



Legislation Details (With Text)

File #: ID19-11376 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 9/25/2019 **In control:** City Council
On agenda: 10/24/2019 **Final action:** 10/24/2019

Title: HEARING to consider Plan Amendment Application No. P19-00980 and related Environmental Assessment No. P19-00980 for the Housing Element Amendment, filed by the Planning and Development Department Director, pertaining to the following (Council District 3):
1. ADOPT the environmental findings of Environmental Assessment No. P19-00980, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, and to Program Environmental Impact Report SCH No. 2012041009 certified by the City Council on October 20, 2016 for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
2. RESOLUTION - Adopting the Plan Amendment Application No. P19-00980, amending the text of Chapter 11 of the Fresno General Plan, the Housing Element.

Sponsors: Planning and Development Department

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vicinity Map, 2. Exhibit B - Existing and Proposed Downtown Housing Element Sites Map, 3. Exhibit C - Housing Element Amendment Text, 4. Exhibit D - Environmental Assessment, 5. Exhibit E - Public Notice, 6. Exhibit F - FMC Findings, 7. Exhibit G - Planning Commission Resolution, 8. Exhibit H - Council Resolution

Date	Ver.	Action By	Action	Result
10/24/2019	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

October 24, 2019

FROM: DANIEL ZACK, AICP, Assistant Director
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THROUGH: SOPHIA PAGOULATOS, Planning Manager
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SUBJECT

HEARING to consider Plan Amendment Application No. P19-00980 and related Environmental Assessment No. P19-00980 for the Housing Element Amendment, filed by the Planning and

Development Department Director, pertaining to the following (Council District 3):

1. **ADOPT** the environmental findings of Environmental Assessment No. P19-00980, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, and to Program Environmental Impact Report SCH No. 2012041009 certified by the City Council on October 20, 2016 for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
2. **RESOLUTION** - Adopting the Plan Amendment Application No. P19-00980, amending the text of Chapter 11 of the Fresno General Plan, the Housing Element.

RECOMMENDATION

Staff recommends that the City Council take the following actions:

1. ADOPT the environmental findings of Environmental Assessment No. P19-00980, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, and to Program Environmental Impact Report SCH No. 2012041009 certified by the City Council on October 20, 2016 for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
2. ADOPT RESOLUTION approving Plan Amendment Application No. P19-00980 proposing to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Chapter, the amendment proposes changes to Chapter 6, Program 2: Residential Densities on Adequate Sites to be consistent with state law, as well as to add 91 sites totally approximately 54.16 acres located in Downtown Fresno to Appendix B - Housing Sites Inventory (2008-2013 RHNA).

EXECUTIVE SUMMARY

Plan Amendment Application No. P19-00980 proposes to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Chapter, with a Housing Element Amendment. The Housing Element is the City's housing policy document for meeting its housing needs, including housing affordable to low- and moderate-income households. Plan Amendment P19-00980 includes amendments to Chapter 6: Housing Plan, Program 2: Residential Densities on Identified Sites and an amendment to Appendix B, Table B-2 Housing Sites Inventory (2008-2013 RHNA). No land use or zoning changes are being proposed with this amendment.

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 adopted its current 2015-2023 Housing Element on April 28, 2016. Plan Amendment P19-00980 is an amendment to the 2015-2023 Housing Element and will be incorporated into Chapter 11 of the Fresno General Plan. This amendment was called for in the 2018 Housing Element Annual

Progress Report, which went through a 30-day public review period and was presented at a public hearing before City Council on April 11, 2019. No land use changes or zone changes are proposed with this amendment (see Exhibit C for the text of the amendment).

Housing Element Amendment Summary

The changes proposed in the amendment compared to the adopted Housing Element (April 2016) are summarized below:

Chapter 6: Housing Plan

Program 2 Residential Densities on Identified Sites: this program was edited to reflect current State housing law. Since the City last amended its Housing Element in April of 2017, the state legislature has amended Section 65863(2) of the California Government Code concerning the No Net Loss provision. This provision states that local governments must ensure that its housing element inventory can accommodate its share of the regional housing need and now establishes that if a local government's approval of a development project results in the remaining sites being inadequate to accommodate their Regional Housing Needs Allocation (RHNA) obligation, the local government has 180 days to identify additional sites. Program 2 has been edited to be consistent with this change.

Appendix B: Housing Sites Inventory

Appendix B, Table B-2 Housing Sites Inventory (2008-2013 RHNA): Government Code 65583 requires local governments to prepare an inventory of land suitable for residential development to accommodate the jurisdiction's share of the RHNA for the planning period. The City of Fresno has RHNA obligations for two planning periods, the current planning period of 2013-2023 and a carryover from the previous planning period, 2008-2013, these are Tables B-1 and B-2 in Appendix B of the Housing Element.

The RHNA obligation from the previous planning period, also known as the carryover, was required by the State Department of Housing and Community Development as a punitive measure. Therefore, more stringent requirements apply to the inventory. For example, in order to qualify for this carryover inventory, the sites must be zoned at a minimum density of 20 units per acre and must allow ministerial approval for qualifying projects, which means no discretionary conditions of approval are allowed to be placed on those projects. The only area in Fresno with zoning that meets this requirement is located in the Downtown, within the freeway triangle (see Exhibits A and B). The zoning in this area allows unlimited densities that are only constrained by height limits. Furthermore, in order to meet Downtown housing and economic development goals, the zoning currently allows all projects that comply with these housing element requirements to be approved ministerially. Therefore, all carryover housing inventory sites are located Downtown, to take advantage of the housing-friendly zoning.

