



# CITY OF MENDOTA

*"Cantaloupe Center Of The World"*

ROBERT SILVA  
Mayor  
SERGIO VALDEZ  
Mayor Pro Tempore  
JOSEPH AMADOR  
ROLANDO CASTRO  
JOSEPH RIOFRIO

**AGENDA**  
**MENDOTA CITY COUNCIL**  
Regular City Council Meeting  
CITY COUNCIL CHAMBERS  
643 QUINCE STREET  
March 22, 2016  
6:00 PM

VINCE DIMAGGIO  
City Manager  
JOHN KINSEY  
City Attorney

The Mendota City Council welcomes you to its meetings, which are scheduled for the 2nd and 4th Tuesday of every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phones on vibrate/off while in the council chambers.**

Any public writings distributed by the City of Mendota to at least a majority of the City Council regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours, 8 AM - 5 PM.

## CALL TO ORDER

## ROLL CALL

## FLAG SALUTE

## INVOCATION

## FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda

## PRESENTATIONS

1. **Proclamation No. 16-01:** Honoring Candelaria "Candie" Caro.
2. **Proclamation No. 16-02:** Declaring the Week of March 20-26<sup>th</sup> as "Safe Place Week" in Mendota.

## CITIZENS ORAL AND WRITTEN PRESENTATIONS

At this time members of the public may address the City Council on any matter not listed on the agenda involving matters within the jurisdiction of the City Council. Please complete a "request to speak" form and limit your comments to THREE (3) MINUTES. Please give the completed form to City Clerk prior to the start of the meeting. All speakers shall observe proper decorum. The Mendota Municipal Code prohibits the use of boisterous, slanderous, or profane language. All speakers must step to the podium, state their names and addresses for the record. Please watch the time.

## APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of March 8, 2016 and the Special Joint Meeting of the Mendota City Council and the Mendota Unified School Board of Trustees of March 9, 2016.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

## CONSENT CALENDAR

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. MARCH 08, 2016 THROUGH MARCH 16, 2016  
WARRANT LIST CHECKS NO. 40689 THRU 40742  
TOTAL FOR COUNCIL APPROVAL = \$657,913.63
2. Proposed adoption of **Resolution No. 16-14**, adopting the revised City of Mendota Personnel Rules.
3. Proposed adoption of **Resolution No. 16-20**, approving the Final Map of Tract No. 6111 and entering into a subdivision agreement.
4. Proposed adoption of **Resolution No. 16-23**, terminating the contract with Acquisition Partners of America for grant writing services.
5. Proposed adoption of **Resolution No. 16-24**, intention to initiate an amendment to the City's General Plan, modifying the land use designation and City zoning map relating to Fresno County Assessor's Parcel Nos. 013-141-02S and 013-152-27S.

## BUSINESS

1. Council to receive status report on state mandated emergency water reduction regulation order.
  - a. *Receive report from Public Utilities Director Lewis*
  - b. *Inquiries from Council to staff*
  - c. *Mayor opens floor to receive any comment from the public*
  - d. *Council provide direction to staff on how to proceed*

## PUBLIC HEARING

1. Proposed adoption of **Resolution No. 16-21**, adopting the negative declaration prepared in conjunction with the 2015-2023 Housing Element, and **Resolution No. 16-22**, approving the General Plan amendment adopting the 2015-2023 Housing Element.
  - a. *Receive report from City Planner O'Neal*
  - b. *Receive presentation from Chelsey Payne of Mintier Harnish*
  - c. *Inquiries from Council to staff*
  - d. *Mayor opens the public hearing, accepting comments from the public*
  - e. *Mayor closes the public hearing*
  - f. *Council provide any input and adopt Resolution No. 16-21*
  - g. *Council provide any input and adopt Resolution No. 16-22*
  
2. Proposed adoption of **Ordinance No. 16-02**, repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control), and Give Second Reading, by Title only, with further reading waived.
  - a. *Receive report from City Attorney Kinsey*
  - b. *Inquiries from Council to staff*
  - c. *Mayor opens the public hearing, accepting comments from the public*
  - d. *Mayor closes the public hearing*
  - e. *Council provide any input*
  - f. *Motion to waive further reading of Ordinance No. 16-02*
  - g. *Adopt Ordinance No. 16-02*
  
3. Proposed adoption of **Ordinance No. 16-03**, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement), Chapter 2.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement), and Give Second Reading, by Title only, with further reading waived.
  - a. *Receive report from City Attorney Kinsey*
  - b. *Inquiries from Council to staff*
  - c. *Mayor opens the public hearing, accepting comments from the public*
  - d. *Mayor closes the public hearing*
  - e. *Council provide any input*
  - f. *Motion to waive further reading of Ordinance No. 16-03*
  - g. *Adopt Ordinance No. 16-03*

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Public Works
  - a) Monthly Report
2. City Attorney
  - a) Update
3. City Manager

## **MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)
2. Mayor

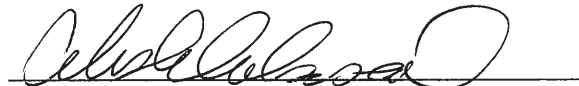
## **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION  
*Pursuant to Paragraph (2) of subdivision (d) of Section 54956.9 ([1] potential case).*

## **ADJOURNMENT**

### **CERTIFICATION OF POSTING**

I, Celeste Cabrera, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of March 22, 2016, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, March 18, 2016 at 3:45 p.m.

  
Celeste Cabrera, Deputy City Clerk

**City of Mendota**  
**Proclamation in Honor of**  
**Candelaria “Candie” Caro**  
**Proclamation 16-01**

**Whereas**, the Citizens of Mendota are blessed with the opportunity to have individuals, groups, and organizations that participate with Mendota in carrying out its mission to protect the health, safety, and promote the welfare of its citizens; and

**Whereas**, Proteus, Inc. has regularly been a principal participant in the promotion of the values that make our community strong through the programs and activities that they have sponsored; and

**Whereas**, Candelaria “Candie” Caro has been a driving force in the organization of these programs since she first came to Mendota; and

**Whereas**, she has organized or assisted with the mobilization of the Promotores, the Annual Farmworker Appreciation Day, Driver Awareness, and a host of other events within the City of Mendota; and

**Whereas**, she continues to be the nexus through which members of our community are able to access trainings, certifications, and other employment advancement opportunities; and

**Whereas**, she continues to keep the leaders, residents, businesses, and organizations within the City of Mendota informed concerning important updates and news that affects our local economy and labor force.

**Therefore**, this Proclamation is presented on behalf of the City Council of Mendota to honor the efforts, work, and dedication of Candelaria “Candie” Caro.

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**Robert Silva, Mayor**

City of Mendota  
Proclamation to the Citizens of  
Mendota, California  
Proclamation No. 16-02

***Declaring the Week of March 20-26<sup>th</sup> as “Safe Place Week” in Mendota***

**WHEREAS**, March 20 – 26th, 2016 is National Safe Place Week and Fresno EOC Sanctuary and Youth Services will join in this celebration to recognize local businesses, community organizations, youth service agencies, and volunteers that are part of this program, working for the safety and well-being of Fresno County’s youth; and

**WHEREAS**, A “Safe Place” is a safe haven for young people in crisis and the Sanctuary Safe Place program with its network of 270 sites throughout Fresno County are committed to protecting our nation’s most valuable asset; and, since 1997, Sanctuary has been a safe place agency and has provided education to 170,454 youth and adults assisted 13,433 youth at Safe Place sites and by phone around the nation; and

**WHEREAS**, Fresno EOC’s Sanctuary Youth Shelter is an emergency shelter for runaway, homeless or otherwise displaced youth ages 12-17, the only self-referral shelter within a 15,000 square mile radius, spanning six counties, and provides emergency shelter, food and clothing, crisis intervention, counseling, case management, family reunification, educational activities, access to health services and referrals to community resources, open 24 hours-a-day, 7 days a week, serving approximately 300 youth annually; and

**WHEREAS**, Today more than 330,000 youth have been helped at one of 20,000 Safe Place site locations or received counseling by phone as a result of Safe Place information received at school last year; and

**WHEREAS**, Safe Place operates in 37 states and in more than 1,400 communities throughout the United States, including Mendota, and increased awareness will encourage more communities to establish Safe Place locations.

**NOW THEREFORE, BE IT RESOLVED**, that the Fresno County Board of Supervisors hereby proclaims March 20 through 26, 2016 as “National Safe Place Week” in the County of Fresno.

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**Robert Silva, Mayor**



## MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

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**Regular Meeting**

**March 8, 2016**

**Meeting called to order by Mayor Silva at 6:00 p.m.**

### **Roll Call**

**Council Members Present:** Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador, Rolando Castro, and Joseph Riofrio.

**Council Members Absent:** None.

**Flag salute led by Councilor Amador.**

**Invocation led by Omaged Mondol from the Iglesia Cristiana Highlands.**

**A moment of silence was held in honor of Vaness French who had recently passed away.**

### **FINALIZE THE AGENDA**

1. Adjustments to Agenda.
2. Adoption of final Agenda.

City Manager DiMaggio requested that item 4 of the Consent Calendar be removed from the agenda.

A motion was made by Councilor Riofrio to adopt the agenda as requested by staff, seconded by Councilor Amador; unanimously approved (5 ayes).

### **CITIZENS ORAL AND WRITTEN PRESENTATIONS**

None offered.

## APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the Special City Council meeting of February 2, 2016 and the Regular City Council meeting of February 9, 2016.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made by Councilor Riofrio to approve items 1 and 2, seconded by Councilor Amador; unanimously approved (5 ayes).

## CONSENT CALENDAR

1. FEBRUARY 23, 2016 THROUGH MARCH 03, 2016  
WARRANT LIST CHECKS NO. 40614 THRU 40688  
TOTAL FOR COUNCIL APPROVAL = \$320,530.80
2. Proposed adoption of **Resolution No. 16-12**, declaring its intention to reimburse expenditures paid for an infrastructure project.
3. Proposed adoption of **Resolution No. 16-13**, authorizing the City Manager to execute all documents for a financing agreement from the State Water Resources Control Board.
4. *Proposed adoption of **Resolution No. 16-14**, adopting the revised City of Mendota Personnel Rules.  
[Removed from the agenda.]*
5. Proposed adoption of **Resolution No. 16-15**, authorizing the use of the City's emergency reserves to fund portions of the City's settlement in the matter of *Warkentine v. Soria*.
6. Proposed adoption of **Resolution No. 16-16**, conditionally approving the exclusive use permits for City facilities for 2016.

Requests to pull items 2, 5, and 6 for discussion were made.

