

TEXT AMENDMENT

P26-01326

MINISTERIAL APPROVAL FOR QUALIFYING HOUSING
DEVELOPMENTS IN COMPLIANCE WITH PROGRAM 9
OF THE 2023-2031 6TH CYCLE HOUSING ELEMENT

Purpose & Background

- To bring the Development Code into compliance with State law and implement Program 9 of the 2023-2031 Housing Element
- Housing Element Sites Inventory
 - AB 1397 (2017) requires local governments provide in their Housing Elements a credible inventory of land that can meet the RHNA
 - Requires inventory of land to be available and suitable for residential development and to include vacant sites that have realistic potential for redevelopment
- California Government Code Section 65583.2(c)
 - Any vacant site included in the prior two Housing Elements and any non vacant sites includes in at least one prior Housing Element shall be provided by-right development when at least 20 percent of the units in the development are affordable to lower-income households

Housing Element Program 9

- 2023-2031 Housing Element Adopted by City Council in December 2024 and certified by HCD in January 2025
- Program 9 commits the City to amending the Development Code to permit ministerial approval of developments with at least 20 percent affordable to lower-income households on nonvacant sites identified in a prior Housing Element and vacant sites included in two or more consecutive Housing Elements, as required by California Government Code Section 65583.2(c)

Text Amendment

- Amends Fresno Municipal Code (FMC) Sections 15-1002, 15-1102, 15-1502, 15-5102, and 15-6802
- Provides for ministerial approval of housing developments with at least 20 percent of units affordable to lower-income households on any nonvacant site identified in a prior housing element and a vacant site included in two or more consecutive Housing Elements
- Applies to qualifying projects in the RM-2, RM-3, CMX, RMX, CR, DTN, DTG and DTC zone districts

Discretionary vs. Ministerial Approval

Discretionary Approval

- Review Authority (Director, PC or CC) can apply a variety of conditions of approval to a project
- Conditions do not have to be a requirement in the Development Code
- May require public hearing, depending on project
- Approvals can be appealed

Ministerial Approval

- Review Authority (Director) determines if project complies with standards in Development Code
- To qualify for ministerial approval, the project must meet ALL standards in Development Code. If not, ministerial approval cannot be granted
- Ministerial approvals issued as a Zone Clearance, does not require public hearing
- Approvals can be appealed

Environmental Analysis

- Project determined to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines
- Text Amendment does not propose or commit the City to a development project

District Committees

- The Text Amendment was presented to the following Committees:
 - District 1: May 14, 2026
 - District 3: April 28, 2026
 - District 4: May 19, 2026
 - District 6: May 13, 2026
 - Tower District Specific Plan Committee: May 21, 2026

Recommendation

- **1. RECOMMEND ADOPTION** of a finding set forth in Environmental Assessment No. P26-01326, that Text Amendment Application No. P26-01326 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).
- **2. APPROVE BILL** (for introduction) of Text Amendment Application No. P26-01326, to amend Sections 15-1002, 15-1102, 15-1502, 15-5102 and 15-6802, relating to compliance with the City of Fresno Housing Element.

THANK YOU!