry merely poured gasoline on the fire.

As he left office in January 2009, Autry said his legacy is "building a solid foundation for the future."

### **Swearingin makes big plans**

**Four** key things happened in the current era of Mayor Ashley Swearengin regarding low-income housing.

**First**, she asked at the start of her first term for an update of the city's growth blueprint.

The 2035 general plan got City Council approval this past December. It's part of an ambitious mayoral agenda. The archaic development code is getting a makeover. The 11 square miles that were Fresno before World War II have their own redevelopment plan. Downtown's Fulton Mall may soon be Fulton Street again. A blight-fighting task force has taken aim at slumlords.

But the general plan is Swearengin's star. The plan promises to rid Fresno of "high concentrated poverty, high unemployment and extreme disparities in quality-of-life circumstances and opportunities in different parts of the city." It's a rare mayoral speech that doesn't touch on that theme.

**Second**, Fresno continued to be a favorite of nonprofits with a computer and a yen for ranking cities on various misery indexes.

A workforce with superb science and math skills? Fresno's labor pool was found to be near America's bottom. A park system with enough quality green space? Fresno's is always at the bottom. The Brookings Institution in 2005 found Fresno to have the most concentrated poverty of any big city in the nation. What about suburban poverty? Brookings in 2013 said Fresno ranks No. 5 nationally.

As Swearengin once said of another abysmal Fresno ranking, the city all too often is in "a race to the bottom."

**Third**, Fresno Housing Authority CEO Preston Prince hit his stride. He came to town in late 2007, just as the Great Recession gathered steam. Prince was forced to bide his time, but only briefly.

The opening of Parc Grove Commons turned a lot at Fresno Street and Clinton Avenue into 215 units of affordable housing. The vacant Droge Building, downtown's scariest structure with ugly steel poles propping up its walls, was torn down and the site turned into CityView @ Van Ness, 45 housing units for renters of modest income. Half of what had been Fresno's scariest block, the stretch of Santa Clara Street in front of the Poverello House, saw the immense homeless camp disappear and the Renaissance at Santa Clara, 70 housing units for the chronically homeless, take its place.

Prince has done such stuff over and over.

City Hall's relationship with Prince has been testy at times. He often asks for financial help on projects deemed by some city officials to be too expensive.

But perhaps a bigger source of conflict is Prince's nature. He's a doer. As he said at one grand opening of a Housing Authority project, "we can lease up." That sticks in minds now that pressure builds to do something like Parc Grove, CityView and Renaissance at Santa Clara in north Fresno.

**Fourth**, HUD at the end of Swearengin's first term released a blistering report outlining systemic failures throughout Fresno's housing division. One result was to put City Hall squarely in the sights of HUD officials.

The two sides have tried to fix things for three years.

"I think they're beginning to iron themselves out," Rudd says.

## **Out through the chatter**

And now comes HUD's final rule on [Affirmatively Furthering Fair Housing](#).

It takes up 101 pages in the Federal Register. Rudd and Prince say they're still getting their arms around the rule's



meaning and what to do next.

One thing seems clear. City Hall's preferred low-income housing policy, where the effect if not intent is to segregate low-income renters or buyers in southern parts of town, is toast.

Key parts of the rule:

- It applies to entities receiving HUD money. Fresno and the Housing Authority annually receive millions from HUD.
- It builds on the 1968 Fair Housing Act. This prohibits discrimination on factors such as race, religion, disability or family status.
- HUD grantees (entities like City Hall and the Housing Authority) must craft a detailed analysis of what HUD calls "fair housing issues in its geographical area." These patterns include integration, segregation and racially/ethnically concentrated areas of poverty.

**This is bringing social engineering to a new level. It's going to be resisted by communities across the nation.**

**Fresno City Council Member Lee Brand**

- HUD is especially interested in the distribution of opportunity assets. There's trouble if there's no housing mobility between neighborhoods rich in education, employment, transportation and environmental health and those without.
- Land-use decisions (the essence of City Hall's mission) will go under the microscope. For example, zoning policies made without overt prejudicial intent that end up segregating minorities or the poor may not survive legal scrutiny. This concept is sometimes called disparate impact, and its authority was recently affirmed by a U.S. Supreme Court decision in a Texas housing controversy.
- HUD's reach doesn't stop at the city limits. A Fresnan or developer moving to Clovis to escape the rule's consequences is out of luck. The rule strongly encourages regional solutions.