A motion was made to approve items 1 and 3 of the Consent Calendar by Councilor Riofrio, seconded by Councilor Castro; unanimously approved (5 ayes).

2. Proposed adoption of **Resolution No. 16-12**, declaring its intention to reimburse expenditures paid for an infrastructure project.

Discussion was held on an automated water meter grant that the City is applying for.



A motion was made to approve item 2 of the Consent Calendar by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

5. Proposed adoption of **Resolution No. 16-15**, authorizing the use of the City's emergency reserves to fund portions of the City's settlement in the matter of *Warkentine v. Soria*.

Discussion was held on the names of the plaintiffs of the case; conditions included in the settlement agreement; utilizing the City's emergency reserve fund to meet the initial payment obligation portion of the agreement; and modifying the resolution to reflect that the City will pay additional subsequent payments of \$60,000/year for five years to the plaintiffs.

A motion was made to approve item 5 of the Consent Calendar with the aforementioned modification by Councilor Amador, seconded by Councilor Riofrio; unanimously approved (5 ayes).

6. Proposed adoption of **Resolution No. 16-16**, conditionally approving the exclusive use permits for City facilities for 2016.

Discussion was held on the various organizations that will be utilizing various City facilities; fees that are being charged; Council only approving the exclusive use permits conditionally; the organizations needing to meet all conditions prior to the use of the City facility; the possibility of repairing the soccer field resulting in scheduling conflicts; and staff ensuring that no scheduling conflicts exist between the organizations.

*At 6:25 p.m. Mayor Pro Tem Valdez stated that he would abstain and stepped down from the dais.*

**Corina Banuelos & Sergio Valdez (Mendota Youth Recreation [MYR])** – inquired as to what fees MYR would need to pay for.

Discussion was held on MYR needing to obtain a business license for the Harvest Festival; the possibility of the City waiving the business license fees; and the process for MYR to request that the City waive the business license fees.

**Dino Perez (Westside Youth, Inc.)** – inquired as to whether the fees to contract police services has been increased.

A motion was made to approve item 6 of the Consent Calendar by Councilor Riofrio, seconded by Councilor Castro; approved (4 ayes, abstain: Valdez).

*At 6:30 p.m. Mayor Pro Tem Valdez returned to the dais.*

## **BUSINESS**

1. Council discussion and consideration to adopt a resolution favoring the best traffic control device at the intersection of Derrick and Oller Avenues.

Mayor Silva introduced the item and City Manager DiMaggio summarized the report including that Council directed staff to create a resolution in favor of the roundabout; the traffic study that was done at the intersection; the animations that were presented to Council at a previous meeting; a presentation that John Liu of Caltrans gave to Council in favor of the roundabout; the total amount of funding that is available for intersection improvements; the amount of funding available from the San Joaquin Valley Air Pollution Control District (SJVAPCD) that is particularly for the roundabout; the uncertainty of the possibility of utilizing the SJVAPCD funding to develop a traffic signal at the intersection; being in favor of developing a traffic signal at the intersection instead of a roundabout; various issues regarding the roundabout; and Council making a decision in regards to favoring the best traffic control measure at the intersection.

Discussion was held on the possibility of utilizing SJVAPCD funding to develop a traffic signal; various areas of land that the City needs to acquire to develop either traffic control measure; roundabouts throughout Fresno County; Caltran's position on the issue; safety concerns related to the roundabout; and the importance of improving the intersection in a timely manner.

**Gabriel Llanes** – explained that warning signs can be used to inform drivers to slow down prior to entering the roundabout.

**Liberty Lopez** – explained that flashing lights can be placed in the areas surrounding the roundabout to inform drivers about it.

A motion was made to adopt Resolution No. 16-17 by Councilor Amador, seconded by Councilor Riofrio; motion fails (2 ayes, no: Castro, Silva, and Valdez).

A motion was made to adopt Resolution No. 16-18 by Councilor Castro, seconded by Mayor Pro Tem Valdez; approved (3 ayes, no: Amador and Riofrio).

2. Introduction of **Ordinance No. 16-02**: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control), and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including modifying the City's noise ordinance for clarity and so that it comply with the City's General Plan (6:58 p.m. Councilor Riofrio left the Council Chambers); new provisions that are included such as sound level limits; Code Enforcement and Police Department officers being able to measure sound levels through the use of decibel meters; improving the amplified music permit process (7:01 p.m. Councilor Riofrio

returned to the Council Chambers); and the various noise disturbance exceptions of the noise ordinance.

Discussion was held on the public being confused as to when they need to acquire an amplified music permit; whether decibel meters are accurate; the cost of decibel meters; and ways that the current noise ordinance can be enforced.

3. Introduction of **Ordinance No. 16-03**: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement), Chapter 2.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement), and Give First Reading, by Title only, with Second Reading waived.

Mayor Silva introduced the item and City Attorney Kinsey summarized the report including that the proposed ordinance contains existing portions of Chapter 8.28 and the nuisance abatement process.

Discussion was held on whether a list that shows when the City contracted someone to forcefully abate properties exists and the importance of working together with the public to beautify the community.

## **DEPARTMENT REPORTS AND INFORMATIONAL ITEMS**

1. Code Enforcement
  - a) Monthly Report

Economic Development Director Flood summarized the report including the Code Enforcement Department ensuring that property owners maintain the weeds on their properties in order to beautify the community and educating the public on the variety of municipal code violations (7:29 p.m. Mayor Pro Tem Valdez left the Council Chambers).

Discussion was held on properties that have overgrown weeds and ensuring that property owners maintain their properties.

2. Police Department
  - a) Monthly Report

Chief of Police Andreotti reported that the documents to purchase the new vehicles has been submitted; submitting the necessary documents to purchase assault weapons through grant funding; a significant arrest of a known auto theft suspect (7:32 p.m. Mayor Pro Tem Valdez returned to the Council Chambers); the Homeland Security grant that was dedicated to improving the infrastructure security program; submitting a grant in order to acquire funding for the Community Service Officer position; provided an update on the hiring of a Sergeant, Lieutenant, and Phlebotomist; and provided an update on a sensitive investigation.

2. City Attorney
  - a) Update

City Attorney Kinsey reported on the proposed medical marijuana ordinance going before the Planning Commission on March 15<sup>th</sup>; reported on SB 493, which authorizes cities with populations less than 100,000 to transition from at-large elections to district-wide elections (7:38 p.m. Councilor Castro left the Council Chambers); and explained the benefits of converting from at-large elections to district-wide elections (7:40 p.m. Councilor Castro returned to the Council Chambers).

Discussion was held on whether Council Members have to abstain from voting on the minutes for a meeting that they did not attend.

3. City Manager

Nothing to report.

Discussion was held on the upcoming joint meeting with the Mendota Unified School Board of Trustees and the various issues that will be discussed at the meeting.

### **MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS**

1. Council Member(s)
  - Council reports

Councilor Castro reported on street lights that were out in various areas of the City.

Councilor Riofrio provided an update on the championship soccer game in which the Mendota High School soccer team is participating in.

Mayor Pro Tem Valdez reported on individuals discussing City issues on social media.

Councilor Amador reported on his experience of the WELL Conference and that he recently gave a presentation to the police Explorers Program.

Discussion was held on individuals who are discussing City issues on social media.

2. Mayor

Mayor Silva reported on the WELL Conference that he recently attended including a facility tour of the Santa Clara Valley Water District Recycling Project.

Discussion was held on whether the City has been completely reimbursed for expenses acquired for the delegation's trip to Israel.

## **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION  
*Pursuant to Paragraph (2) of subdivision (d) of Section 54956.9 ([1] potential case).*

At 7:54 p.m. the Council moved into closed session.

At 8:19 p.m. the Council reconvened in open session and City Attorney Kinsey reported that in regards to item 1 of the closed session, there was nothing to report.

Discussion was held on the possibility of having the Public Safety Sub-Committee meetings monthly instead of quarterly.

## **ADJOURNMENT**

With no more business to be brought before the Council, a motion for adjournment was made at 8:21 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Castro; unanimously approved (5 ayes).

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Robert Silva, Mayor

ATTEST:

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Matt Flood, City Clerk



**MINUTES OF MENDOTA  
SPECIAL CITY COUNCIL MEETING  
JOINT-MEETING OF THE  
MENDOTA CITY COUNCIL AND  
THE MENDOTA UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES**

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**Special Meeting**

**Wednesday, March 9, 2016**

**5:00p.m.**

**Joint Meeting called to order by Mayor Silva at 5:05 p.m.**

**Mendota Unified School District (MUSD) Board of Trustees conducted roll call and established a quorum.**

**Roll Call**

**Council Members Present: Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador and Rolando Castro.**

**Council Members Absent: Councilor Joseph Riofrio.**

**The Flag Salute was led by Mayor Robert Silva**

**A moment of silence was held in honor of Vaness French who had recently passed away.**

**FINALIZE THE AGENDA**

1. Adjustments to Agenda.
2. Adoption of final Agenda.

A motion was made by Mayor Pro Tem Valdez to adopt the agenda, seconded by Councilor Amador; unanimously approved (4 ayes, absent: Riofrio).

Mendota Unified School District adopted their agenda.

**CITIZENS ORAL AND WRITTEN PRESENTATIONS**

None offered.

## **BUSINESS**

### 1. Discussion Forum

#### a. Traffic Analysis

McCabe Elementary on McCabe Avenue  
Mendota Elementary on Perez Avenue

Discussion was held on the increase of traffic congestion at the aforementioned areas; the possibility of installing a traffic signal on Perez Street; MUSD and the City sharing the costs for a traffic study for the intersection; moving forward with developing a traffic signal at the intersection if traffic warrants are met; various short term solutions that are available to control traffic at the intersection; issues with the initial traffic study that was done near Mendota Elementary School not being accurate; the lack of road access onto Bass Avenue significantly influencing the traffic problem; and the costs associated with having a traffic study done at the intersection.

#### b. City General Plan – Growth & Development

Discussion was held on the City's General plan; the various elements included within the General Plan; the amount of homes that are being constructed at the new housing subdivision; the City's growth being dependent on the development of housing; contractors that are interested in developing additional housing in the City; the Multi-Jurisdictional Housing Element (MJHE) update that the City is participating in; and various provisions that are included in the proposed MJHE update.

#### c. Sorensen Avenue Parkway Islands – Westside of McCabe Elementary

Discussion was held on who owns the Sorenson Avenue parkway islands; the possibility of sharing the costs to beautify the parkway islands; the reconstruction of Sorenson Avenue creating the parkway islands; the possibility of having companies and organizations provide trees to plant at the area; ensuring that any beautification solution is drought friendly; safety issues that arise when mud is created; possible short-term solutions; and having MUSD staff and City staff meet to discuss permanent solutions for the parkway islands.

