

**CHAPTER THREE**  
**LAND FOR HOUSING**

## CHAPTER THREE – LAND FOR HOUSING

### *Housing Sites*

The Housing Element focuses on the social and economic concerns of residential development. Provision of housing sites and delivery of urban services are important facets of assessing the overall ability of a jurisdiction to meet housing needs. More general population and policy information is available in the 2025 Fresno General Plan. The goal of this Chapter is to specifically identify land available to meet the City’s housing need through 2013.

Government Code Section 65583(a) requires local governments to prepare an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period. The tables that follow have been derived from the inventory, and the complete inventory is located in Appendix O.

### *Regional Housing Needs Allocation*

The City’s 2007 Regional Housing Needs Allocation (RHNA) identified a need for 20,967 dwelling units for the 2008-2013 planning period, to be provided in the following income categories:

**Table 3-1  
Regional Housing Needs Allocation**

<b>Income Category</b>	<b>No. Units Required</b>	<b>% Total</b>
Extremely Low (0-30 percent MI)*	2,977	14.2%
Very Low (31-50 percent MI)	2,202	10.5%
Other Low (51-80 percent MI)	3,355	16.0%
Moderate (81-120 percent MI)	3,312	15.8%
Above Moderate (>120 percent MI)	9,121	43.5%
<b>Total Units Needed</b>	<b>20,967</b>	<b>100%</b>

Source: 2007 RHNA, Fresno COG. \* Extremely Low Income figures were calculated pursuant to State HCD guidelines.

### *Housing Unit Capacity within the City of Fresno*

As noted above, state law requires that the detailed inventory of parcels identify only those parcels that will be available for housing during the planning period. Property that does not have reasonable access to public services, or is located in remote areas, may not be included in the inventory. The City of Fresno land inventory includes only those sites located within current city limits that are served by infrastructure and zoned to allow residential development.

The City uses Community Plan Areas as the basis for the planning process. Currently, the City has established eleven Community Plan Areas, however potential housing sites that conform to

state planning law requirements were identified in just ten of the eleven planning areas. The planning area not included in the inventory is the Southeast Growth Area (see map on page 2-4). Although the Southeast Growth Area (SEGA) has a dwelling unit potential of at least 18,333, it was not included because it is located outside of current city limits, is not currently served by infrastructure, and does not yet have the zoning to proceed with development. However, it is expected that the land use plan for the SEGA will be completed within the 2008-2013 Housing Element planning period.

The City’s land inventory was developed with the use of a combination of resources including the City’s GIS database, updated Assessor’s data, and review of the City’s Land Use Element and Zoning Ordinance. The compilation resulted in not only an identification of sites, but also an estimate of potential development capacity for these sites. The majority of the land available for residential development is located in the Edison, Roosevelt and West Community Plan Areas. Realistic dwelling unit capacities were calculated based on specific parcel information from the detailed inventory and application of the density indicated by the zone district, modified to account for typical development constraints, property development standards, and conversions of gross to net acreages (density assumptions are fully discussed in Appendix O).

Table 3-2 is a summary of all land that has potential for housing. Vacant land has been broken down for each planning area by acres and number of potential units. Added to these figures are other types of developable land aggregated on a citywide basis with the potential for residential development.

**Table 3-2  
Summary of Land Available for Housing**

Community Plan Area or Category	Acres	Potential Units By Zoning
Vacant Sites:		
Bullard	342.5	2,061
Central	16.06	98
Copper River	152.72	1,437
Edison	575.53	3,222
Fresno High	19.4	126
Hoover	65.46	430
McLane	257.29	558
Roosevelt	540.97	4,120
West	337.28	3,558
Woodward	194.05	992
Vacant subdivided sites	813.89	3,005
Under-developed residential sites	375.54	2,687
Under-developed mixed-use sites	12.49	390
Infill sites	201.22	2,526
<b>Total</b>	<b>3,904.39</b>	<b>25,210</b>

Source: City of Fresno Planning & Development Department

As noted above, the City's 2007 Regional Housing Needs Allocation (RHNA) identified a need for approximately 20,967 units for the 2008-2013 planning period, and when the previous unmet need of 273 units is added, the total unmet need is 21,240 dwelling units. The dwelling unit capacity identified in the inventory is 25,210, exceeding the unmet need by 3,970 dwelling units. The breakdown by zone district can be seen in the subsequent detailed tables. The categories used in the land use inventory and depicted in Tables 3-2 through 3-4 are defined as follows:

**Vacant Sites by Community Plan Area:** This large grouping of vacant sites consists of land within existing city limits, with infrastructure and zoning appropriate for housing development. The methodology for selecting these sites automatically eliminated any additional vacant sites remaining in subdivisions created during the last 3 years (these sites were identified in a separate category as identified below).

**Vacant Subdivided Sites:** This grouping of sites is specifically focused on subdivisions approved in the last three years, and includes any vacant sites with zoning and infrastructure existing within those subdivisions (since these were not counted in the first category). The large number of sites in this category is partly due to remaining inventory as a result of the current housing environment

**Underdeveloped Residential Sites.** These sites are residentially developed sites that have been identified as having additional development potential. Several sites are less than one acre, contain one dwelling unit, and could be developed with a second dwelling unit pursuant to the City's second unit ordinance, adopted in 2004, which permits addition of a second unit by right. Other sites are greater than one acre in size and have the development potential shown in the inventory. It should be noted that these sites were selected as appropriate for intensification because the assessed value of improvements was less than the land value, indicating readiness for further investment.

**Underdeveloped Mixed Use Sites.** These sites are commercially developed sites that have been identified as having additional residential development potential pursuant to the City's mixed-use ordinance, adopted in 2006, which permits residential development in zone districts C-1 through C-6 and C-P citywide and C-M, M-1 and CC zone districts in the Central Area. The sites selected are all located in redevelopment areas and have an improvement-to-land ratio of less than 1, indicating readiness (or "potential") for investment.

