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Title: CONTINUED HEARING to Consider Plan Amendment Application No. A-16-001, filed by the Development and Resources Management Department Director, to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Consistency Chapter, with an updated Housing Element that would be valid until 2023. The Housing Element is the City's policy document for meeting its housing needs, including housing affordable to low- and moderate-income households and special needs groups. Plan Amendment A-16-001 also includes amendments to the text of Fresno General Plan Chapter 3, Urban Form, Land Use, and Design, to incorporate an analysis of Disadvantaged Unincorporated Communities within or adjacent to the Sphere of Influence, and minor amendments to Chapter 9, the Noise and Safety Element, to comply with Government Code requirements related to the Housing Element.

1. ADOPT the environmental findings of Environmental Assessment No. A-16-001, a Finding of Conformity to the Fresno General Plan Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) and an Addendum to the Finding of Conformity pursuant to CEQA Guidelines Section 15162 and 15164.

2. RESOLUTION - To adopt Plan Amendment Application No. A-16-001, amending the text of Chapter 11 of the Fresno General Plan to incorporate the Housing Element, including all Text, Policies, Maps, Tables, and Exhibits contained in the Fresno Housing Element Revised Public Draft document dated March 2016, and including revisions recommended by staff and proposed amendments to Chapters 3 and 9 of the General Plan as set forth in the exhibits herein

3. RESOLUTION - To authorize the Director of the Development and Resource Management Department to update the Text, Tables, and Exhibits contained In the 2015-2023 Housing Element to reflect the final action taken by Council to the extent such updates are necessary to maintain consistency and to correct typographical errors

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Area of Applicability Map.pdf, 2. Exhibit B - Public Hearing Notices.pdf, 3. Exhibit C - Public Comment.pdf, 4. Exhibit D - Housing Element.pdf, 5. Exhibit E - CA Dept of Housing and Community Development Letter.pdf, 6. Exhibit F - Amendment to Ch 3 of the General Plan - DUCs Analysis.pdf, 7. Exhibit G - Amendment to Ch 9 of the General Plan - Floodplain Protection.pdf, 8. Exhibit H - Environmental Assessment.pdf, 9. Exhibit I - Planning Commission Resolution.pdf, 10. Exhibit J - Council Resolutions.pdf, 11. PowerPoint for Housing Element.pdf, 12. Supplement - 3 Letters from Leadership Counsel.pdf, 13. Supplement - Additional Material.pdf

Date	Ver.	Action By	Action	Result
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REPORT TO THE CITY COUNCIL

April 21, 2016

FROM: DANIEL ZACK, AICP, Assistant Director
Development and Resource Management Department

BY: SOPHIA PAGOULATOS, Planning Manager
Development and Resource Management Department

SUBJECT

CONTINUED HEARING to Consider Plan Amendment Application No. A-16-001, filed by the Development and Resources Management Department Director, to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Consistency Chapter, with an updated Housing Element that would be valid until 2023. The Housing Element is the City's policy document for meeting its housing needs, including housing affordable to low- and moderate-income households and special needs groups. Plan Amendment A-16-001 also includes amendments to the text of Fresno General Plan Chapter 3, Urban Form, Land Use, and Design, to incorporate an analysis of Disadvantaged Unincorporated Communities within or adjacent to the Sphere of Influence, and minor amendments to Chapter 9, the Noise and Safety Element, to comply with Government Code requirements related to the Housing Element.