#### d. Smoot Avenue Property

Community Center  
Other Facilities

Discussion was held on the ownership of the Community Center; the property belonging to MUSD; a lease that was in place between the City and the previous owners of the property; the City wanting to improve the Community Center and Senior Center once ownership is resolved; the possibility of the City creating additional parking near the Benny Mares Sr. Baseball Field on

Smoot Street; the possibility of MUSD transferring the Community Center property over to the City; and improving all buildings located on the property.

e. Proposed Roundabout at the Intersection of Oller and Derrick Avenues

Discussion was held on the City taking an official position on which traffic control measure to develop at the intersection; the traffic study that has been done at the intersection; the animation that was created to show how both a roundabout and a traffic signal would mitigate traffic at the intersection; the amount of funding that is available for intersection improvements; the City needing to acquire land from various property owners, including MUSD, to develop the traffic control measure; the City Council favoring a traffic signal; Caltran's position on the issue; and ways that the MUSD Board of Trustees can assist the City in its efforts to develop a traffic control measure.

f. City Use of School Facilities

Discussion was held on the various recreational programs that the City wants to establish; the City requesting to utilize school facilities for purposes related to the recreational programs; ensuring that scheduling conflicts do not exist between the City and other organizations in regards to the use of the facilities; and the possibility of having the developer of the Buena Vista subdivision expand Rojas-Pierce Park.

Discussion was held on the City and MUSD entering into an agreement to utilize each other's equipment when necessary.

g. Concerns Related to Bed Bug Outbreak

Discussion was on the proliferation of bedbugs in the community and their spread by children; the bedbug problem did not originate with the school; the action that the school immediately took upon discovering them in the school; and having the City spread the word about how to eradicate them.

Mayor Silva thanked the MUSD Board of Trustees and staff, and the public for their cooperation and participation.

## **ADJOURNMENT**

At the hour of 6:34 p.m., with no more business to be brought before the Council, a motion was given by Councilor Amador, seconded by Mayor Pro Tem Valdez to adjourn the meeting, and was carried by a unanimous vote (4 ayes, absent: Riofrio).

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Robert Silva, Mayor



ATTEST:

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Matt Flood, City Clerk

**CITY OF MENDOTA**  
**CASH DISBURSEMENTS**  
**3/8/2016-3/16/2016**  
**Check #40689 - 40742**

Date	Check #	Amount		Department	Description
March 8, 2016	40689	\$570.00	ADMINISTRATIVE SOLUTIONS, INC.	GENERAL	MONTHLY MEDICAL ADMINISTRATION FEES FOR MARCH 2016
March 8, 2016	40690	\$204.74	CAPITAL ONE COMMERCIAL	GENERAL-WATER-SEWER	PEDIGREE, LYSOLS WIPES, COFFEMATE, FOLGERS, SPLENDA, WATER
March 8, 2016	40691	\$250.00	SANTANA DIAZ REYES	GENERAL	REFUND MMC VIOLATION CITATION 001073
March 8, 2016	40692	\$82,144.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER 02/22/2016 - 03/06/2016
March 11, 2016	40693	\$126.21	JOSE CARRILLO	GENERAL	HEALTH INSURANCE REIMBURSEMENT MEDICAL-IN-LIEU
March 11, 2016	40694	VOID			
March 11, 2016	40695	\$350,000.00	EDWARD WARKENTINE, DAN TANKERSLEY AND ROBERTSON, JOHNSON, MILLER & WILLIAMSON	GENERAL	FEDERAL CASE SETTLEMENT FEBRUARY 2016
March 15, 2016	40696	\$26,741.00	SERRAMONTE FORD	POLICE IMPACT FEES	2015 FORD EXPLORER - 1FM5K8AR1FGB91628 (PD)
March 15, 2016	40697	\$26,741.00	SERRAMONTE FORD	POLICE IMPACT FEES	2015 FORD EXPLORER - 1FM5K8AR7FGB91634 (PD)
March 16, 2016	40698	\$700.00	A&J AUTOBODY	WATER-SEWER	07 CHEV SILVERADO VIN:1GLEL14L972514023 LEFT FRONT FENDER LABOR, LEFT DOOR LABOR, PAINT DOOR AND FENDER
March 16, 2016	40699	\$1,021.64	ACME ROTARY BROOM SERVICE	STREET	(8) E 5TH SCHWARZE 7000 GUTTER BROOMS
March 16, 2016	40700	\$1,410.00	ADAMS, LORIE ANN	HOME PROGRAM	PORTFOLIO MANAGEMENT-FEBRUARY 2016-HOME/CDBG PAYMENTS-ACCOUNTS
March 16, 2016	40701	\$90.00	ADMINISTRATIVE SOLUTIONS, INC.	GENERAL	HRA ADMINISTRATION FOR MARCH 2016
March 16, 2016	40702	\$312.64	ADT SECURITY SERVICES	GENERAL-WATER-SEWER	SERURITY SERVICES FOR EDD FROM 03/11/2016-04/10/2016-SECURITY SERVICES FOR CITY HALL FROM 03/11/2016-04/12/2016-SECURITY
March 16, 2016	40703	\$24.70	AIRGAS USA, LLC	WATER	RENT CYL IND SMALL CARBON DIOXIDE 20LB FOR FEBRUARY 2016
March 16, 2016	40704	\$513.39	ALERT-O-LITE	WATER-STREET	DIAMOND BLADE 14" PB10 RED PRO-DIAMOND BLADE 14 OX TB1014-STIHL 4002-710-2191 25-2 AUTO
March 16, 2016	40705	\$236.71	AMERIPRIDE	GENERAL	PUBLIC WORKS/UTILITIES UNIFORM LEASE FOR FEBRUARY 2016
March 16, 2016	40706	\$511.35	AUTOMATED OFFICE SYSTEMS	GENERAL-WATER-SEWER	RICOH AFICIO MP C5501 MAINTENANCE CONTRACT NO.14148 COPIES USED FROM 02/01/2016 THROUGH 02/29/2016
March 16, 2016	40707	\$177.34	AT&T	GENERAL	POLICE DEPARTMENT DISPATCH 01/24/2016 - 02/23/2016
March 16, 2016	40708	\$70.00	AT&T	GENERAL-WATER-SEWER	ONENET SERVICE FOR 02/11/2016 THROUGH 03/10/2016
March 16, 2016	40709	\$171.70	BAKER MANCOCK & JENSEN PC	WATER	PROFESSIONAL SERVICES-DOMESTIC WATER SUPPLY LEASE FOR BEAVER BRIDGE
March 16, 2016	40710	\$2,217.82	BOGIE'S PUMP SYSTEMS	WATER	REPAIR PUMP, MECHANICAL SEAL, SEAL GLAND
March 16, 2016	40711	\$572.00	BSK ASSOCIATES	WATER-SEWER	WASTEWATER WEEKLY DRINKING AND WASTEWATER ANALYSES BOD-SOURCE WATER MONITORING PROFILE-EDT WEEKLY TREATMENT
March 16, 2016	40712	\$49,948.00	CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY C/O BICKMORE RISK SERVICES	GENERAL	2015/2016 4TH QUARTER DEPOSITS-LIABILITY PROGRAM/WORKERS

**CITY OF MENDOTA  
CASH DISBURSEMENTS  
3/8/2016-3/16/2016  
Check #40689 - 40742**

March 16, 2016	40713	\$505.00	CENTRAL VALLEY TOXICOLOGY, INC	GENERAL	(3) ETHYL ALCOHOL (3) ABUSE SCREEN (3) SINGLE DRUG SCREEN (THC) (5) DRUG CONFIRMATION LEVEL (PD)
March 16, 2016	40714	\$80.13	COMCAST	GENERAL-WATER-SEWER	XFINITY TV 02/26/2016-03/25/2016 CITY HALL
March 16, 2016	40715	\$130.00	CORBIN WILLITS SY'S INC.	GENERAL-WATER-SEWER	BILLABLE HOURLY SERVICE CHARGE FOR 02/26/2016
March 16, 2016	40716	\$88.82	CROWN SERVICES CO.	GENERAL-SEWER	TOILET 1XWEEK ENV FEE (PD)-TOILET WITH SINK 1XWEEK AND RENTAL MENDOTA SALES TAX AND EVN FEE
March 16, 2016	40717	\$689.00	DEPARTMENT OF JUSTICE	GENERAL	FINGERPRINT APPS, FINGERPRINT FBI, CHILD ABUSE INDEX CK, CCW INITIAL EMPLOYMENT (PD) - (14) BLOOD ALCOHOL ANALYSIS FOR FEBRUARY 2016
March 16, 2016	40718	\$115.19	ENTENMANN-ROVIN CO.	GENERAL	LIUETENANT MENDOTA PD DOME BADGE (PD)
March 16, 2016	40719	\$593.29	EQUIPCO SALES AND SERVICE	SEWER	EXPRESS HOURS OF LABOR PERFORMED, C BATTERY, ALKALINE, 5908 CAP MEMBRANE KIT, 559 REPLACEABLE D.O. MODULE KIT, FREIGHT CHARGES
March 16, 2016	40720	\$8,750.00	FIREBAUGH POLICE	GENERAL	DISPATCH SERVICES FOR 02/01/2016 THROUGH 02/29/2016 (PD)
March 16, 2016	40721	\$274.80	FRESNO COUNTY SHERIFF	GENERAL	PRISONER PROCESSING SERVICES FOR FEBRUARY 2016 - RMS JMS ACCESS FEE FOR FEBRUARY 2016 (PD)
March 16, 2016	40722	\$662.50	GONZALEZ TRANSPORT, INC.	WATER-SEWER	TRANSPORT SERVICES: FREIGHT CHARGE PER HOUR: GRANITE CONSTRUCTION, COALINGA TO MENDOTA-TRANSPORT SERVICES
March 16, 2016	40723	\$258.30	GRANITE CONSTRUCTION CO.	STREET	(22.73) 3/4" CALTRANS CLASS 2 AB (1818)
March 16, 2016	40724	\$319.31	HAWKEPAKS.COM, INC.	GENERAL	CUSTOMER EMS-2 BASE WITH COMPLETE VELCRO FRONT, 1 AR POUCH AND 1 2 UP PISTOL MAG POUCH ON THE BACK, ELASTIC RETAINERS-
March 16, 2016	40725	\$127.39	JENSEN & PILEGARD	GENERAL	AUTOCUT 25 2 BULK, EDGER BLADE 7 11-16 FOR LAWNMOWER
March 16, 2016	40726	\$25.00	CHARLES JOHNSON	GENERAL	EXPENSE REIMBURSEMENT - CENTRAL CA SHRM MEMBERSHIP
March 16, 2016	40727	\$954.00	KERWEST INC. DBA	GENERAL	LEGAL NOTICES-LOCAL NOTICE OF PLANNING COMMISSION HEARING-LEGAL NOTICES-LOCAL NOTICE OF PUBLIC HEARING
March 16, 2016	40728	\$8,422.54	MADERA PUMPS, INC.	WATER	FREE STANDING BACKBOARD AND POST, 200-AMP MAIN SERVICE, MISC PARTS, SQ D SIZE 4 PANEL, 175 AMP 600 V FUSES, ELECTRICAL LABOR
March 16, 2016	40729	\$1,306.40	MENDOTA SMOG & REPAIR	GENERAL-WATER-SEWER	LIGHT BULB, CONNECTOR, REMOVE/REPLACE M84 (PD)-MOTOR OIL, FILTER, HEADLAMP, REPLACE LAMP 09 FORD PD-OIL FILTER, CHANGE,
March 16, 2016	40730	\$53,036.64	MID VALLEY DISPOSAL, INC	REFUSE-STREET	(1) 10 Y ROLL OF EXCHANGE-(1) 10Y ROLL OF EXCHANGE-(1) 30Y ROLL OF EXCHANGE- SANITATION CONTRACT SERVICE FOR FEBRUARY 2016
March 16, 2016	40731	\$202.99	AT&T (PAC01)	GENERAL-WATER-SEWER	MONTHLY SERVICE FOR 559 266 6456 FROM 02/26/2016 TO 03/25/2016
March 16, 2016	40732	\$317.44	PAPE MACHINERY	WATER-SEWER-STREET	(2) KV10183 WHEEL, 0068 INBOUND FREIGHT
March 16, 2016	40733	\$6,125.00	PRICE, PAIGE & COMPANY	GENERAL-WATER-SEWER	COMPLETION OF CITY'S FINANCIALS 06/30/2015
March 16, 2016	40734	\$23,995.65	PROVOST & PRITCHARD	GENERAL-WATER-SEWER-STREET	ITEM: A04 IRAHETA SPR PASS-THRU SERVICE THROUGH 09/30/2014-MENDOTA ELEMENTARY PEDESTRIAN IMPROVE JANUARY 2016-
March 16, 2016	40735	\$434.25	R&B COMPANY	WATER	(4) 1 BALL CURB STOP MN X CTS PAC-JOINT P24350
March 16, 2016	40736	\$89.05	R.G. EQUIPMENT COMPANY	GENERAL	(3) 105-7777 BLADES-235 THROTTLE CABLE, LABOR FOR REPLACED THROTTLE CABLE
March 16, 2016	40737	\$252.00	SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT	WATER	PERMIT FEES DUE FOR JOHN DEERE MODEL 6090HF484 GENERATOR