**Infill Sites.** These sites were not included in any previous category and are sites that have been approved for construction or have been constructed since the end of the previous Housing Element planning period (2007).

Table 3-3 summarizes the amount of vacant land by zone district and Community Plan Area, or category, as noted in Table 3-2. The information is provided in gross acreage terms by zone district. Commercial property is included, as all commercial land has a significant residential potential if developed as a mixed-use project (densities up to 29 units per acre are allowed in the C-P zone district, and density is unlimited and determined by Conditional Use Permit in the other commercial zone districts). The table shows that there are approximately 3,500 acres of vacant land with appropriate designations for various types of housing within existing City limits.

**Table 3-3 Adequate Sites Inventory (in acres)  
Zoning to Accommodate Residential Use**

Zoned District Classifications	COMMUNITY PLAN										Vacant Subdivided Sites	Underdeveloped Sites		Infill Sites	Totals
	Bullard	Central	Copper River	Edison	Fresno High	Hoover	McLane	Roosevelt	West	Woodward		Residential	Mixed use		
R-A	54.41		0.28	199.21	7.17	28.69	179.68	50.31	17.96	24.62	180.28			4.92	<b>747.53</b>
R-1-A				8.05							8.09	1.42			<b>17.56</b>
R-1-AH															
R-1-E															
R-1-B	4.98			0.45		2.62		3.40		0.37	2.73	13.81			<b>28.36</b>
R-1-C	7.59			8.77			0.53	3.12	10.32		2.37	10.63			<b>43.33</b>
R-1	83.74	3.83	112.95	279.53	6.41	1.52	73.99	397.43	162.94	60.11	565.62	264.49		27	<b>2,039.56</b>
R-2-A	11.47			7.19	1.16	1.63	0.29	6.09	0.44		0.49	6.76			<b>35.52</b>
R-2	55.15	2.17	39.49	65.68	3.70	0.90	0.48	73.38	132.20	18.50	45.92	19.54		10	<b>467.11</b>
R-3-A															
R-3											0.9	17.39		30.3	<b>48.59</b>
R-4		6.86				4.13	2.19								<b>13.18</b>
R-P	14.91	0.11		0.74	0.40	13.69		3.01		15.91		27.88			<b>76.65</b>
RP-L						2.63									<b>2.63</b>
T-P							0.13		12.13						<b>12.26</b>
C-P	110.25	3.09		5.90	0.56	9.65		4.23	1.29	74.54	1.47	13.62			<b>224.6</b>
C-1											6.02		1.04		<b>7.06</b>
C-2															
C-3														95	<b>95</b>
C-4													3.86	2	<b>5.86</b>
C-5													1.8		<b>1.8</b>
C-6													5.79		<b>5.79</b>
CC														4	<b>4</b>
C-M															
University														28	<b>28</b>
M-1 (Central Area)															
<b>Total</b>	342.5	16.06	152.72	575.52	19.4	65.46	257.29	540.97	337.28	194.05	813.89	375.54	12.49	201.22	<b>3,904.39</b>

Table 3-4 identifies the potential dwelling unit capacity of all categories of vacant and underdeveloped land within the City. The Table indicates that the City, through its existing planning policies, has a capacity of 25,210 dwelling units. The table breaks down the total by zone district, and Community Plan Area, or other category.

**Table 3-4  
Holding Capacity (in dwelling units) - Derived from Sites Zoned to Accommodate Residential Use**

Zoned District Classifications	COMMUNITY PLAN										Vacant Subdivided Sites	Underdeveloped Sites		Infill Sites	Totals
	Bullard	Central	Copper River	Edison	Fresno High	Hoover	McLane	Roosevelt	West	Woodward		Residential	Mixed use		
R-A	16		0	21	3	5	8	8	5	7	224			69	<b>366</b>
R-1-A				2							7				<b>10</b>
R-1-AH	0					1									<b>1</b>
R-1-E															
R-1-B											3	29			<b>32</b>
R-1-C	29			16			2	6	21		7	12			<b>93</b>
R-1	640	35	800	2,016	43	10	446	2,812	1,172	425	2487	1,638		369	<b>12,893</b>
R-2-A	182			113	17	26	5	93	7		14	51			<b>508</b>
R-2	887	30	637	1,044	57	14	6	1,180	2,132	269	197	149		160	<b>6,762</b>
R-3-A															
R-3											64	244		397	<b>705</b>
R-4		23				172	91								<b>286</b>
R-P	211			5	6	191		17		226		382			<b>1,038</b>
RP-L						3									<b>3</b>
T-P									220						<b>220</b>
C-P	96	10		5		8		4	1	65	1	181			<b>371</b>
C-1											1		5		<b>6</b>
C-2															
C-3														740	<b>740</b>
C-4													95	80	<b>175</b>
C-5													8		<b>8</b>
C-6													282		<b>282</b>
CC														171	<b>171</b>
C-M															
University														540	<b>540</b>
M-1 (Central Area)															
<b>Total</b>	<b>2,061</b>	<b>98</b>	<b>1,437</b>	<b>3,222</b>	<b>126</b>	<b>430</b>	<b>558</b>	<b>4,120</b>	<b>3,558</b>	<b>992</b>	<b>3,005</b>	<b>2,687</b>	<b>390</b>	<b>2,526</b>	<b>25,210</b>

## ***Zoning To Encourage And Facilitate Housing For Lower-Income Households***

The City's Regional Housing Needs Allocation obligation of 21,240 dwelling units includes an affordable housing fair share of 8,534 dwelling units (for households of extremely low-, very low-, and low-incomes combined). The land inventory indicates that the City of Fresno has the capacity for these units in the R-1, R-2, R-3, R-4, and commercial zone districts. The rationale for this conclusion is supported in the following analysis of market trends in Fresno.