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3. RESOLUTION - To authorize the Director of the Development and Resource Management Department to update the Text, Tables, and Exhibits contained In the 2015-2023 Housing Element to reflect the final action taken by Council to the extent such updates are necessary to maintain consistency and to correct typographical errors

RECOMMENDATION

CONTINUED HEARING to consider Plan Amendment Application No. A-16-001, filed by the Development and Resources Management Department Director, to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Consistency Chapter, with an updated Housing Element that would be valid until 2023. The Housing Element is the City's policy document for meeting its housing needs, including housing affordable to low- and moderate-income households and special needs groups. Plan Amendment A-16-001 also includes amendments to the text of Fresno General Plan Chapter 3, Urban Form, Land Use, and Design, to incorporate an analysis of Disadvantaged Unincorporated Communities within or adjacent to the Sphere of Influence, and minor amendments to Chapter 9, the Noise and Safety Element, to comply with Government Code requirements related to the Housing Element.

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2. ADOPT RESOLUTION - A Resolution of the Council of the City of Fresno, California, to adopt Plan Amendment Application No. A-16-001, amending the text of Chapter 11 of the Fresno General Plan to incorporate the Housing Element, including all Text, Policies, Maps, Tables, and Exhibits contained in the Fresno Housing Element Revised Public Draft document dated March 2016, and including revisions recommended by staff and proposed amendments to Chapters 3 and 9 of the General Plan as set forth in the exhibits herein
3. ADOPT RESOLUTION - A Resolution of the Council of the City of Fresno, California, to authorize the Director of the Development and Resource Management Department to update the Text, Tables, and Exhibits contained In the 2015-2023 Housing Element to reflect the final action taken by Council to the extent such updates are necessary to maintain consistency and to correct typographical errors

EXECUTIVE SUMMARY

Plan Amendment Application No. A-16-001 proposes to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Consistency Chapter, with an updated Housing Element that would be valid until 2023. The Housing Element is the City's policy document for meeting its housing needs, including housing affordable to low- and moderate-income households and special needs groups. In order to comply with Government Code requirements related to the Housing Element, Plan Amendment A-16-001 also includes amendments to the text of Fresno General Plan Chapter 3, Urban Form, Land Use, and Design, to incorporate an analysis of Disadvantaged Unincorporated Communities within or adjacent to the Sphere of Influence (see Exhibit A for Area of Applicability Map) and minor amendments to Chapter 9, the Noise and Safety Element related to flood protection.

Staff is also recommending additional minor revisions that clarify background information. The revisions are included in Exhibit J: City Council Resolutions.

BACKGROUND

The California Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of their comprehensive general plans. The Housing Element is a mandatory General Plan element. It identifies ways in which the housing needs of existing and future residents can be met. State law requires that all cities adopt a Housing Element.

The City's previous Housing Element covered the period 2008-2015. This Housing Element will cover the next 8 year cycle. The deadline for adoption of the Housing Element is April 30, 2016. If

the Housing Element is not adopted by that date, State law requires that the housing element would need to be updated and re-adopted every 4 years instead of the current cycle of every 8 years.

The California Department of Housing and Community Development (HCD) is required to certify the city's Housing Element. HCD has reviewed the initial Public Draft (January 2016) and has provided comments in a letter dated March 7, 2016 (see Exhibit E). The Housing Element Revised Public Draft (March 2016) incorporates revisions to address HCD's concerns, and HCD's final comments and/or final certification are now awaited by the City.

Amendment of Chapter 11 of the General Plan: Housing Element

Outreach

State law requires that a diligent effort be made to engage the public in the housing element process. In addition to 9 community workshops held in public schools and the Center for New Americans in October and November of 2015, the first public draft of the Housing Element (January 2016) was presented to the Housing and Community Development Commission, Disability Advisory Commission, Airport Land Use Commission, Planning Commission and City Council during January and February of 2016. Also during this time, the Council District Plan Implementation Committees and Design Review Committees reviewed it twice. Both the first Public Draft (January 2016) and the Revised Draft (March 2016) were released broadly to the public through newspaper notices, emails to a list of over 500 stakeholders and community workshop participants, posting on the City's website, and dissemination through the Fresno libraries. More information is available related to outreach in the Housing Element Revised Draft (March 2016), Chapter 1 - Introduction. Comments received are located in Appendix A of the Housing Element Revised Public Draft (March 2016) and summarized below.