CITY OF MENDOTA  
 CASH DISBURSEMENTS  
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March 16, 2016	40738	\$1,505.88	SORENSEN MACHINE WORKS	GENERAL-WATER-SEWER-STREET	MULTI-DEPARTMENT SUPPLIES FOR FEBRUARY 2016
March 16, 2016	40739	\$490.31	TCM INVESTMENTS	GENERAL-WATER-SEWER	MPC5501 LEASE PAYMENT FOR COPY MACHINE MARCH 2016- MPC3503 LEASE PAYMENT FOR COPY MACHINE MARCH 2016 (PD)
March 16, 2016	40740	\$228.51	THARP'S FARM SUPPLY	GENERAL-WATER-SEWER-STREET	(1) ADAPTER FOR TRACTOR
March 16, 2016	40741	\$60.00	THE WATER CONNECTION	WATER	(2) BACKFLOW TEST-CEMEX 1300 BELMONT (REIMBURSABLE)
March 16, 2016	40742	\$3,120.00	TOM TUCKER	GENERAL	CISCO SG300-10PP, UBIQUITI M900, WESTERN DIGITAL (PD) (REIMBURSABLE)
	<b>TOTAL</b>	<b>\$657,913.63</b>			

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**AGENDA ITEM – STAFF REPORT**

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** CHARLES W. JOHNSON, DIRECTOR OF ADMINISTRATIVE SERVICES  
**VIA:** VINCE DIMAGGIO, CITY MANAGER  
**SUBJECT:** RESCIND RESOLUTION NO. 02-18 AND ADOPT RESOLUTION NO. 16-14 AND ITS AMENDMENTS TO THE MENDOTA PERSONNEL RULES  
**DATE:** MARCH 22, 2016

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**ISSUE**

Should the City Council authorize approval to rescind Resolution No. 02-18 and any previously adopted Personnel Rules, and adopt Resolution No. 16-14 allowing amendments to the Mendota Personnel Rules for City employees?

**BACKGROUND**

The Personnel Rules and regulations serve as the governing document for daily administration of matters relating to Mendota employees. The document was last reviewed and comprehensively updated in 2002 with minor updates in 2013. With that said our current rules are antiquated and are not consistent with current laws and regulations.

A component of the FY 2015/16 budget approved by Council was for staff to send out a Request for Proposal (RFP) for professional services to perform a comprehensive review of the City's personnel policies to reduce redundancy and ensure consistency with current laws and City regulations, which the law firm of Liebert Cassidy Whitmore (LCW) was awarded the contract. LCW has prepared a comprehensive document containing modifications recommended by City staff and bargaining units (Attachment 1).

**ANALYSIS**

City staff and representatives of American Federation of State, County and Municipal Employees (AFSCME) have meet on numerous occasions in good faith and have had productive meetings regarding proposed changes within the rules. A majority of all agreed upon changes have been incorporated into the new Rules.

City staff also communicated via email on several occasions with the membership of the Mendota Police Officers' Association in order to provide them ample opportunity to review and comment on the proposed Rules, and to meet if they requested.

The proposed Personnel Rules and its revisions are intended implement the various changes to law that has occurred over time and to reflect the needs of the City of Mendota and its employees.

**FISCAL IMPACT**

No material fiscal impact as a result of this amendment.

**RECOMMENDATION**

Council approval of Resolution No. 16-14 and adopt the proposed changes and amendments to the Mendota Personnel Rules and Regulations as addressed in Attachment 1.

**ATTACHEMENTS**

1. Resolution No. 16-14
2. Personnel Rules

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA ADOPTING  
UPDATED PERSONNEL RULES FOR  
CITY EMPLOYEES.**

**RESOLUTION NO. 16-14**

**WHEREAS**, the City Council of the City of Mendota adopted Resolution No. 02-18 adopting Personnel Rules for its employees on April 2, 2002;

**WHEREAS**, City Staff has performed a comprehensive review of the City's Personnel Policies to reduce redundancy, ensure consistency with current laws and regulations, and to allow flexibility to the City in the administration of its policies; and

**WHEREAS**, City Staff has prepared a comprehensive document containing the City's Personnel to reflect modifications recommended by City Staff in connection with its comprehensive review; and

**WHEREAS**, attached hereto, marked as Attachment 1 and incorporated herein by this reference, are the updated and revised Mendota Personnel Rules; and

**WHEREAS**, the City Council desires to amend the Personnel Rules to more fully reflect the needs of the City of Mendota and its employees.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Mendota hereby resolves the following:

1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.
2. The Mendota Personnel Rules are hereby modified consistent with the modified text included in Attachment 1.
3. The Council hereby rescinds Resolution 02-18, and any previously adopted Personnel Rules.
4. The City Clerk shall certify to the adoption of this Resolution.

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Robert Silva, Mayor

**ATTEST:**

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 22nd day of March, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Matt Flood, City Clerk



**ATTACHMENT 1**

**CITY OF MENDOTA  
PERSONNEL RULES**

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# PERSONNEL SYSTEM

## A. ADOPTION OF PERSONNEL SYSTEM

In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the Mendota Personnel Rules are hereby adopted. Use of the masculine pronoun, except where expressly limited, shall include the feminine pronoun.

### 1. Definitions

The terms used to administer the Mendota Personnel Rules are defined as follows:

- *"Advancement"* means a salary increase within the limits of a pay range established for a class.
- *"Allocation"* means the assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
- *"Anniversary date"* means the first day of employment with the City of Mendota.
- *"Class"* means positions sufficiently similar in duties, authority, and responsibilities that permit grouping under a common title, and the application of common standards, including but not limited to selection, transfer, demotion and salary.
- *"Competitive service"* means all positions of employment in the service of the City except those excluded by the personnel rules or by resolution of the City Council. This provision shall not be construed as a waiver of any rights under the Meyers-Milias-Brown Act.
- *"Days"* means calendar days, unless otherwise stated.
- *"Demotion"* means the movement of an employee from one class to another class having a lower maximum base rate of pay.
- *"Disciplinary action"* means punitive action against a regular employee as described in these Personnel Rules, and shall not include any counseling or performance evaluation.

- *"Eligible"* means person whose name appears on an employment list.
- *"Employment List"* means:
  - *"Open employment list"* means a list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
  - *"Promotional employment list"* means a list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.
- *"Examination"* means:
  - *"Open-competitive examination"* means an examination for a particular class that is open to all persons meeting the qualifications for the class whether or not they are employed by the City.
  - *"Promotional examination"* means an examination for a particular class that is open only to employees meeting the qualifications for the class.
  - *"Continuous examination"* means an open-competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than six (6) months.
- *"Grievance"* means a claimed violation of certain rules or provisions as defined in Section VII of the City Personnel Rules.
- *"Lay-off"* means the separation of employees from the active work force due to lack of work or funds or to the abolition of positions by the City Council.
- *"Management Employees"* means the positions described in the Personnel Rules (I, C).
- *"Personnel Officer"* means the City Manager, or his or her designee, who have the final authority to appoint to or remove persons from positions of employment in the City in accordance with Municipal Code 2.12.040.

- *"Position"* means a group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.
- *"Probationary employee"* means an employee who has been appointed to a position but has not completed the probationary period.
- *"Probationary period"* means a one (1) year period of actual service to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.
- *"Promotion"* means the movement of an employee from one class to another class having a higher maximum base rate of pay.
- *"Provisional appointment"* means an appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class on a provisional basis for a limited or definite duration. Provisional employees do not hold regular status in their position and may be dismissed from employment at any time without cause, right to appeal, or grievance.
- *"Re-Employment"* means restoration without examination of a former regular, non-probationary employee to the same or a lower classification in which the employee previously served prior to layoff or demotion.
- *"Regular employee"* means an employee in the competitive service who has successfully completed the probationary period and has been retained as provided in these rules.
- *"Reinstatement"* means the restoration without examination of a former regular employee, or probationary employee who has completed at least six (6) months of the probationary period, to a classification in which the employee formerly served as a regular non-probationary employee.
- *"Relief of duty"* means the temporary non-punitive assignment of an employee to a status of leave with pay.
- *"Suspension"* means the temporary separation from service of an employee without pay for disciplinary purposes.