One of the methods of keeping housing affordable is to reduce land costs through achieving higher density thresholds. The State of California has established a 30-unit per acre default density for Fresno as a density threshold for affordability as an "urban" area.

Currently, the only residential zone district which specifically allows 30 dwelling units per acre by right is the R-4 (High Density Multi-family) zone, which allows up to 43.5 units per acre with a conditional use permit. Commercial zone districts which are developed as mixed-use projects have no specific limit on residential development, and the density bonus ordinance allows as much as a 35 percent increase in residential units. Planned Developments also allow higher densities by allowing deviations from many development standards such as lot sizes, setbacks and building heights that can deter higher density construction.

In identifying sites that encourage and facilitate affordable housing, Fresno has been successful in utilizing all zone designations from R-1 to R-3, as well as commercial zone districts, in achieving affordable housing. Current market conditions, land value, and cost of building materials have proven that affordability can be achieved from 6-12 units per acre, not just at 30 dwelling units per acre.

Fresno continues to strive to achieve higher densities to reduce demands on transportation, provide proximity to amenities for residents, and to encourage smart land-use and smart growth. However, market trends for both market rate and subsidized housing developments in Fresno consistently demonstrate that densities allowed under current zone districts are adequate to address the housing needs for lower-income households.

Single family homes in Fresno have been constructed by market driven forces at a wide range of sales prices, including at sales prices well-below HUD's affordability level (as measured by 95% of the median home price in Fresno County). An affordable home is considered to have a sales price of \$312,550 or below. The following developments illustrate the market trends as follows:

**Table 3-5**  
**Housing Development by Sales Price, Density and Zone District**

Development	Selling Prices	Units Per Acre	Zone District
<b>Market Rate</b>			
Stonebrook at Fancher Creek	\$215,000-\$300,000	10	R-2
Oakville Grove	\$181,000-\$274,000	6	R-1
Autumnwood Ranch	\$254,000-\$295,000	5	R-1
Mariposa	\$199,000-\$225,000	4	R-1
European Grove at Figarden	\$169,900-\$220,900	8	R-2
<b>Subsidized</b>			
Oak Park Senior Villas (TCAC)	N/A (aff. rental)	13	R-1
Sandstone Apartments (TCAC)	N/A (aff. Rental)	14	R-A
Little Long Cheng	\$206,500	6	R-1
Geneva Village	N/A (aff. Rental)	14	R-2
<b>Future Subsidized</b>			
Buena Ventura Senior Villas (utilizing density bonus and mixed-use ordinance)	N/A (aff. Rental)	31	R-1/C-4
<b>AVERAGE</b>		<b>11</b>	

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To further emphasize the potential densities that can be achieved in a wide variety of zone districts, see Table 3-6, Infill Sites, below. This table summarizes projects approved or under construction since the beginning of the current housing element period. Note that densities of up to 17 units per acre can be achieved in the R-1 zone district (with density bonus).

**Table 3-6  
Infill Sites**

<b>Tract or Project Name</b>	<b>Plan Area</b>	<b>Zone</b>	<b>Acres</b>	<b>Dwelling Units</b>	<b>Density Per Acre</b>	<b>Residential Type</b>
Fulton Plaza	Central	C-4	2.00	80	40	mf
Legacy	Central	CC MU	4.00	171	42	mf
Sandstone Apartments	Edison	R-A	4.92	69	14	mf
Campus Point	Hoover	n/a	28.00	540	19	mf
San Joaquin Gardens	Hoover	R-1	15.00	261	17	mf
Park Gove Commons	McLane	R-3	25.00	264	10.	mf
Fancher Creek	Roosevelt	C-3 MU	95.00	740	7.	mf
Little Long Cheng	Roosevelt	R-1	7.00	43	6.	sf
Oak Park Senior Villas	Roosevelt	R-1	5.00	65	13	mf
Tanager Springs	Roosevelt	R-2	10.00	160	16	mf
Transit Village	Roosevelt	R-3	5.30	133	25	mf
<b>Total</b>			<b>201.22</b>	<b>2,526</b>	<b>12.63</b>	

Source: City of Fresno and Quad Knopf

### **Small Sites**

Many sites in the inventory consist of small sites, that is, sites of less than 2 acres in size. Although this may be construed as a constraint to development of higher density affordable housing, the City has tools available to encourage development of these sites. The City has adopted a second unit ordinance which permits addition of a second unit on a site in the R-1 zone district by right. In addition, an affordable housing project could be developed in the R-2 zone district on a small lot as follows: A half-acre lot in the R-2 zone district could be developed with 8 dwelling units; with a 30% density bonus, 10 units. These densities are equivalent to 16 and 20 units per acre, which is in the affordable range for the City of Fresno as discussed above. The City of Fresno Planning and Development Department also has special design guidelines for infill development, and provides fast tracking and a 50% fee discount for any project proposed in the Inner City Area (see map on page 4-13). During the past housing element period, a significant number of single family and multiple family affordable infill projects were constructed on small sites.

### **City Infrastructure**

The ability of a City to provide an adequate housing supply is also closely linked to the capacity of the City's infrastructure. Decreases in the amount of public funds available for such improvements, and the concomitant need for providing services to developing areas, are likely to create some of the most significant problems of the current decade. School sites may be needed, as the Fresno Unified School District 2006-2007 enrolled was 77,555 students. State law significantly restricts the ability of local jurisdictions to consider and mitigate impacts to school systems. Any impacts to schools must be mitigated by the imposition of specified impact fees.