Public Notice and Comment

This hearing, along with the March 23, 2016 hearing before the Housing and Community Development Commission, and the March 30 hearing before the Planning Commission was published as a display ad in English and Spanish in the Fresno Bee and Vida del Valle (see Exhibit B), as well as posted on the City's website and emailed to a list of over 500 stakeholders and workshop participants.

Planning Commission

The Planning Commission hosted one workshop on the Housing Element (February 3) prior to holding the March 30, 2016 public hearing to consider the Plan Amendment. One member of the public spoke in favor of the plan amendment, six members of the public spoke in opposition, and one spoke neutrally. After deliberations, the Planning Commission recommended approval of Plan Amendment A-16-001 by a 4-1 vote, with two members absent.

Housing and Community Development Commission

The Housing and Community Development Commission (HCDC) hosted two workshops on the Housing Element (January 27 and February 10) prior to holding the March 23, 2016 public hearing to consider the Plan Amendment. Six members of the public spoke in opposition to adoption of the housing element and none spoke in favor. Many of the speakers requested more time to review the

document. The HCDC unanimously recommended to deny approval of the Plan Amendment in order to provide more time for review of the revised draft (March 2016).

Council District Committees and Design Review Committees

As noted above, the Council District and Design Review Committees have reviewed the Housing Element at least twice. All of the committees except District 1 (quorum issues) and District 3 have recommended approval of the January 2016 Public Draft, and all of the committees have been sent the Revised Public Draft (March 2016) and have been given the opportunity to meet and make a recommendation on it if desired.

Council District 3 Implementation Committee did not take action on the Housing Element but asked for maps showing homelessness, rehabilitation projects, and recently developed accessible housing. The committee also asked about current neighborhood revitalization and code enforcement efforts, and the role of Fresno Green. Staff is responding to these requests.

Council District 1 Implementation Committee met on April 5, 2016 and expressed several concerns. The committee voted to mail members' concerns to staff, and they are attached in Exhibit C.

Airport Land Use Commission

The Airport Land Use Commission (ALUC) reviewed the January 2016 Draft of the Housing Element at its February 1, 2016 meeting and found it consistent with airport plans and policies. The ALUC reviewed the March 2016 Revised Public Draft and revisions to Chapters 3 and 9 of the General Plan at its April 4, 2016 meeting and also found those to be consistent with airport plans and policies.

Written Comments - January 2016 Public Draft

Eight comment letters and emails were received during the public comment period on the January 2016 Public Draft (January 7 - February 29, 2016). The authors of the letters and dates received are as noted below. The letters are contained in Appendix A of the Housing Element. A comment matrix summarizing each comment and a response is included as Exhibit C to this staff report.

Marilyn Borelli, Executive Director, Fair Housing Council of Central California	Jan. 13, 2016
John Cinatl, MCRP, Retired Caltrans District 6 Bicycle Coordinator	Jan. 13, 2016
Jeffrey Roberts, Granville Homes	Jan. 19, 2016
Araceli Bravo, Guellermina Leon, Maria Elena Suarez, and others	Jan. 29, 2016
Ashley Werner, Esq., Leadership Counsel for Justice and Accountability	Feb. 5, 2016
Shannon Mullhall, Certified Americans with Disabilities Act Coordinator	Feb. 16, 2016
Ashley Werner, Esq., Leadership Counsel for Justice and Accountability	Feb. 26, 2016
Patience Milrod	Feb. 29, 2016

Guidance from the California Department of Housing and Community Development

The State Department of Housing and Community Development (HCD) must review and certify the Housing Element. Comments on the January Public Draft of the Housing Element were received from HCD on March 7, 2016 (see Exhibit E) and are summarized below. After each comment, an italicized page number reference to the redline version of the March 2016 Revised Public Draft points

to revisions made in the draft:

- A. Housing Needs, Resources and Constraints (Chapters 3 and 4 of the Housing Element)
1. Include an analysis of unaccommodated need [of housing capacity/sites] from the prior planning period - *See pages 3-4 - 3-27;*
 2. Include analysis to demonstrate the feasibility of development of small and large sites - *See pages 3-11, 3-12;*
 3. Include a realistic capacity analysis which demonstrates the likelihood for 100 percent non-residential development occurring on mixed use sites - *See pages 3-5 - 3-11;*
 4. Ensure the City has adequate sewer and water capacity to accommodate the total regional housing need - *See pages 3-29, 3-30;*
 5. Analyze land use controls related to Downtown, since the Downtown plans and zoning code are still pending - *See pages 3-10 - 3-17, 4-19;*
 6. Identify on/off site improvement requirements that could be constraints to the development of housing - *See pages 4-14, 4-15.*
- B. Housing Programs (Chapter 6 of the Housing Element)
1. Provide definitive timing on Housing Programs 3,4,5 and 7 (Programs 5, 6, 7 and 9 in the Revised Public Draft) - *See pages 6-5 - 6-9;*
 2. Program 11 (Program 16 in Revised Public Draft) - Agricultural Employee (Farmworker) housing needs a commitment to revise the code if necessary - *See page 6-13;*
 3. Program 18 (Program 23 in Revised Public Draft) - At-Risk Housing recommended additional actions by the City with regard to tenant notification - *See pages 6-16, 6-17.*
- C. Public Participation (Chapter 1 of the Housing Element)
1. The City must make diligent efforts to achieve public participation including from low and moderate income households and/or representative organizations by making information regularly available and considering and incorporating comments where appropriate - *See pages 1-5 - 1-10.*
- D. Other
1. The City was encouraged to consider the San Joaquin Valley Fair Housing and Equity Assessment as part of the housing element update and utilize various resources available to the City, including mapping and GIS services - *See pages 3-18, 3-23 and 3-25;*
 2. Other elements of the General Plan must be updated on or before the next adoption of the housing element, specifically the safety element in relation to flood hazard and the land use element with regard to disadvantaged unincorporated communities - *See staff report.*

March 2016 Revised Public Draft

All comments received on the January 2016 Public Draft were carefully considered in the preparation of the March 2016 Revised Public Draft. The revised public draft reflects the City's diligent effort at effective public participation. The revisions can be summarized as follows:

Chapter 1 - Introduction was updated to include the public participation that occurred after the release of the first Housing Element Public Draft in January of 2016.

Chapter 2 - Housing Needs was updated to include new information on various City programs as well as information provided by the Disability Advisory Commission on terminology, services and needs related to individuals with disabilities.

Chapter 3 - Land for Housing was updated to include additional residential capacity in the sites inventory pursuant to Program 2.1.6A of the 2008 Housing Element and related description of the methodology. A bar graph and maps were added showing the sites by zoning classification and density and by racially/ethnically concentrated areas of poverty. In addition, the requested realistic capacity and small and large site development was discussed;

Chapter 4 - Constraints to Housing Production was revised to include clarifications about infrastructure, water and sewer capacity, on/off-site requirements and development requirements in Downtown.

Chapter 5 - Program Accomplishments was revised to include clarifications, additional information about previous program performance and program updates.

Chapter 6 - Housing Plan was revised to refine the proposed programs and add new programs. Program descriptions and timelines were updated to describe the details of the programs.

Other elements that require amendments triggered by adoption of the Housing Element are included with Plan Amendment A-16-001 and further described below. Also noted below, staff is recommending additional minor revisions to enhance clarity. The proposed revisions are included in Exhibit J: Council Resolutions.