The carryover Housing Sites Inventory must maintain a minimum capacity of 4,873 units to meet the City's RHNA obligation. Although originally certified with an excess of capacity, a number of non-housing and market rate housing projects have been approved on sites in the carryover inventory which have reduced its capacity to the point that the remaining sites are no longer adequate to meet the City's RHNA obligation. P19-00980 adds an additional 91 sites (and 9,374 units of capacity) to the Housing Sites Inventory (2008-2013 RHNA) to meet the carryover RHNA obligation. The sites were identified by planning staff based on estimated development capacity in addition to meeting the requirements described above. Tier 1 sites are vacant or developed with parking lots; Tier 2 sites include small buildings that are well below the site's development potential. Inclusion in the carryover inventory in no way constrains what type of project can be developed on the site or what the

affordability level is. The existing zoning governs project density and design. The purpose of adding these sites to the inventory is to demonstrate to the State Department of Housing and Community Development that the city has sufficient housing capacity.

PUBLIC INPUT AND NOTICING

Tribal Consultation

Per Government Code 65352.3, the City is required to notify local tribes of the opportunity to conduct consultation when amending the General Plan. Using a list provided by the Native American Heritage Commission on March 11, 2019, notification letters were sent to local tribes by certified mail on March 18, 2019. The City received one letter in response, from Table Mountain Rancheria dated May 21, 2019 declining to participate in consultation.

District 3 Plan Implementation Committee

The Council District 3 Plan Implementation Committee reviewed the Plan Amendment on September 24, 2019 and continued the item to their next meeting on October 22, 2019.

Fresno City Planning Commission Action

Plan Amendment Application No. P19-00980, and related Environmental Assessment No. P19-00980 were considered by the Planning Commission on October 2, 2019. No public testimony was made. The Planning Commission recommended approval to the City Council by a vote of 5:0:1. Planning Commission Resolution No. 13612 can be found in Exhibit H to this report.

Staff is recommending the City Council approve the proposed plan amendment in accordance with the recommendations included within this report herein.

Notice of City Council Hearing

A legal notice of this City Council hearing was posted in Fresno Bee on October 11, 2019 and Spanish notice was published in Vida en el Valle on October 16, 2019, pursuant to FMC 15-5007-D (see Exhibit E).

ENVIRONMENTAL FINDINGS

The Housing Element was previously found in conformance with the General Plan Master Environmental Impact Report (“MEIR” SCH No. 2012111015) for the Fresno General Plan on April 28, 2016. Plan Amendment P19-00980, which would amend the adopted Housing Element, also falls within the scope of the Fresno General Plan MEIR, since no land use or zoning changes are included in the amendment. Dwelling unit capacities calculated to meet the City’s Regional Housing Needs Allocation (RHNA) are based on land use and zoning identified in the Fresno General Plan. Because the Fresno General Plan was amended to incorporate new land uses in the Downtown Planning Area, and because a new sites inventory was added to the Housing Element Amendment that includes downtown sites, the Downtown Plans and Code Program Environmental Impact Report (“PEIR SCH No. 2012041009) is also referenced, since it analyzed the proposed land use and zoning changes that occurred with the adoption of the Downtown Plans and Code in October of 2016.

P19-00980 adds an additional 91 sites on 54.16 acres to the sites inventory increasing the Housing

Sites Inventory (2008-2013) capacity by 9,374 dwelling units by identifying sites with existing zoning that allows by-right development of projects complying with housing element criteria. The environmental impacts of the zoning code changes that facilitated this streamlined approach were analyzed in the PEIR for the Downtown Plans and Code. Plan Amendment P19-00980 does not propose land use or zoning changes to these sites. The PEIR assumed up to 10,000 dwelling units in the Downtown Planning Area; the 4,873 dwelling units of RHNA obligation that the additional identified sites are intended to help meet is well below this threshold. Therefore the addition of the new sites inventory would not result in additional impacts beyond those analyzed in the MEIR or PEIR.

Plan Amendment P19-00980 includes changes to Program 2 in Chapter 6 of the Housing Element. The intent of this program is to maintain and track the housing sites inventories, and that should the City fall below its RHNA obligation, new sites must be added to the inventory within 180 days to restore capacity, pursuant to Section 65863(2) of the Government Code. This program would not result in development that is more intense or different than that envisioned in the Fresno General Plan MEIR or the Downtown Plans and Code PEIR.

While Plan Amendment P19-00980 proposes the addition of 91 sites to the inventory, because none of the proposed sites require a change to land use or zoning, the addition of 91 sites to the inventory is functionally a technical change, within the meaning of CEQA Guidelines section 15164. The proposed additional sites can already be developed consistent with their zoning and there are no proposed changes to how they can be developed. The change to the Housing Element, merely proposes a change to how those sites are counted. In addition, proposed changes to Housing Program 2 are also technical changes because they propose to clarify the City's Housing Element procedures so that they mirror applicable state law. In this way, Plan Amendment P19-00980 consists of minor technical changes and additions such that an addendum to the General Plan Master Environmental Impact Report ("MEIR" SCH No. 2012111015) and PEIR SCH No. 2012041009 for the Downtown Plans and Code is appropriate pursuant to CEQA Guidelines Section 15164 and Public Resources Code Section 21166.

Therefore, the City of Fresno has determined that an addendum to MEIR No. SCH 2012111015 and PEIR SCH No. 2012041009 is appropriate given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent negative declaration 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 D for the Environmental Assessment).

LOCAL PREFERENCE

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

FISCAL IMPACT

N/A - No expenditures

Attachments:

- Exhibit A: Vicinity Map
- Exhibit B: Existing and Proposed Downtown Housing Element Sites Map
- Exhibit C: Housing Element Amendment Text
- Exhibit D: Environmental Assessment

Exhibit E: Public Notice
Exhibit F: FMC Findings
Exhibit G: Planning Commission Resolution
Exhibit H: City Council Resolution for Plan Amendment Application No. P19-00980