## **Sewer and Water Facilities**

All sites that are presently zoned for residential use are served by infrastructure. The Fresno County LAFCO precludes annexations that do not have recorded Final Maps, which includes the requirement for construction of needed public infrastructure. Further, City standards and service delivery policies presently in place require extension of infrastructure, or payment of fees in lieu thereof to ensure that sites are adequately served.

The City of Fresno currently has 8 mgd of unused sewer capacity, an amount adequate to handle approximately 25,000 dwelling units.

Related to water supplies, the City of Fresno retains three primary sources of water: groundwater, Kings River water entitlements, and Central Valley Project water all containing different levels of reliability. Based on the updated (2008-2009) Metropolitan Water Resources Management Plan these supplies are projected to provide for the city's growth, as projected within the 2025 General Plan, through the housing element time horizon of 2013 and until the year 2020, when a tertiary water recycling program will be implemented for irrigation purposes to extend the supply.

In virtually all cases, sewer and water facilities exist to serve sites in the land inventory. However infrastructure requirements are evaluated on a case by case basis. The incremental construction of master planned sewer conveyance and treatment facilities will be required in concert with the development of planned housing. The transfer of densities from one region of the City to another can significantly affect existing and future infrastructure. All applicable developments will be required to adhere to AB 610. Since 2001, the City has issued permits for 15,030 dwelling units. The Environmental Impact Report (EIR) for the 2025 General Plan indicated that the City will continue to pursue additional water supplies, as well as increase the capacity of the waste water treatment plant. Development of the SOI identified in the 2025 General Plan was not found to be a significant impact on public services.

## **Transportation Infrastructure**

A significant amount of new housing development is proposed for the West Area. While the existing street network provides connections from this area to points east across SR 99, these are projected to be insufficient to meet the projected traffic demand at Level of Service D at general plan buildout. To address this need, a major roadway called Veteran's Blvd. is planned to serve the area. A major interchange will also be needed where Veteran's Blvd. crosses SR 99. The roadway portion of Veteran's Blvd. is funded through the City's impact fee structure and is currently being constructed concurrent with development. The interchange portion is listed as a Tier 1 project under Measure C, a ½ cent sales tax for the purpose of funding transportation infrastructure. In the meantime, construction of housing in the west area would not be constrained due to lack of the interchange, however vehicle congestion in the area may temporarily exceed city standards until the interchange is constructed.

## ***Environmental Constraints***

### **General Constraints**

Floodplains. Although there are several governmental constraints and requirements regarding floodplains, none of these apply to the sites identified in our land inventory. In 2007, the California State legislature passed a number of bills regarding floodplain issues. One bill affecting housing elements allows any land considered for housing that is insufficiently protected from flooding to be removed from the inventory.

The City of Fresno has a significant amount of land which is within the 100-year floodplain, according to maps issued by Federal Emergency Management Agency (FEMA). However, the type of flooding that can be expected in a flat area such as Fresno is generally not the type that can be mitigated by structures such as levees. It is widespread, but generally very shallow (less than 3 feet). As a result, the principle method for mitigating this type of flooding is to require any structures built within the floodplain to be elevated. The Fresno City code contains a Floodplain Ordinance which requires any structures built within the floodplain to be elevated to a minimum of six inches above the identified 100-year flood level. This standard meets the requirements of FEMA. None of the land identified as suitable for housing in this Housing Element will need to be removed due to the new requirements of the State.

Hazardous Materials. Another possible constraint to the development of housing might include the presence of hazardous materials. While some sites are known to contain hazardous materials, such as the old City of Fresno landfill site located at Church and Fruit Avenues, construction of housing is still feasible with appropriate consultation with the State Department of Toxic Substance Control and application of mitigation measures within 2000 feet of the site.

Airports. Another possible constraint to the development of housing could be location within an airport safety zone. There are three airports located in the City of Fresno: Sierra Skypark in the Bullard Community Plan Area, Chandler Airport in the Edison Community Plan Area, and Fresno Yosemite International Airport in the Mc Lane Community Plan Area. Location within an airport safety zone would limit the density of development of housing to some degree, depending on the plan and proximity to the runways. The map of inventory sites shows that all but approximately 6 sites are located outside of these areas. The sites located outside safety zones but within the airport traffic pattern zones are mostly at a far enough distance so that density would not be affected, but the projects would require review by the Airport Land Use Commission.

### **Housing Development and the 2025 Fresno General Plan Master Environmental Impact Report**

The broadscale designation of sites as suitable for housing is done pursuant to goals, objectives, and policies of the 2025 Fresno General Plan (adopted November 19, 2002 through Fresno City Council Resolution No. 2002-379). When the urban form element and its map of citywide land use designations were formulated, the City consulted with a wide range of federal, state, and local regulatory agencies to evaluate potential adverse environmental impacts of land use and

infrastructure policies. The resulting Master Environmental Impact Report (MEIR) for the 2025 Fresno General Plan mitigated adverse impacts to the extent feasible via a series of comprehensive MEIR mitigation measures. When such impacts could not be mitigated below a level of significance (*e.g.*, traffic capacity impacts on some major street segments; and cumulative impacts on air quality and agricultural land conversion), determinations of overriding considerations were established by the certification of the related MEIR (City Council Resolution No. 2002-378).

MEIR No. 10130 examined the potential adverse environmental impacts of implementation of the 2025 Fresno General Plan, which provides plans and policies to accommodate projected population and employment growth through the year 2025. The City of Fresno has determined that specific economic, legal, social, technological and other considerations related to the implementation of the 2025 Fresno General Plan outweigh the unavoidable adverse environmental effects identified in the Final MEIR, including any effects not mitigated because of the infeasibility of mitigation measures and that the identified adverse environmental effects are considered acceptable.