- "*Temporary employee*" means an employee who is appointed to an authorized position for a limited period of time, not to exceed one year.
- "*Transfer*" means a change of an employee from one position to another position in the same class or in a comparable class.

**B. ADMINISTRATION**

The City Manager shall administer the Mendota Personnel Rules and shall hold the position of Personnel Officer. He/she may delegate the appointing authority and the duties granted herein to any other officer or employee of the City. The City Manager shall have the following duties and responsibilities:

1. To act as the appointing authority for the City except where the City Council has the authority to appoint by resolution, or otherwise;
2. To administer the provisions of the Personnel Rules not specifically reserved to the City Council;
3. To prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan, subject to approval by the Council;
4. To prepare or cause to be prepared a plan for compensation of all classifications in the competitive service, subject to approval by the Council;
5. To have the authority to discipline employees in accordance with these Rules; and
6. To provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of lists of persons eligible for appointment in the competitive service; and the performing of any other duty that may be required to administer the Personnel Rules.

**C. COMPETITIVE SERVICE**

The provisions of the Personnel Rules adopted herein shall apply to all officers, positions and employees in the service of the City of Mendota, except the Personnel Rules I, II, V, VI, and VII of these Rules shall not, unless otherwise and specifically described, apply to the following:

1. Elective Officers:
2. Contract Employees:

- (a) The City Manager;
  - (b) The City Attorney; and
  - (c) The City Engineer.
3. Management Employees:
- (a) Finance Director;
  - (b) City Clerk;
  - (c) Public Works Director;
  - (d) Public Utilities Director;
  - (e) Administrative Services Director;
  - (f) Chief of Police;
  - (g) Economic Development Director; and
  - (h) Such other personnel as may be designated by the City Council.
4. Middle Management Employees
5. Persons engaged under contract to supply expert, professional, technical or other services.
6. Volunteer personnel.
7. City officers and officials appointed directly by the City Council, including appointive boards and commissions.
8. Emergency employees hired to meet the immediate requirements of an emergency condition, such as an extraordinary fire, flood or earthquake, which threatens life or property.
9. Employees other than those listed elsewhere in this section who are not regular employees of the City.
10. Any non-permanent position primarily funded under a State or Federal employment training program This provision shall not be construed to include other personnel hired under Federal or State subsidy programs
11. Probationary employees.



12. Employees not included in the competitive service under this section are at-will employees and shall serve at the pleasure of the Personnel Officer, including but not limited to those positions listed in this section and all part-time, provisional or temporary employees.

**D. STATUS OF PRESENT EMPLOYEES**

Any person holding a position included in the competitive service who, on the effective date of these Rules, shall have served continuously in such position or in some other position in the competitive service for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without a qualifying test, and shall thereafter be subject in all respects to the provisions of these Rules.

Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

**E. VIOLATION OF RULES**

Violations of the provisions of these Rules shall be grounds for rejection, suspension, demotion, dismissal or other disciplinary action as described in Section V of these Rules.

**F. SUPERSEDING PROVISIONS**

Memoranda of Understanding between the City and an exclusively recognized employee organization, which contains provisions contrary to or inconsistent with any of these Rules, shall be deemed to supersede these Rules.

**G. CONTRACTS FOR SPECIAL SERVICE**

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical, expert, professional or other services which City employees are not qualified or available to perform. The City Council may contract with any qualified person or public or private agency for the performance of such services.

## **II. PERSONNEL RECRUITMENT AND TERMS OF EMPLOYMENT**

### **B. EQUAL OPPORTUNITY EMPLOYER**

The City is committed to the goal of equal opportunity employment. It is the policy of the City to ensure that the application of these rules and regulations, and the recruitment, employment, training, advancement, layoff, pay, termination, and all other personnel actions for all positions, classes and individual employees shall be on the basis of qualifications and performance without regard to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, or any other status protected by law, except where a bona fide occupational qualification exists.

### **C. RECRUITMENT PRACTICES**

Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. These procedures shall apply to the City Manager, Management Employees, and Middle Management Employees, as those personnel classifications are defined Rule I, Section C.

#### **1. Appointments and Promotions**

All appointments and promotions to positions in the classified service shall be made according to merit and fitness and from eligible lists to be established in accordance with these rules. In the absence of persons eligible in such manner, provisional or temporary appointments may be made.

#### **2. Announcement**

All examinations for classes in the competitive service shall be publicized by such methods as the Personnel Officer deems appropriate. Special recruiting shall be conducted, if necessary, to insure that all segments of the community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the class for which the examination is announced, the nature of the work to be performed, minimum and desirable qualifications, the time and manner of making application, and other pertinent information.

#### **3. Application forms**

Written applications for employment shall be made on official application forms available in the Administrative Services Department, or as

otherwise prescribed on the examination announcement, including any online/electronic application procedures. Application forms shall, require information covering training, experience, and other pertinent information, and may include certificates of one (1) or more examining physicians, references and fingerprints. All applications must be signed by the applicant, including the use of an e-signature for an online/electronic application.

The completed application shall be received in the Administrative Services Department office on or before the announced final filing date and time. An oral or written indication of interest in employment is not an application.

4. Citizenship of Applicants

Employment is open to all qualified persons authorized to work in the United States. Authorization will be determined upon applicant's completion and submission of Department of Homeland Security, U.S. Citizenship and Immigration Services Form I-9. Applicants who fail to complete and submit Form I-9 will not be employed by the City.

5. Disqualification

Incomplete applications may be rejected or returned to the applicant for additional information or completion, at the Personnel Officer's discretion, providing the time limit for receiving applications has not expired. The Personnel Officer may reject any application, either before or after an examination, whose appointment is deemed contrary to the best interests of the City. Reasons for rejecting an application or applicant may include, but shall not be limited to, the following:

- a) The applicant does not possess any of the minimum qualifications required for the position;
- b) The applicant is incapable of performing the essential job functions and duties of the position, with or without reasonable accommodation, to which the applicant seeks appointment;
- c) The applicant was under the influence of controlled substances or alcohol or has a current addiction to the use of controlled substances;
- d) The applicant has made any false statement of any material fact, or practiced or attempted to practice any deception or fraud in an application or examination, or in securing eligibility for appointment.

6. Applicants With Felony or Misdemeanor Convictions

Conviction, including pleas of guilty and nolo contendere, of any felony or a misdemeanor involving moral turpitude or unfitness for employment may disqualify an applicant for employment or be grounds for removing the name of an eligible candidate from any employment list.

The City will first determine whether an applicant meets the minimum employment qualifications before asking the applicant to disclose information concerning his or her conviction history or conducting a conviction history background check. The City shall then conduct an individualized, case-by-case analysis of the facts of each applicant's criminal history before making a decision regarding their employment.

This section shall not apply to positions for which the City is required by law to conduct a conviction history background check or to those who work for a criminal justice agency, including but not limited to applicants for job positions within the Police Department.

7. Examination Process

The selection techniques used in the examination process shall be impartial and related to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection technique which will test fairly the qualifications of candidates such as but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, personal background and references, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examination shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirement of the class, covering only factors related to such requirements.

The Personnel Officer shall schedule examinations as he deems necessary, whether or not a vacancy currently exists. The Personnel Officer shall specify, according to his/her sole discretion, whether the examination shall be open, promotional, or continuous.

8. Promotional Examinations

Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer, the needs of the service require. Promotion

examinations may include any of the selection techniques mentioned in the Personnel Rules (II, A7) of the Rules, or any combination of them. Only regular employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

9. Continuous Examination

Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in the Personnel Rules (II, A13-15).

10. Conduct of Examination

The City may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Personnel Officer shall see that such duties are performed. The Personnel Officer shall arrange for the use of public buildings and equipment for the conduct of examinations.

11. Notification of Examination Results and Review of Papers

Each candidate in an examination shall be given written notice of the results thereof. Such notice shall be limited to advising the candidate he/she “passed” or “failed” a specific part or all of the process. Specific numerical scores or standing on eligibility lists need not be provided to candidates.

All candidates may inspect their own test answer sheet within five (5) working days after the notification of examination results. Any error in computation, if called to the attention of the Personnel Officer within this shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made.

Inspection of test papers or booklets shall be at such time and place and under such conditions of supervision as the Personnel Officer may require. Applicants will not be permitted to copy examination items.

12. Pre-Employment and Promotional Medical Examinations

The Personnel Officer may order a medical examination after a conditional offer of employment is made, including a physical or psychological examination, to determine whether an applicant for appointment or promotion has the physical or mental qualifications to perform the duties of his position, or can perform a job function without posing a direct threat to health or safety. Any such medical examinations

will only be conducted where it is job-related and consistent with business necessity and is consistently applied to all appointments to that job position. Such examination shall be at the City's expense.

No appointment to the position will be made until the Personnel Officer has received the results of the medical examination to either clear the employee to work with no restrictions or to identify any work restrictions related to the job. If the applicant has any work restrictions following the medical examination, the City will engage the applicant in a disability interactive process to determine if it can reasonably accommodate the applicant's work restrictions. To the extent that the City initially determines that it cannot reasonably accommodate the applicant's work restrictions, the City will provide the applicant an opportunity to provide additional medical information on their work restrictions to review further before finalizing any decision that it cannot reasonably accommodate the work restrictions.

13. Employment Lists

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and maintain an employment list consisting of the names of candidates who qualified in the examination.

14. Duration of Lists

Employment lists shall remain in effect for six (6) months, unless exhausted, abolished or extended by the Personnel Officer. The City has no obligation to select or interview applicants who are on an Employment List. Employment Lists are maintained for convenience only. Employment Lists do not create any rights or responsibilities on behalf of the City.

15. Removal of Names from List

The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Personnel Officer if the eligible person requests in writing that his name be removed, or if the eligible fails to respond to a notice of certification mailed to the last designated address. The Personnel Officer may remove the name of any eligible if that person has previously been rejected for the same position or promotion three times during the life of the list. The person affected shall be notified of the removal of the name by notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

16. Types of Appointment

All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement or from eligible applicants certified by the Personnel Officer from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with these Personnel Rules.