Written Comments - March 2016 Public Draft

Four comment letters and emails were received on the March 2016 Revised Public Draft. The authors of the letters and dates received are as noted below. The letters are contained in Exhibit C of the staff report along with a summary and responses to comments. Some of the revisions suggested in Mr. Assemi's letter are recommended to be incorporated into the March 2016 Revised Public Draft of the Housing Element and are included in the staff recommendation. These revisions consist of minor clarifications to background information

Shaunt Yemenjian, Halajian Architecture	March 18, 2016
Ashley Werner, Esq., Leadership Counsel for Justice and Accountability	March 30, 2016
Darius Assemi, President, Granville Homes	March 31, 2016
Patience Milrod	April 7, 2016

Amendment to Chapter 3 of the General Plan: Urban Form, Land Use and Design

California Senate Bill 244 (Wolk, 2011; SB 244) requires local municipalities to identify Disadvantaged Unincorporated Communities (DUCs) within or adjacent to their Sphere of Influence (SOI), analyze the infrastructure needs of the DUCs (including water, wastewater, stormwater drainage, and structural fire protection), and evaluate potential funding mechanisms to make service extension feasible.

Disadvantaged Unincorporated Communities are defined as settled places not within City Limits where the median household income is 80 percent or less than the statewide median household income. Under the policy set forth by the Fresno Local Agency Formation Commission (LAFCO), a DUC must also have at least 15 residences with a density of one unit per acre or greater.

In 2015, Fresno LAFCO identified a total of 20 DUCs that are located within or adjacent to the City of Fresno SOI and which meet the full definition of a DUC (See Figure LU-3, in Exhibit F).

The proposed plan amendment would be inserted at the end of Chapter 3 as Section 3.7 Disadvantaged Unincorporated Communities. The amendment does not include any policy actions at this time; solely infrastructure analysis and potential funding sources. For the full text see Exhibit F.

Amendment to Chapter 9 of the General Plan: Noise and Safety

Government Code Section 65302 (g) requires that the safety element of a city's General Plan meet certain requirements related to flood protection. Any necessary updates are required to be made concurrently with that jurisdiction's next update of the Housing Element. Safety Element Section 9.4, Storm Drainage and Flood Control, is proposed to be amended to reference the City's recently adopted floodplain ordinance. For the full text, see Exhibit G.

Consistency with other General Plan Goals, Objectives and Policies

The California Government Code Section 65300 requires that General Plans be internally consistent. Therefore the Housing Element, as an element of the Fresno General Plan, must be consistent with the goals, objectives and policies of the other elements of the general plan. Key goals, objectives and policies from the Fresno General Plan are noted below to illustrate the Housing Element's consistency with the General Plan. Most of them are self-explanatory, but commentary is added where necessary to link it with the housing element.

General Plan Goals:

- Support a successful and competitive Downtown.
- Provide for a diversity of districts, neighborhoods, housing types (including affordable housing) residential densities, job opportunities, recreation, open space and educational venues that appeal to a broad range of people throughout the city.

- Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.
- Promote a city of healthy communities and improve the quality of life in established neighborhoods.
- Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.
- Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region.

Chapter 3, Urban Form, Land Use and Design:

Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods and housing types.

Policy UF-1-d: Range of Housing Types: Provide for diversity and variation of building types, densities, and scales of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.

Policy UF-1-e: Unique Neighborhoods: Promote and protect unique neighborhoods and mixed use areas throughout Fresno that respect and support various ethnic, cultural and historic enclaves; provide a range of housing options, including furthering affordable housing opportunities; and convey a unique character and lifestyle attractive to Fresnans. Support unique areas through more specific planning processes that directly engage community members in creative and innovative design efforts.

Objective LU-2: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

Policy LU-2-b: Infill Development for Affordable Housing: Establish a priority infill incentive program for residential infill development of existing vacant lots and underutilized sites within the City as a strategy to help to meet the affordable housing needs of the community.