The following environmental impacts were identified in the 2025 Fresno General Plan MEIR as significant but mitigable:

1. **Impact on water supply, quality and hydrology.** The MEIR master mitigation checklist requires that the Department of Public Utilities verify that every housing project will have a suitable supply of water for uses, and that any water treatment facilities be provided and be online prior to occupancy (*e.g.*, granulated activated carbon filtration for removal of pre-existing agrichemicals in groundwater, such as dibromochloropropane/DBCP which has been extant in much of Fresno's aquifer since the 1970s). The Fresno Fire Department also verifies that a project site will have suitable fire flow (fire suppression water supplies) prior to construction, throughout construction, and for occupancy. At this point in time, the City is not aware of a condition that would prevent adequate water supply for developing the identified sites for housing.
2. **Increased demand for utilities and service systems.** As noted previously, the Department of Public Utilities evaluates every proposed housing project for water supply. It also evaluates, and sets requirements, for public sewer services (collection and treatment of wastewater) and for solid waste and recycling. The City's Public Works Department evaluates every project with regard to street and highway capacity and sets requirements for roadway construction, expansion, and signalization, in conjunction with the California Department of Transportation (when the state highway system's local facilities may have any project-specific or cumulative impacts from a development). At this point in time, the City is not aware of a condition that would prevent adequate utilities and service systems for developing the identified sites for housing.
3. **Increased demand for public services:** In addition to the aforementioned Public Utilities and Public Works evaluations, the Fresno Fire Department evaluates proposed housing projects with regard to distance from the nearest fire station and running time to ensure rapid fire response. The City's mass transit division, Fresno Area Express (FAX) evaluates projects' transit demands, expands and rearranges bus routes, and directs

installation of transit facilities such as bus stops and bus turnouts. Non-city agencies such as local school districts and the Fresno Metropolitan Flood Control District evaluate projects for adequate school capacity, safe pedestrian routes to schools, and for sufficient stormwater drainage and flood protection. At this point in time, the City is not aware of a condition that would prevent developing the identified sites for housing because of impacts to public services.

4. **Increased demand for recreational services:** For all residential development projects, the City's Parks, After School, Recreation, and Community Services Department (PARCS) evaluates the recreational demand to be created by the project, and collects impact fees toward acquisition and improvement of open space. At this point in time, the City is not aware of a condition that would prevent developing the identified sites for housing because of impacts to recreational services.
5. **Loss of biological resources:** The City's main habitat reservoir lies in the San Joaquin River Bluff slopes and Riverbottom, areas which the General Plan indicates are not suitable for development due to unstable geologic strata and flood risk. All projects are subject to requirements for provision of landscaping and shading, which would create some measure of urban habitat. At this point in time, the City is not aware of a condition that would prevent developing the identified sites for housing because of impacts to biological resources.
6. **Potential disturbance of cultural resources:** All residential projects are routed to the City's Historic Preservation Specialist for review and comment, and are cross-checked with the database of identified archeological and historic resource locations (Historic Register properties are identified on parcel base maps). Building permit records and field checks are used to identify any properties which would require special studies prior to development. The MEIR mitigation checklist contains specific procedures to be followed if materials are found which may be human remains or paleontological resources. At this point in time, the City is not aware of a condition that would prevent developing the identified sites for housing because of impacts to cultural resources.
7. **Impacts related to geology and soils:** Fresno has only a moderate earthquake risk in general, due to its location relative to fault lines in the San Andreas, Owens Valley, White Wolf/Tehachapi, and Coalinga fault systems. There are no known earthquake faults in Fresno, and no Alquist-Priolo special studies areas. There are limited portions of the City's urban development area which have unstable soils, primarily along the San Joaquin River Bluff, previously-landfilled areas in north Fresno (the Calcot/ Pinedale Dry Dump area). These areas are generally not identified as suitable for housing construction. While Fresno has not been experiencing soil subsidence from groundwater withdrawal, it does have limited areas of expansive clays in northeast Fresno near the Copper Avenue alignment. These areas can be used for housing, provided the foundations are properly engineered. As described below, all projects are required to submit soil reports prepared by a qualified engineer or Registered Geologist, and these reports are evaluated and appropriate engineering measures are required prior to issuance of grading and construction permits. At this point in time, the City is not aware of a condition that

would prevent developing the identified sites for housing because of impacts to geology and soils.

8. **Increased demand for energy.** The City's Subdivision Ordinance and Title 24 compliance procedures maximize passive solar gain and minimize energy demand from housing projects. The City of Fresno also provides development incentives for "green" projects including utilizing solar and alternative energy resources. At this point in time, the City is not aware of a condition that would prevent developing the identified sites for housing because of demand for energy.
9. **Potential aesthetic concerns.** The 2025 Fresno General Plan contains formal Design Guidelines applicable to all types of projects and to landscaping and signage. In addition, there are Design Guidelines adopted for specific types of development (*e.g.*, infill housing) and for designated areas of Fresno (*e.g.*, the Tower District). At this point in time, the City is not aware of a condition that would prevent developing the identified sites for housing because of impacts to aesthetics.