17. Notice to Personnel Officer

If a vacancy in the competitive service is to be filled, the Personnel Officer shall be notified. If there is no re-employment list available for the class, the Personnel Officer shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.

18. Certification of Eligible

If the Personnel Officer does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate employment list, provided eligible are available.

When the Personnel Officer determines a vacancy should be filled by appointment from a promotional employment list or from an open employment list, they should certify from the specified list the names of all individuals willing to accept appointment. Whenever there are fewer than three (3) names of individuals willing to accept appointment on a promotional employment list or on an open employment list, the Personnel Officer may make an appointment from among such eligibles or may hold a new examination and establish a new employment list.

**D. APPOINTMENT**

After interview and investigation, the Personnel Officer, or their designee, shall make appointments from among those certified. The person accepting appointment shall report to the Personnel Officer, or the Personnel Officer's designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the Personnel Officer shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.

1. Provisional Appointment

In the absence of there being names of individuals willing to accept appointment from appropriate employment lists, the Personnel Officer may provisionally appoint a person meeting the minimum training and experience qualifications for the position. The Personnel Officer may make such appointments when the demands of the service are such that it is not practicable to give advance notice of pending or anticipated vacancies, including but not limited to a period of suspension of an employee or pending final action on disciplinary proceedings, and it is not practical to delay appointment until a new employment list can be prepared and certified.

A provisional appointee shall not accrue any benefits, including but not limited to sick or annual leave, medical, disability or life insurance or retirement.

If a provisional appointee is selected for a full-time position with the City, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period. No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any open-competitive promotional lists, for services rendered under a provisional appointment.

A provisional employee serves at-will and may be removed at any time without the right of appeal or hearing.

2. Temporary Employees, Student Interns

From time to time the City has a need for the employment of persons to fill temporary and/or seasonal work assignments. The cost and administrative delay inherent in testing persons to fill such short term positions is out of proportion to the positions and incompatible with the need to expeditiously fill such positions in time for the employee to perform the temporary work assignment. The City is also frequently offered an opportunity to hire students who work as part of their course of study. It is in the interest of the City and in the efficient administration of City services that management fill temporary positions and employ student interns with a minimum of administrative expense and delay.

The Personnel Officer may approve the appointment of temporary employees for a period not to exceed one (1) year. There will be no exceptions to allow any temporary employee to work beyond the one year cap.



The Personnel Officer may authorize department heads to employ high school and college students to work as interns for up to one thousand (1,000) hours. Interns are defined as persons regularly enrolled at Mendota High School, or in an accredited college or university whose course of study is related to the activities of City government.

The procedures utilized by department heads for the employment of temporary employees and student interns shall be carefully scrutinized by the Personnel Officer to ensure that the process is fair and complies with City policies. Personal favoritism and/or prejudice for or against any person are strictly prohibited.

Temporary employees and student interns employed under this rule shall serve at-will and are not considered part of the competitive service; they may be removed from City service at any time without the right of appeal or hearing. If eventually hired as a full-time employee, they shall not receive any special credit in any qualification for employment, in any examination or employment list for services rendered under a provisional appointment. They shall receive no employee benefits, including but not limited to such as sick leave, vacation, health plan, or retirement.

3. Regular Appointment and Probationary Period

(a) Objective of Probationary Period

The City attempts to hire the most qualified employees for each position. To ensure this, the City provides for a probationary period of employment for the employee to assess the City and the job content, and for the city to evaluate the new employee and his or her job performance.

(b) Length of Probationary Period

All regular and promotional appointments shall be tentative and subject to a probationary period of one (1) year of actual service. Leaves of absence or assignments out of class, for any reason, shall not be counted toward the completion of the probationary period and the probationary period shall be extended by the number of hours of such leaves or assignments. The Personnel Officer may extend such probationary period up to six (6) additional months of actual service.

(c) Probationary Rejection of Regular Appointment Employee

During the probationary period, an employee on regular appointment may be terminated at any time by the Personnel Officer with or without notice, with or without cause and without the right of appeal. Notification of rejection by the Personnel Officer shall be sent to probationer in writing.

(d) Probationary Rejection Following Promotion

Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which the employee was promoted, unless the employee is discharged from service in the manner provided in these Personnel Rules for positions in the competitive service, in which event he/she shall have the right of appeal as set forth in these Personnel Rules. If there is no vacancy in such position the employee may request to be placed on a re-employment list.

4. Oath of Office

Every employee, before entering upon the duties of employment, shall take and subscribe to the Oath of Office required by the provisions of Article 20, Section 3, of the California Constitution.

In the case of temporary employments, the oath shall be effective for all successive period of employment which commence within one calendar year from the date of subscribing to the oath or affirmation.

No compensation or reimbursement for expenses incurred shall be paid to any employee of the City unless such employee has taken and subscribed to the oath or affirmation required by this section.

5. Appointment of Relatives

Neither the City Council, Personnel Officer, nor his or her designee shall appoint to a salaried position any person who is a relative by blood or marriage within the third degree of any one or more members of the City Council or Personnel Officer.

No full-time, part-time, provisional or temporary employees shall be assigned to any position in a department where another employee of the department is a relative by blood or marriage within the third degree. The Personnel Officer may, in his or her sole discretion, make an exception to this rule when doing so is in the interest of the City.

Without exception, full-time, part-time, provisional or temporary employees who are relatives by blood or marriage shall not be placed in such position as to supervise/evaluate or be supervised/evaluated by a relative within the third degree.

As determined by the Personnel Officer, no full-time, part-time, provisional or temporary employees shall be placed into any position that would compromise the internal control environment by virtue of any relationship through blood or marriage to another employee.

The phrase “within the third degree” shall include, but is not limited to, spouses, parents, children, grandparents, siblings, grandchildren, great-grandparents, uncles and aunts, nieces and nephews, great-grandchildren, and similar relationships by affinity.

### **III. CHANGES IN EMPLOYMENT STATUS**

#### **A. TRANSFER**

All transfers are subject to the discretion of the Personnel Officer. No person shall be transferred to a position for which that person does not possess the minimum qualifications. The Personnel Officer or their designee may transfer an employee at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both department directors must consent thereto unless the Personnel Officer orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, or for disciplinary action, each of which may be accomplished only as provided in these Rules.

#### **B. PROMOTION**

Insofar as consistent with the best interests of the service and subject to the discretion of the Personnel Officer, all vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination has been given and promotional list is established. Probationary employees shall not be eligible for promotion under a promotional list.

The Personnel Officer may determine that the best interest of the City require that a vacancy be filled by an open competitive examination instead of promotional examination. In such event, the Personnel Officer shall arrange for an open competitive examination and for the preparation and certification of an open competitive employment list.

#### **C. DEMOTION**

The Personnel Officer may demote an employee whose ability to perform the required duties falls below standard or for disciplinary purposes. Upon request of the employee, and with the consent of the Personnel Officer, an employee may be permitted to voluntarily demote to a vacant position in the same department. No employee shall be demoted to a position for which he does not possess the minimum qualifications. Disciplinary demotions shall be in accordance with these Personnel Rules.

All employees who are demoted will be paid at the same rate of pay as prior to demotion if, and only if, the rate of pay is within the range of the lower position. If this is not the case, the rate of pay shall be within the salary range of the lower position which is closest to the rate of pay prior to demotion, but no employee

shall be paid more than they were prior to demotion.

**D. REINSTATEMENT**

With the approval of the Personnel Officer, a former regular employee or probationary employee who has completed at least six (6) months of probationary service, and who has resigned with a good record, may be reinstated within two (2) years of the effective date of resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee shall serve a new probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific recommendation of the Personnel Officer at the time of reinstatement. The employee will receive a new anniversary date which will be the first date of employment upon reinstatement.

**E. RESIGNATION**

An employee wishing to leave the competitive service in good standing shall file with the Personnel Officer a written resignation stating the effective date and reasons for leaving at least two (2) weeks before the planned separation date, unless such time limit is waived by the Personnel Officer at his or her discretion. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer. Failure to give notice as required by this Rule shall be cause for denying future employment by the City. A resignation becomes final and cannot be withdrawn once it is accepted by the Personnel Officer.

**F. CHANGE-OF-STATUS REPORT**

Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Personnel Officer in such manner as he may prescribe.

## **IV. LEAVES OF ABSENCE AND DISABILITY ACCOMMODATIONS**

### **A. ATTENDANCE**

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees who shall be reported to the Personnel Officer in the form and on the dates he/she shall specify.

An employee who is unexpectedly unable to report for work as scheduled must notify their immediate supervisor or designee no later than the scheduled work time and report their expected time of arrival or absence. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination. Abuse of, or misrepresentation of, any form of accrued or unpaid leave time will be grounds for discipline, up to and including termination.

### **B. FAMILY & MEDICAL CARE LEAVE**

The City will provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons in a 12-month period rolling backwards upon approval of the Personnel Officer, where such leave will not create an undue hardship for the City. Employees are eligible for this Family & Medical Care Leave if they have been employed by the City for at least one year, have worked 1,250 hours in the previous 12 months, and meet other eligibility requirements prescribed by law.

Family and medical care leave will be granted for any of the following reasons:

- The birth of a child or to care for the newborn child; placement of a child for adoption or foster care;
- To care for the employee's spouse, domestic partner, son, daughter, or parent who has a serious health condition; or,
- For a serious health condition that makes the employee unable to perform his or her job.

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." The City may require medical certification to support a request for leave because of a serious health condition and may require a second or third opinion (at the employer's expense) and a return to work report from the employee's health care provider if leave is taken for the employee's own serious health condition. Paid leave shall run concurrently with family and medical care leave before unpaid leave will be allowed.

The City will maintain the employee's health coverage during the period of Family & Medical Care leave to the extent it would otherwise had the employee been continuously employed. Upon return from leave, an employee will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms, provided they meet the eligibility requirements prescribed herein and by law. The use of Family & Medical Care leave will not result in any loss of an employment benefit that accrued prior to the start of an employee's leave.

**C. PREGNANCY DISABILITY LEAVE**

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four (4) months.

1. Notice & Certification Requirements

- (a) Except in an emergency, requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or Department Head before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.
- (b) All planned leaves must be confirmed in writing and have an agreed-upon specific date of return, with the written confirmation submitted to the Department Head prior to being taken. Requests for an extension of leave must be submitted in writing to the Department Head prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition. The maximum pregnancy disability leave is four (4) months.

2. Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.

3. Benefits During Leave

- (a) An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who

become disabled off-duty, if: (1) the employee is eligible for concurrent family and medical care leave as described by these Personnel Rules, and (2) the employee has not already exhausted this group health insurance coverage benefit in accordance with State and Federal law. The City may recover premiums it paid to maintain health coverage, as provided by the family and medical leave laws, if an employee does not return to work following pregnancy disability leave.

