



## MEMORANDUM

**DATE:** May 9, 2024

**To:** Robert Holt, Supervising Planner

**FROM:** Kyle Simpson

**SUBJECT:** California Environmental Quality Act (CEQA) Affordable Housing Exemption Pursuant to CEQA Guidelines Section 15194 for the Fresno Infill Tiny Homes Project

### INTRODUCTION

The proposed Fresno Infill Tiny Homes Project (proposed project) is the subject of this memorandum in support of an Affordable Housing Exemption under the California Environmental Quality Act (CEQA). As described below, the proposed project consists of the installation of manufactured mobile tiny homes on infill sites in Fresno to serve as emergency housing for low-income individuals and families at risk of homelessness.

Article 12.5 of the CEQA Guidelines identifies exemption criteria for agricultural housing, affordable housing, and residential infill projects. Applicable affordable housing projects that fulfill the criteria established in Article 12.5 and Section 15194 of the CEQA Guidelines have been determined to result in no significant effect on the environment. This memorandum demonstrates that the proposed project qualifies for an exemption under CEQA as it involves an affordable housing project consistent with the provisions of CEQA Guidelines Section 15194.

### PROJECT DESCRIPTION

The proposed project includes installation of 24 manufactured mobile tiny homes on infill sites within the city of Fresno. At this time, the specific infill sites have not been confirmed. The proposed manufactured mobile tiny homes would serve as emergency housing for low-income individuals and families at or below 60 percent area median income (AMI). The proposed manufactured mobile tiny homes are intended to house up to two people, and prospective tenants would include senior citizens, individuals with disabilities, youth exiting foster care, and other individuals at risk of homelessness.

Installation of manufactured mobile tiny homes on infill sites would require site grading, trenching for construction of water, sewer and power utility infrastructure, and paving to introduce accessible paved walkways and concrete pads for the proposed manufactured mobile tiny homes. Other site modifications may include landscaped areas, vehicle parking, and parking space canopies. After site preparation and construction of supporting infrastructure has been completed for each site, manufactured mobile tiny home would be transported to each infill site and installed. After delivery

of tiny home units, the remainder of construction would be completed to prepare for occupancy. This includes connection of utilities, porch and stair construction, interior modification, skirt construction, fences and other finish landscaping, as applicable.

**Project Approvals**

A number of permits and approvals would be required for the proposed project. A list of the potential permits and approvals that may be required is provided in Table A. **[Note to City: Confirm list provided below or modify as needed]**

**Table A: Potential Permits and Approvals**

Agency	Potential Permits/Approvals
City of Fresno	Planning & Development Department <ul style="list-style-type: none"> <li>• Project approval</li> <li>• Notice of Exemption adoption</li> <li>• Planned Development Permit</li> <li>• Conditional Use Permit</li> </ul> Department of Public Works <ul style="list-style-type: none"> <li>• Provision of grading and construction permits and approvals</li> </ul> Department of Public Utilities <ul style="list-style-type: none"> <li>• Water connection(s)/sanitary sewer connection(s)</li> </ul>
State Water Resources Control Board	<ul style="list-style-type: none"> <li>• National Pollutant Discharge Elimination System General Permit</li> </ul>
Pacific Gas & Electric	<ul style="list-style-type: none"> <li>• Electrical connection</li> </ul>

Source: LSA (2024).

**AFFORDABLE HOUSING EXEMPTION**

Article 12.5 of the CEQA Guidelines identifies exemption criteria for agricultural housing, affordable housing, and residential infill projects, and applicable projects that fulfill this criteria have been determined to have no significant effect on the environment and shall be exempt from the provisions of CEQA. This memorandum has been prepared to serve as the basis for compliance with CEQA as it pertains to proposed project, and to demonstrate that the proposed project qualifies for a CEQA Exemption, consistent with the provisions of CEQA Guidelines Section 15194 outlined below.

Section 15194 (Affordable Housing Exemption) of the CEQA Guidelines, states the following:

*CEQA does not apply to any development project that meets the following criteria:*

*(a) The project meets the threshold criteria set forth in section 15192.*

*(b) The project meets the following size criteria: the project site is not more than five acres in area.*

*(c) The project meets both of the following requirements regarding location:*

*(1) The project meets one of the following location requirements relating to population density:*

*(A) The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.*

*(B) If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.*

*(C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.*

*(2) The project meets one of the following site-specific location requirements:*

*(A) The project site has been previously developed for qualified urban uses; or*

*(B) The parcels immediately adjacent to the project site are developed with qualified urban uses.*

*(C) The project site has not been developed for urban uses and all of the following conditions are met:*

*1. No parcel within the site has been created within 10 years prior to the proposed development of the site.*

*2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses.*

*3. The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses.*

*(d) The project meets both of the following requirements regarding provision of affordable housing.*

*(1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.*

*(2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be*

*"affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code.*

The proposed project would consist of the installation of 24 manufactured mobile tiny homes at several infill sites in Fresno that would serve as emergency housing for low-income individuals and families at risk of homelessness. Although the infill sites have not been confirmed at this time, as infill sites are identified, the proposed project would be required to meet site-specific size, location, density, and affordable housing criteria required by Section 15194 of the CEQA Guidelines. Further, as required by Section 15194, all components of the proposed project would be required to meet the criteria of Section 15192 of the CEQA Guidelines, outlined below.

Section 15192 (Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects) of the CEQA Guidelines, states the following:

*In order to qualify for an exemption set forth in sections 15193, 15194 or 15195, a housing project must meet all of the threshold criteria set forth below.*

*(a) The project must be consistent with:*

*(1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and*

*(2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.*

*(b) Community-level environmental review has been adopted or certified.*

*(c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.*

*(d) The site of the project:*

*(1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.*

*(2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.*

*(3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with*

*Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.*

*(4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.*

*(e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.*

*(f) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:*

*(1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.*

*(2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.*

*(g) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.*

*(h) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.*

*(i) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.*

*(j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.*

*(k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.*

*(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.*

*(m) The project site is not located on developed open space.*

*(n) The project site is not located within the boundaries of a state conservancy.*

*(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.*

As discussed above, the installation of 24 manufactured mobile tiny homes would be required to meet threshold requirements outlined in Section 15192 of the CEQA Guidelines. These requirements include consistency with the City's General Plan and other applicable land use plans and programs, consistency with the City's zoning ordinance, confirmation of availability of service from utility providers, and confirmation that development of the proposed project would not result in impacts related to biological resources, cultural resources, hazards and hazardous materials, wildfires, air quality and geology and soils, among other environmental review areas. The City of Fresno would be responsible for reviewing and ensuring that, prior to confirmation of each infill site, all components of the proposed project meet the criteria listed in Section 15192 and Section 15194 of the CEQA Guidelines. As such, the proposed project would be consistent with the conditions of an Affordable Housing Exemption, pursuant to Section 15194 of the CEQA Guidelines.

## **SUMMARY**

On the basis of the evidence provided above, the proposed project is eligible for an Affordable Housing Exemption in accordance with Section 15194 of the CEQA Guidelines. The proposed project would be subject to continued compliance with all applicable threshold criteria identified in Section 15192 and Section 15194 of the CEQA Guidelines, which would ensure that the proposed project would not have a significant effect on the environment. As a result, a Notice of Exemption may be prepared for the proposed project under these conditions.