The Resolution certifying the 2025 Fresno General Plan MEIR also identified the following unavoidable significant impacts and made statements of overriding considerations for these impacts:

- A. **Transportation and circulation** - The vehicular traffic level of service (LOS) of E or F projected for various major street segments throughout the city is considered a significant and unavoidable adverse impact which cannot be completely mitigated due to practical constraints on road widening and construction of new major streets. Furthermore, there are no reasonable mitigation measures available to only the City of Fresno, which would reduce this impact to a less than significant level. However, the 2025 Fresno General Plan Urban Service element provides for implementation of alternative public transportation facilities. This impact would not prevent the identified sites from being developed for housing.
- B. **Air quality** - The adverse air quality impacts associated with the myriad of activities associated with the long range general plan for the Fresno metropolitan area can be expected to be significant and unavoidable, and cannot be completely mitigated through the General Plan or through project-level mitigation measures. In order to provide a suitable living environment within the metropolitan area, the plan strives to facilitate expanded economic growth that will support increased employment opportunities while implementing all feasible air pollution reduction measures. Pursuant to MEIR mitigation measures, all projects are evaluated with the "Urbemis" air quality impact model, and the results of this evaluation are used to determine the significance of a particular project's air quality impacts, and any mitigations required for the project in order to comply with the San Joaquin Valley Air Pollution Control District's Indirect Source Review Rule. There are no reasonable mitigation measures available which would assure the reduction of all air quality impacts to a less than significant level at project buildout, even with full compliance with attainment plans and rules promulgated by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District. This impact would not prevent the identified sites from being developed for housing.

- C. **Preservation of agricultural land** - The conversion of agricultural land to urban uses to accommodate the projected population and employment growth within the City of Fresno's planned urban boundary (its current Sphere of Influence) has been determined a significant and unavoidable adverse impact which cannot be completely mitigated. There are no reasonable mitigation measures available only to the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less than significant level, while also allowing for prudent planned development to accommodate project population and employment growth; however, the City is participating in regional farmland protection efforts which would stabilize urban boundaries and provide for permanent agricultural enclaves in the County and the rest of the San Joaquin Valley. This impact would not prevent the identified sites from being developed for housing.
- D. **Noise** - The innumerable activities associated with urban living environments typically generate noise that contributes to the ambient noise levels that occur within the community. The MEIR identifies numerous mitigation measures intended to reduce the impacts of increased noise upon sensitive land uses, such as housing. Overall, mitigation measures are not reasonably available which would assure the reduction of noise impacts to less than a significant level for all parts of the City. The 2025 Fresno General Plan specifies numerous general plan goals and implementing objectives and policies directed to reducing exposure to excessive noise levels, and requires site-specific noise studies and sound mitigation for sensitive uses which may be developed near transportation facilities such as major streets/highways, rail lines, and airports. This impact would not prevent the identified sites from being developed for housing.

### ***General Plan Policies for Housing***

The City's 2025 General Plan includes a number of policies regarding housing, in its Urban Form Element. Following is a brief review of some of the policies which encourage or support affordable housing goals.

General Plan Urban Form Policies C-8-a through C-8-f encourage mixed uses, flexible parking standards, a mix of residential/commercial and public uses, and modification of the zoning ordinance to facilitate mixed-use zoning. Policies C-9-a; through C-9-k provide for support of multifamily uses; in particular, General Plan Policy C-9-c allows for residential density transfers when a site is developed to less than maximum density, thereby increasing the overall average yield in the community. This is an option for the developers, and it provides for a transfer of the unused density, so the housing units are not lost as they were with the "drop-down" provision (see below). Policies C-10-a through C-10-d call for the development of more compact pedestrian friendly, single family residential projects to increase yields assumed in Table 3-\_\_\_ and Policies C-11-a and C-11-d relate to integration of multifamily housing into designated Activity Centers and non-residential areas. The General Plan Implementation Element requires the Mayor to report on the effectiveness of the General Plan and its implementation on an annual

basis. General Plan Infill Development policies C-15-a through C-15-f, and C-16-a through C-16-e facilitate removal of constraints to small lot development.

### ***Additional Potential Capacity for Housing by Residential Zone District***

To comply with implementation programs of the prior housing element, the City of Fresno has made the following changes to zoning and other relevant codes in order to facilitate higher density affordable housing:

- **Density Bonus.** In accordance with State law, Fresno adopted a Density Bonus Ordinance. This ordinance permits a developer to increase the number of residential units by as much as 35 percent over what would otherwise be allowed, provided the applicant sets aside a certain number of units for lower income buyers or renters. In addition, the City's R-1, R-1-B and R-1-C zone districts allow for increased densities when projects utilize the Planned Unit Development provisions. A reduction in the minimum parcel size can amount to a 30 percent density bonus in these zones.
- **Elimination of the "Drop Down" Provision.** The City eliminated a prior provision of the zoning ordinance that allowed residential development to occur at densities lower than those called for by the 2025 Fresno General Plan land use map.
- **Mixed Use Provisions.** The City adopted mixed-use provisions which permit residential development in commercial zone districts C-1 through C-6 citywide and in the CC, C-M and M-1 districts in the Central Area. With the exception of the C-P district, there is no density restriction. Appropriate densities are determined on a site-by-site basis.
- **Residential in C-P Zone District.** The City modified the zoning code to allow 100% residential development in the C-P zone district at densities of up to 29 units per acre (R-3 densities).

## ***ZONING FOR A VARIETY OF HOUSING TYPES***

### ***Agricultural Employees (Farmworker Housing)***

The City did not update the Zoning Ordinance to expressly comply with Health and Safety Code Sections 17021.5, 17021.6 and Government Code Sections 51238 and 51238.5 during the previous planning period, and there may be particular language in the Zoning Ordinance that conflicts with the requirements of these Sections. For example, the O Zone District, which allows agricultural uses, expressly prohibits residential uses except for caretaker residences. This would conflict with the requirement of Health and Safety Code section 17021.6 which provides that housing for 36 beds in group quarters for agricultural employees should be treated as an agricultural use. Additionally, the Zoning Ordinance defines "Labor Camp" as something that houses five or more farm employees. The R-A district expressly prohibits Labor Camps although it allows single family homes. This would appear to be in conflict with Health and Safety Code section 17021.5 which restricts a City from requiring any additional entitlements or

fees for housing for 6 or fewer employees from what is required for a single family home. However, the City does not have any agricultural planned land uses.