- (b) An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA (Consolidated Omnibus Budget Reconciliation Act) guidelines by making monthly premium payments to the City.
- (c) Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.

4. Reinstatement

- (a) Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
- (b) If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.
- (c) If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify potential reasonable accommodations.
- (d) An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

**D. MILITARY LEAVE**

Military leave shall be granted in accordance with the provisions of state and federal law. An employee requesting leave for this purpose shall provide the department head, whenever possible, with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may determine when the leave is to be taken and may



modify the employee's work schedule to accommodate the request for leave.

**E. LEAVE OF ABSENCE WITHOUT PAY**

The Personnel Officer, in his/her unrestricted discretion, may grant a regular or probationary employee leave of absence without pay or seniority for not to exceed three (3) months. After three (3) months, the leave of absence may be extended if so authorized. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. An employee is not entitled to a leave of absence as a matter of right. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall cause the employee to be deemed to be discharged. The depositing in the United States mail of a first-class letter, postage prepaid, addressed to the employee's last known address, shall constitute reasonable notice to the employee that his/her leave of absence has expired and he/she must return to duty.

**F. ADMINISTRATIVE LEAVE/RELIEF OF DUTY**

The Personnel Officer may place an employee on relief of duty with full pay and benefits for an indeterminate period when circumstances exist such that the public interest requires that the employee be relieved from active duty. Such relief of duty shall not constitute punitive or disciplinary action. During the period of relief of duty, the employee may be required to regularly report to the department director or his designee in a manner described in writing by the department director to the employee.

**G. JURY DUTY**

Every classified employee of the City who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall receive time off for the period of actual service required. The employee shall receive his normal pay during the period of jury duty. The time spent on jury duty is not work time for purposes of calculating overtime compensation.

**H. TIME OFF FOR VICTIMS OF VIOLENT CRIMES OR DOMESTIC ABUSE**

The City provides time off for victims of a violent crime, domestic violence, sexual assault, or stalking in accordance with state law. Employees may take time off to: (1) appear in court to comply with a subpoena or other court order as a witness to any judicial proceeding; (2) seek medical or psychological assistance; or (3) participate in safety planning to protect against further assaults. The City

shall also provide reasonable accommodations for victims of domestic violence, sexual assault or stalking who request an accommodation for their safety while at work.

An affected employee must give the City reasonable notice that he or she is required to be absent for the purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance or circumstance, provide the City with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid, unless the employee uses vacation or compensatory time off.

## **I. WORKERS COMPENSATION**

If you have been injured on the job, you are eligible for Workers' Compensation Benefits. But there are some things you should know about work-related injuries. First, the injury must occur in the course of your employment; that is, it must happen on the job. Then, it must be an injury that arises out of your job or is related to the performance of your job duties.

### **1. Notification and Medical Care**

The City has several obligations to injured employees. First, once it has been determined that your illness or injury is work-related and your claim has been accepted, we are responsible for providing whatever medical services are necessary to cure or relieve from the effects of the injury. These services will normally be provided at no cost to you unless there is some dispute over whether they are necessary.

If you feel that you have suffered a work-related injury, tell your supervisor immediately. If you require medical attention, you will be given a slip to take to the doctor, or your supervisor will arrange for you to be taken to the doctor. Normally, you will be treated at one of several occupational medical clinics that treat City employees.

If you would prefer that you be treated by your personal physician, you must let the City know before the need for medical treatment arises. Forms that allow you to designate your personal physician are available from the Human Resources Department. Of course, if the injury is serious, you will be taken to the nearest emergency medical care facility where you will receive whatever care is considered necessary.

### **2. Temporary Disability and Injury Pay**

Once your claim is accepted, you will also be compensated for any time lost from work due to your injury. The first three calendar days following an on-the-job injury will be charged to sick leave or leave without pay.

This is termed the “waiting period.” On the fourth day following the injury, you would begin to receive 66% of your average weekly wages (averaged over the past year). If you are hospitalized because of the injury or if you are off for more than 14 days, there is no waiting period and you would be paid Temporary Disability pay for those first three days.

3. Permanent Disability

If the injury is serious enough to leave you with any permanent disability, you will also be compensated for it. Permanent disability awards are not “damages,” such as those which are awarded in civil cases. These awards are meant to compensate you for your reduced ability to compete in the labor market. The amount of a permanent disability award is based on the type and severity of the injury, your occupation, and your age at the time of the injury. If your treating doctor indicates that there is some degree of permanent disability, a claims examiner will contact you to explain the procedure of evaluating and rating the disability. If you have chosen to hire an attorney, your attorney will handle most of the details of this process for you.

4. Vocational Rehabilitation

If you are unable to return to your usual and customary job, you may be eligible for vocational rehabilitation services. If you are off work for a total of 90 days because of an industrial injury, you will be contacted by a rehabilitation representative who will explain the benefits you may be entitled to. If you are planning to return to work and your doctor has indicated that you will be able to return to work, don’t be disturbed when a rehabilitation counselor contacts you. The City is required by State law to provide you with this explanation of your potential eligibility for these benefits, and you will not be forced to resign, retire, or change jobs unless your doctor indicates that there is some medical necessity to do so.

If you do need vocational rehabilitation services, every reasonable effort will be made to return you to suitable gainful employment as soon as possible. You will be assigned to a vocational rehabilitation counselor who will research the possibilities of job modifications or alternative job assignments with the City. If it is not possible for you to remain with the City, you will be provided with training or job placement services that make the best possible use of your knowledge, skills and aptitude.

5. The Legal Process

It isn’t necessary to have an attorney represent you in a Workers’ Compensation case. The State of California will provide you with free assistance through the office of the Information and Assistance Officer at

the local Workers' Compensation Appeals Board. If you feel that you need to retain the services of an attorney, there are a number of local attorneys who specialize in Workers' Compensation law. Fees for these services are usually deducted from your permanent disability award.

6. Police Officer Industrial Injuries

Police Officers who are disabled temporarily or permanently by injury or illness occurring in the course and scope of employment shall be provided compensation and benefits in accordance with Labor Code section 4850.

J. **DISABILITY ACCOMODATIONS AND FITNESS-FOR-DUTY EXAMINATIONS**

1. Reasonable Accommodations. The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act. An employee who desires a reasonable accommodation in order to perform essential job functions should make such a request, preferably in writing, to the Administrative Services Department. The request must identify the job-related functions at issue and the desired accommodations.
2. Fitness-for-Duty Examinations. The City Manager or a designee may require an employee to submit to a fitness-for-duty examination to determine if the employee is able to perform the essential functions of his or her job when there is significant evidence: 1) the employee appears to be unable to perform or has difficulty performing one or more essential functions of his or her job; and 2) there is reason to question the employee's ability to safely or efficiently complete work duties.
  - (a) A City-selected health care provider will examine the employee at City expense. The City will provide the health care provider with a letter requesting a fitness-for-duty examination limited to the employee's job-related functional limitations and a written description of the essential functions of the employee's job. The health care provider will examine the employee and provide the City with non-confidential information regarding whether the employee is fit to perform essential job functions and if the employee's continued employment poses a threat to the health and safety of him or herself or others. Should the health care provider exceed the scope of the City's request and provide confidential health information, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness-for-duty information that the City has requested.

- (b) The City may require an employee to undergo an examination by a City-designated physician, psychiatrist or psychologist, and/or submit a certificate of employability from the treating physician before returning to work after taking any leave due to injury or illness.
- 3. Determination. After receipt of reasonable documentation, the City may meet with the employee to fully consider all feasible potential reasonable accommodations. The purpose of the discussions will be in good faith to fully discuss all feasible potential reasonable accommodations. After the discussions, the City will determine, in its sole discretion, whether reasonable accommodation can be made and the type of accommodation to provide. The City will not provide accommodation that would pose an undue hardship upon City finances or operations, or that would endanger the health and safety of the employee or others. Employees unable to perform the essential functions of their position, with or without reasonable accommodation, may be subject to separation of employment.

## V. DISCIPLINARY ACTIONS

### A. TYPES OF DISCIPLINARY ACTION

Neither employee evaluations nor informal counseling memorandums shall be considered disciplinary or punitive in nature. They may not be appealed under this policy. However, unsuccessful counseling may be referenced in a separate subsequent disciplinary action.

#### 1. Oral Reprimand

A formal discussion with an employee about performance or conduct problems. This action shall be summarized in writing by the department director or supervisor. The employee may respond in writing to such reprimand. The employee shall not otherwise be entitled to appeal from an oral reprimand. Oral reprimands and employee responses shall not be placed in the employee's personnel jacket, however, the fact that an employee previously received an oral reprimand for similar inappropriate conduct may be referenced in future reprimands.

#### 2. Written Reprimand

A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy filed in the employee's personnel jacket. Within five (5) working days following service of the written reprimand, the employee may file a written response, the original being directed to the department director or supervisor and a copy filed in the employee's personnel jacket. A written reprimand may not be appealed under this policy.

#### 3. Minor Disciplinary Suspension

An involuntary absence without pay for a period of fewer than five (5) working days.

#### 4. Major Disciplinary Suspension

An involuntary absence without pay for a period of five (5) or more working days but not exceeding thirty (30) working days.

#### 5. Disciplinary Salary Reduction

A reduction in pay from the employee's current step within a pay range to a lower step within that same pay range.

6. Disciplinary Demotion

Reduction from a position in one class to a position in another class having a lower salary range.

7. Dismissal

Permanent discharge or removal from City service.

**B. GROUNDS FOR DISCIPLINARY ACTION**

**The following list of grounds for disciplinary action are not intended, nor is it, a comprehensive and complete list of all grounds for disciplinary action. Any inappropriate conduct by a City employee will be grounds for disciplinary action. The following list is merely a sampling of types of conduct that are grounds for disciplinary action pursuant to the personnel rules, including, but not limited to:**

1. Incompetence or inefficiency in the performance of the duties of one's position.
2. Insubordination, including refusal to accept assignment or direction from an authorized supervisor or City management.
3. Neglect of duty.
4. Unsatisfactory job performance, or refusal or inability to improve such performance in accordance with written or verbal direction.
5. Absence without authorized leave.
6. Excessive absenteeism or tardiness, as defined by the employee's department director, the Policies, or Memorandum of Understanding.
7. Dishonesty.
8. Theft.
9. Fraud in securing or retaining employment.
10. Discourteous treatment or offensive conduct toward or around members of the public or other employees, including fighting, using profane or abusive or threatening language toward others, or malicious backbiting.
11. Failure to cooperate with employee's supervisor or fellow employees.