Commentary: Program 5, Housing Funding Sources, on page 6-5 of the redlined version of the Housing Element commits the City to actively pursue additional housing funding sources, including a potential Transit Oriented Affordable Housing Loan Fund, potential partnerships with non-profit entities to support the development of a land bank or community land trust to acquire properties for rehabilitation and/or development of affordable and mixed-income housing, and other possible sources.

Policy LU-4-c: Housing Task Force. Establish an interagency housing task force to coordinate the

housing programs of the City with similar programs of other local jurisdictions and the Fresno Housing Authority to develop a coordinated affordable housing implementation plan.

Commentary: Program 3, Annual Reporting Program, on page 6-4 of the redlined version of the Housing Element commits the City to partner with housing advocates and organizations to provide annual information to the community on housing density and affordable housing.

ENVIRONMENTAL FINDINGS

Housing Element Public Draft, January 2016: Finding of Conformity to the General Plan Master Environmental Impact Report. Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project falls within the scope of the MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR. Relative to this specific project proposal, the environmental impacts noted in the MEIR, pursuant to the Fresno General Plan land use designation, include impacts associated with the above mentioned planned land use designation specified for the subject sites. Based on this Initial Study, the following findings are made: (1) The proposed project was identified as a Subsequent Project in the MEIR because its location, land use designation and permissible densities and intensities are set forth in Figure LU-1 of the Fresno General Plan; (2) The proposed project is fully within the scope of the MEIR because it will not generate additional significant effects on the environment not previously examined and analyzed by the MEIR for the reasons set forth in the Initial Study; and (3) there are no new or additional mitigation measures or alternatives required.

In addition, after conducting a review of the adequacy of the MEIR pursuant to Public Resources Code Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Moreover, as lead agency for this project, the Development and Resource Management Department, per Section 15177(d) of the CEQA Guidelines, has determined that all feasible mitigation measures from the MEIR shall be applied to the project as conditions of approval as set forth in the MEIR Mitigation Measure Monitoring Checklist (available upon request).

Housing Element Revised Public Draft, March 2016: Addendum to the General Plan Master Environmental Impact Report. Based on the environmental review contained in the Finding of Conformity to the General Plan MEIR noted above, the revisions made in the March 2016 Revised Public Draft of the Housing Element as described in the redline version of the document, and the minor amendment to General Plan Chapter 9, Noise and Safety Element, Section 9.4 related to flood protection (as described in Exhibit H) would not result in any new significant or substantial changes to the evaluation of the environmental resources within and outside of the Planning Area beyond those that were addressed in the Finding of Conformity filed on January 29, 2016.

Since the proposed project will not result in additional impacts, it may be determined that: (1) The project falls within the scope of Finding of Conformity prepared for Plan Amendment Application No. A-16-001; (2) No substantial changes are proposed in the project which require major revisions to the previous environmental finding due to the involvement of new significant environmental effects or a

substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken; and, (4) No new information, which was not known and could not have been known, at the time the environmental finding for MEIR No. SCH 2012111015 was adopted, has become available.

Therefore, the City of Fresno has determined that an addendum to the Finding of Conformity prepared for Plan Amendment Application No. A-16-001 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred; and new information added is only for the purposes of providing minor changes or additions, in accordance with Section 15164 of the CEQA Guidelines. See Exhibit H for complete environmental assessment.

LOCAL PREFERENCE

NA - No contracts or purchasing proposed.

FISCAL IMPACT

NA - No contracts, purchasing, or expenditures proposed.

Attachments:

- A. Area of Applicability Map
- B. Public Hearing Notices
- C. Public Comment
- D. Amendment to Chapter 11 of the General Plan: Housing Element (under separate cover)
- E. California Department of Housing and Community Development Letter dated March 7, 2016
- F. Amendment to Chapter 3 of the General Plan: Disadvantaged Unincorporated Communities Analysis
- G. Amendment to Chapter 9 of the General Plan: Floodplain Protection Reference
- H. Environmental Assessment
- I. Planning Commission Resolution
- J. City Council Resolutions