Regardless, during the 2008-2013 planning period, the City shall adopt a program to amend the Zoning Ordinance to bring it into compliance with Health and Safety Code Sections 17021.5, 17021.6 and Government Code Sections 51238 and 51238.5. Even though the City of Fresno's zoning ordinance does not expressly comply with State law, the City follows all State housing laws in the application of development standards for all housing developments. Although these specific provisions have not been adopted into Fresno Municipal Code, if a person applies for a permit for farm worker housing, the City will comply with these laws. This is consistent with past practice, where the City granted density bonuses consistent with State density bonus law before adoption of an ordinance incorporating State law into FMC. Additionally, any provision in conflict with State law where the City is preempted, such as the case here in the housing law context, would be considered severed from the Fresno Municipal Code pursuant to FMC Section 1-103. Therefore, should anyone apply for farmworker housing for 6 or fewer employees, the City would treat that as a single family home application and if someone with a legal agricultural use applies for group quarters for agricultural employees, the City would treat that as an allowed agricultural use consistent with State law.

Notwithstanding the above, the City has adopted many amendments to the Zoning Ordinance in the last period that will encourage the construction of farmworker housing, multi-family, manufactured housing, mobile homes, boarding houses and second units as described in Chapter 5, Policy 4.3 - Other Development Incentives.

### ***Emergency Shelters***

Emergency Residential Shelters are expressly defined in the Fresno Municipal Code at 12-105-E-4.1 as:

*a facility providing temporary emergency lodging to a person or persons on a nightly or similar short-term basis, typically not for a fee, but not including a hotel, motel, boarding or rooming house. An Emergency Residential Shelter shall be considered and treated as a group housing facility.*

Group Housing facilities are expressly allowed in all zone districts as a use by right, when there are six or fewer residents, and in all zone districts as a use by conditional use permit (CUP) when there are seven or more residents, as illustrated in Table 3-7 below.

**Table 3-7**  
**Group Housing as allowed by Zone District**

By right:	By CUP:
AE-20 (6 or fewer)	AE-20 (7 or more)*
AE-5 (6 or fewer)	AE-5 (7 or more)*
R-A (6 or fewer)	R-A (7 or more)*
R-1-A (6 or fewer)	R-1-A (7 or more)*
R-1-AH (6 or fewer)	R-1-AH (7 or more)*
R-1-E (6 or fewer)	R-1-E (7 or more)*
R-1-EH (6 or fewer)	R-1-EH (7 or more)*
R-1-B (6 or fewer)	R-1-B (7 or more)*
R-1-C (6 or fewer)	R-1-C (7 or more)*
R-1 (6 or fewer)	R-1 (7 or more)*
R-2 (6 or fewer)	R-2 (7 or more)*
R-3 (6 or fewer)	R-3 (7 or more)*
R-4 (6 or fewer)	R-4 (7 or more)*

*\* These uses are permitted subject to compliance with Section 12-306-N-43 of the FMC which is outlined below.*

The City does not impose a CUP or other special permitting process for residential by right uses. To obtain a permit, an applicant would simply need to obtain a business license and any pertinent permits from the County of Fresno and/or the state. As a result, the same development standards that would be required for a conventional single home family would be required for a group home. For example, for an R-1 zoned site, the following property development standards apply for either a single family residence or a group home:

- Front yard setback: 20 feet, however for parcels created after October 31, 2006, parcels may provide a 15 foot front yard
- Side yard setback: 5 ft. on both sides or 6 ft. on one side and 4 ft. on the other
- Rear yard Setback: 20 ft.
- Lot coverage: 50 percent
- Building height: 3 stories not to exceed 35 feet
- Minimum lot area: 5,000 square feet

A group home of seven or more residents would be processed under a CUP. A CUP is a discretionary permit and may only be approved upon making the following findings (per Section 12-405-A-2 of the FMC):

- a. All applicable provisions of this [i.e., FMC] Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls, and fences, parking, loading, recycling areas, landscaping, and other required features; and,
- b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
- c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-30 of this Code [Section 12-306-N-30 pertains to adult oriented businesses].

In order to obtain a CUP, an applicant would need to submit a conditional use permit application, pertinent documents and a filing fee of \$2,774.50, for areas defined as Inner City per the Fresno Municipal Code, or \$5,379.50 (for a one acre site), for a site located in a non-Inner City area. Typically, conditional use permits are approved in two months.

A group home of seven or more residents would be subject to the following specific development standards under 12-306-N-43:

- a. A minimum of twenty-five percent of the facility site area shall be comprised of usable open space for residents, provided that the Director, or Commission or Council on appeal, may permit a reduction of the required usable open space when both of the following findings can be made:
  - (1) The size, shape, topography, location, or surroundings of the property makes the strict application of the open space standard by this Code infeasible.
  - (2) The reduction of usable open space will not be detrimental to the public welfare or the needs of the residents and guests and will not be injurious to property or improvements in the area in which the property is located.
- b. Parking shall be provided in accordance with Section 12-306-I-6-e of the FMC, which reads as follows:

When there is a group housing facility proposed for seven (7) or more people, parking shall be provided in the following manner:

- (1) One parking space for each four (4) beds provided; plus
- (2) One visitor parking space shall be provided for each five (5) residents; plus

- (3) One parking space shall be provided for each on-site employee. Number of parking spaces will be determined by the working shift with the greatest number of employees.
  - (4) The Director may, with good cause, reduce the parking requirement on a case-by-case basis, by a maximum thirty-five percent (35%).
- c. No group housing facility for seven (7) or more people shall be located within 300 feet from any other group housing facility for seven (7) or more people, as measured from any point upon the outside walls of the structures housing those facilities. This development standard shall not apply to any group housing facility that is subject to any spacing regulation under state law, except to the extent such state law otherwise permits. In determining whether a group housing facility is located within 300 feet of any other group housing facility, facilities that are exempt from consideration by state law shall not be considered.