HUD's 24-page analysis of its own rule doesn't come right out and say cities are losing political control of their destiny. Federalism isn't dead. But it does suggest cities will find that their longtime federal partner on housing issues will move to senior status if necessary.

City Halls, the analysis says, "have a statutory duty to affirmatively further fair housing."

HUD spokesman Ed Cabrera says the fair housing rule is full of "the spirit of collaboration." A city hall and HUD will work together on "where we go initially," he says.

The San Francisco-based Cabrera says his office has "enjoyed" working with Fresno City Hall on many issues.

Cabrera acknowledges that HUD is aware of much of Fresno's housing history, and is learning more all the time.

So, is Fresno No. 1 on HUD's to-do list?

Housing discrimination still exists in more nuanced forms and persists in both rental and sales markets.

HUD analysis of its final rule on Affirmatively Furthering Fair Housing

Cabrera doesn't bite. He says only that the fair housing rule "is an opportunity" for Fresno officials to do the right thing themselves. He says Fresno officials will "have all the support they need from HUD."

But, Cabrera adds, the rule has a clear goal: "Get people out of concentrated poverty." He says such a change of geography among the disadvantaged "really does work."

As to HUD's considerable enforcement powers, Cabrera says it should be enough to simply repeat that Fresno officials "will need to take into account the new rule."

## Opposing sides take shape

~~Hold on~~, Fresno. Wellington Place could look like a pillow fight compared to what's next.

~~HUD's~~ new fair housing rule is well-known to local housing advocates who have longed for an issue to bind their many ~~beefs~~ with City Hall.

~~Leah~~ Simon-Weisberg, San Francisco-based legal director with renters advocacy group [Tenants Together](#), says Fresno has too many neighborhoods lacking parks, quality housing and top-notch schools.

1992

~~When the~~ Fresno Police Department began providing extra police service to Housing Authority apartment properties

~~These~~ are the same places where the majority of folks of color in Fresno live," Simon-Weisberg says. "They are not having equal access to all of those resources."

Veronica Garibay, co-director with Fresno-based nonprofit [Leadership Counsel for Justice & Accountability](#), says City Hall must provide "opportunities for individuals and families of all income levels to live in the neighborhoods where they choose to live."

~~But the~~ trigger to this revolution, the proposed Wellington Place or Renaissance at Santa Clara-type project, has yet to land on the City Council's plate.

Rudd says housing funds in this fiscal year are budgeted for things like rehabilitation of owner-occupied houses and remodeling for homes owned by seniors. Discussion of new low-income apartment complexes anywhere in Fresno, let alone in the north part of town, may have to wait until next spring, he says.

~~Brandau~~ and Council Member Lee Brand (who serves northeast Fresno) wonder whether Fresnoans in good faith will be allowed to speak their minds when that first controversial Affirmatively Furthering Fair Housing project gets here.

~~For example~~, they point to the council's approval on July 16 of a contract to provide two sworn Fresno police officers for 13 Housing Authority-connected apartment complexes in southeast and southwest Fresno. The officers are funded ~~with~~ HUD money.

Chief Jerry Dyer says his department has provided extra protection to Housing Authority apartments for nearly 25 years. Housing Authority officials and their renters clearly don't want destabilizing behavior in their backyard.

~~Brandau~~ and Brand ask if their constituents risk being shouted down if they simply ask for HUD-funded extra police protection at the low-income housing complexes coming to north Fresno.

It's too early to say.

~~Cabrera~~ says his HUD colleagues would love to get an invitation to come to City Hall and talk things over in public.

"I think they would be ready," he says.

~~George~~ Hostetter: 559-441-6272, [@GeorgeHostetter](#)