The typical group home of seven or more is also subject to the property development standards of the underlying zone district and would be treated similar to other projects in that particular district.

There is no zone district where an emergency shelter that can house seven or more residents is allowed as a use by right. Additionally, the Zoning Ordinance does not provide that emergency shelters are limited to only those development standards that apply to other residential or commercial standards within the same zone district or those standards expressly allowed under Government Code Section 65583(a)(4)(A)(i-viii). As a result, the City will amend the Zoning Ordinance to comply with State law within one year of submission of the housing element update and will require that emergency shelters be permitted by right, which will also include incentives to encourage the use, such as reducing parking standards.

### ***Transitional and Supportive Housing***

Transitional and Supportive Housing would also be defined as a group home for purposes of the City's Zoning Ordinance. The discussion of the process to have a group home is discussed in the emergency shelter discussion above. The same process and requirements would be needed to allow a transitional and supportive housing facility. Under State law, transitional and supportive housing must be considered a residential use and shall be subject to only those restrictions that apply to other residential dwellings of the same type, in the same zone. As group homes require a conditional use permit when they house more than seven individuals and other types of residential uses are allowed in the residential and commercial zone districts without a conditional use permit, the City's zoning ordinance is currently in conflict with this State law provision.

The City will amend the Zoning Ordinance to comply with the State law on transitional and supportive housing. However, as discussed in the farmworker housing discussion, if a person applies for a permit for transitional or supportive housing, City will comply with the State law. This is consistent with past practice, where we granted density bonuses consistent with State density bonus law before we adopted an ordinance incorporating State density bonus law into the

Fresno Municipal Code (FMC). Additionally, any provision in conflict with State law where the City is preempted, such as the case here in the housing law context, would be considered severed from the FMC, pursuant to FMC Section 1-103. Therefore, should anyone apply for transitional or supportive housing for 7 or more residents, the City would treat that as a similar residential use in the same zone district.

### ***Single Room Occupancy (SRO) Units***

Single Room Occupancy housing facilities are defined in the City as Boarding or Rooming Houses and are defined as:

- (a) building containing a single dwelling unit with provisions for five, but not more than fifteen, guests, where lodging is provided with or without meals, for compensation, but not to include, motel, emergency residential shelter, group housing facility or rest group.*

A boarding house is first listed in the FMC in the R-3 zone district, subject to a CUP, as well as in the R-4 zone district, which also requires a CUP. Given that the City does not currently permit a boarding house by right in any zone district, the City will amend the Zoning Ordinance to comply with the State law on single room occupants to permit them, by right, in the appropriate zone districts.

### ***Zoning and other Land Use Regulations***

During its ongoing review of the Zoning Ordinance, policies and practices, the City reviews its regulations to ensure compliance with fair housing laws. As a result, the City has not identified any policies, rules and/or regulations that may impede the development or continued use of a building by persons with disabilities, agricultural employees, or those with emergency or transitional housing needs.

The following is a synopsis of efforts that the City has made to ensure that the City complies with State regulations and development of housing facilities for persons with such disabilities:

- a. The City does not restrict occupancy of unrelated individuals in group homes.
- b. Applications for group homes of six or fewer people are treated as a ministerial action.
- c. There are no property development standards above and beyond those imposed on conventional single family homes for group housing facilities for six or fewer people.
- d. The City permits housing for special needs groups, including for individuals with disabilities, without regard to distances between uses or the number of uses in any part of the City.

- e. On-site parking requirements are reduced to 1 parking space for every 3 dwelling units for senior housing, in comparison to 1.5 parking spaces for each unit in a conventional multiple family housing development (i.e., apartment complex).
- f. Assisted or Congregate Living Facility for Senior Citizens, Housing for Senior Citizens, Rest Homes, Home for the Aged or Convalescent Homes, as defined in Subsections 12-105-A-20, 12-105-H-14, and 12-105-R-6 respectively, of the FMC, the maximum population density for any such facility shall be determined by multiplying the maximum population density that would otherwise be permitted by the district in which such facility is proposed to be located by a factor of 3.33. These facilities are permitted in all residential zone districts. Parking requirements are subject to Subsection 12-306-I-6(d) (Group Homes), except that parking requirements for Housing for Senior Citizens shall be in accordance with Subsection 12-306-I-6(e). Nothing stated herein, is intended to conflict with California Government Code Sections 65915 through 65917 related to Density Bonuses for senior citizen housing developments. If the State Density Bonus provision allows for additional density, and/or incentives, State law controls.

### ***Permits and Processing***

The City does not impose special permit procedures or other special property development standards for group home facilities of six or fewer persons. Rather, the use is considered a by right use by the Fresno Municipal Code. In addition, for seven or more individuals, an applicant would need to obtain a Conditional Use Permit and is subject to compliance with several regulations, however, it has been the City's experience that they do not hinder development nor are burdensome, given the minimal requirements for a CUP, as outlined above. In addition, all residential projects in the City require the same amount of review, while no special processes have been established that would require a greater degree of review in comparison to conventional types of development.

### ***Land for Manufactured Housing***

It is the policy of the City to define any mobile or manufactured home which meets certain standards, to be considered a residence or "dwelling." As such, they may be located on any residentially designated property within the City. Mobile or manufactured homes must receive a "Certificate of Compatibility" prior to installation in a residential area.

Mobile home subdivisions and trailer parks may be placed in mobile home or trailer park zones, which are consistent with the medium high-density designation of the General Plan. As of 2007, the additional dwelling unit capacity of vacant land designated for medium-high densities was 5,286 units at current planned densities.