12. Drinking alcoholic beverages or consuming other intoxicants on the job, or reporting for work while under the influence of alcohol or other intoxicants.
13. Use of unlawful narcotics or drugs.
14. Malfeasance or misconduct, which shall include, but shall not be limited to, conviction, plea of guilty, or no contest of any felony, or damaging City property, equipment, or vehicles, or the waste of City supplies through negligence or misconduct.
15. Violation of any City regulation, ordinance, resolution, or policy or departmental rule.
16. Unapproved outside employment or activity while on City time or City business, or that violates the City's policies, or other enterprise that constitutes a conflict of interest with service to the City.
17. Mishandling of public funds.
18. Falsifying or altering any City record.
19. Any conduct unbecoming an employee of the City of Mendota that causes discredit to the City or results in the impairment or disruption of City service.
20. Unjustified and repeated abuse of sick or annual leave.
21. Failure to comply with safety procedures.
22. Failure to follow defined job duties and procedures.
23. Misuse or destruction of City equipment or property.
24. Sleeping on the job.
25. Acceptance of gifts or gratuities in connection with or relating to employee's job duties.
26. Discrimination, including harassment, against other employees or members of the public on the basis of any legally protected classification.
27. Taking retaliatory action against person engaged in protected conduct.



**C. DISCIPLINARY POLICY AND PROCEDURE**

The following procedures apply to for-cause regular employees who are subjected to disciplinary salary reduction, major disciplinary suspension, demotion, or dismissal. For purposes of this section, these disciplinary actions will be referred to as “major disciplinary action.”

The disciplinary notice or appellate procedures shall not be applicable to those positions which may be deemed exempt by Council resolution, Personnel Rules Section I(C), or to probationary employees.

1. Proposed Notice of Discipline - Procedure

If the City proposes a major disciplinary action, the employee shall be served with a written notice of the proposed disciplinary action. Such notice shall:

- (a) State the charges and specifications against the employee.
- (b) Include all information relied upon in making the decision to propose disciplinary action.
- (c) Advise the employee of any rights to respond to the proposed discipline, either orally or in writing, State that the employee’s response will be considered before the proposed disciplinary order goes into effect including a pre-disciplinary Skelly conference prior to the imposition of the proposed discipline.

2. Employee Response and Skelly Conference

The Notice of Proposed Discipline will include a date for the pre-disciplinary Skelly conference that will be overseen by the Department Director or his or her designee. The Skelly conference is an informal meeting, not a formal or adversary hearing; the employee shall not be entitled to cross-examination. The employee shall have the right of representation at the Skelly conference, if so requested.

The Department Director may, after consideration of all information received, decide to sustain, modify, or reject the proposed disciplinary action.

Service of an order for disciplinary action or any notice required to be given to an employee will be deemed sufficient and complete when delivered in person to the employee to whom it is directed, or when it is sent by certified mail, postage prepaid, to the last known address of the employee.

The City shall not provide a pre-disciplinary Skelly Conference to for-cause regular employees subjected to a minor disciplinary suspension. However, such employees may request a similar conference during the minor disciplinary suspension or within a reasonable time thereafter.

3. Final Notice of Discipline

If a major disciplinary action is imposed, a written statement shall be given to the employee of the following:

- (a) The level of discipline, if any, to be imposed, as well as the charges and a summary of facts on which the disciplinary action is based.
- (b) The effective date(s) of the disciplinary action.
- (c) A copy of all written materials, reports, or documents upon which the discipline is based.
- (d) Any rights of appeal.

4. Evidentiary Appeal

The appeal procedure described herein shall apply to a disciplinary action of regular, for-cause employees resulting in a disciplinary salary reduction, major disciplinary suspension, demotion, or dismissal. It shall not be applicable to those positions which may be deemed exempt by Council resolution or to probationary employees. It shall also not apply to counseling or oral reprimands, written reprimands, or minor disciplinary suspensions.

Regular, for-cause employees shall have the right of appeal to the Administrative Services Department from such disciplinary actions as described in this section. Such appeal must be filed with the Department within ten (10) calendar days following receipt of a Final Notice of Discipline. The appeal must be in writing and must set forth the grounds or basis for the appeal. If the employee involved does not file said appeal, the City's decision shall be final and take effect as prescribed.

- (a) **Hearing.** Upon receipt of a written appeal from an affected employee, the Administrative Services Director shall arrange for a hearing as provided in this section. Said hearing shall be conducted within a reasonable time after receipt of a timely written appeal, as determined by the City. The Administrative Services Department shall arrange for the selection of a hearing officer utilizing the services of the American Arbitration Association or State Mediation & Conciliation Services to

conduct the hearing and issue a decision. Hearings shall be conducted under the voluntary rules of the American Arbitration Association, unless otherwise provided in this section.

- (b) Representation. The appellant employee shall have the right to appear personally or to be represented by counsel or by anyone else of his/her choosing, including other City employees, with the exception of supervisory, management, and confidential employees.
- (c) Failure of Employee to Appear. Failure of the appellant to personally appear at the hearing shall be deemed a withdrawal of his/her appeal and the Final Notice of Discipline shall be final.
- (d) Decision. The Hearing Officer shall render a decision no later than thirty (30) calendar days after (1) the conclusion of the hearing and the briefs, if any, have been submitted, or (2) receipt of the official hearing transcript, unless otherwise agreed upon by both parties. The Hearing Officer's decision shall be final and conclusive. A copy of such decision, along with a proof of service of mailing, shall be forwarded to each of the parties' representatives. Copies shall also be distributed to the Administrative Services Director.

The Hearing Officer may sustain, reject, or modify any or all of the charges filed against employee. If the disciplinary action is reversed or modified by the Hearing Officer, he or she may determine whether the employee is to be compensated in all or in part for the time lost on or after the date the disciplinary action went into effect.

The cost of the Hearing Officer and other mutually incurred costs shall be borne equally by the parties. Pursuant to Code of Civil Procedure Section 1094.6, the parties have ninety (90) days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Fresno.

## VI. LAYOFF PROCEDURES

### A. STATEMENT OF INTENT

Whenever, in the judgment of the City Manager, it becomes necessary to abolish any position of employment, the employee holding such position may be laid off or demoted without disciplinary action and without the right of appeal.

#### 1. Notification

Employees to be laid off shall be given, whenever possible, prior notice of at least fourteen (14) calendar days.

#### 2. Order of Layoff

In each class of position, employees may be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the Personnel Officer.

Regular employees shall be laid off by inverse seniority within the below groupings. Seniority is defined as the length of full-time service at or above a classification within the department. Employees who received "improvement-needed" or worse on their last written evaluation shall be subject to layoffs before those who received a higher rating.

Whenever the Personnel Officer believes that the best interest of the City requires the retention of employees with special qualifications, characteristics, skills or fitness for the work, the Personnel Officer may grant an exception to the order of layoff.

#### 3. Vacancy and Demotion

Except as otherwise provided, whenever there is a reduction in the work force, the Personnel Officer shall first demote the employee to be laid off to a vacancy, if any, in a lower class for which the employee is qualified. All persons to be demoted shall have their names placed on the re-employment list.

#### 4. Bumping Rights

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in the same class or in a lower class in which the affected employee once had permanent status.

In order to bump down to a former or lower class, an employee must request displacement action in writing to the Personnel Officer within five (5) working days of receipt of notice of layoff. Notice of layoff shall include a notice of the rights set forth in these rules.

Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

Employees retreating to a lower, or similar, class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class or the class series.

There shall be no interdepartmental displacement rights.

5. Re-employment List - In General

Regular, non-probationary employees laid off or demoted in accordance with these rules shall be entered upon a re-employment list. Lists from different departments shall be combined into a single list. The Personnel Officer shall review such list for former employees in the same or lower classification as that in which a vacancy arises. The City is not required to interview or hire from the Re-employment List. The Re-Employment List does not create any benefit or rights to applicants.

6. Duration

Names of persons laid off shall be carried on a re-employment list for six (6) months, except that persons appointed to permanent positions at the same level from which they were laid off shall, upon such appointment, be dropped from the list. Persons who refuse re-employment shall be dropped from the list. Persons re-employed in a lower class or on a temporary basis, shall be continued on the list for the higher position for one (1) year. The City Manager may extend the duration of a re-employment list.

7. Re-employment After Layoff

Employees rehired to City service from a re-employment list shall retain all benefits, accumulated leave and seniority rights that such employees enjoyed prior to being laid off.

## **VII. GRIEVANCE PROCEDURE**

### **A. ESTABLISHED PURPOSE**

The purpose of this procedure is to provide a just and equitable method for the resolution of grievances without fear of coercion or reprisal.

### **B. GRIEVANCE DEFINED**

Subject to the exclusions listed in this Policy, a grievance is a claimed violation of a specific provision of these Personnel Rules or a Memorandum of Understanding (MOU), and is not subject to any other City dispute resolution process or procedure that is provided by statute, ordinance, resolution or agreement.

The following matters are expressly excluded from the definition of “grievance”:

1. Requests for changes in wages, hours, or working conditions, including any impasse or dispute in the meeting and conferring process or matter within the scope of representation;
2. Requests for changes in the content of employee evaluations or performance reviews, oral or written warnings, reprimands or counseling;
3. Challenges to a reclassification, layoff, transfer, denial of reinstatement, or denial of a step or merit increase;
4. Challenges to any disciplinary action;
5. Challenges to examinations or appointment to positions;
6. Management of the City generally;
7. Determination of the nature, necessity or organization of any service or activity conducted by the City, including the decisions to expand or reduce services or the workforce, and/or to impose layoffs;
8. Methods of financing;
9. Determination of or change in facilities, equipment, methods, technology, means or size of the work force;
10. Determination of or of or change in the location, number of locations, relocations and types of operations, processes or materials to be used in carrying out City functions;
11. Determination of work assignments and schedules;

12. Determination of productivity or performance programs and standards;
13. Determination of standards, policies, and procedures for selection, training, and promotion of employees; and
14. Establishment, implementation, and modification of Department organizations, supervisory assignments, chains of command, and reporting responsibilities.

**C. GENERAL PROVISIONS**

1. No retribution or prejudice shall be suffered by any employee making use of the grievance procedure.
2. The time limits established herein may be extended by mutual written agreement between the grievant and management.
3. If management, at any step of the procedure, fails to respond within the prescribed time limit specified, the grievant may process the grievances to the next step.
4. If the grievant, at any step of the procedure fails to appeal management's decision on the grievance within the prescribed time limit specified, such decision shall be deemed accepted and shall not be subject to further appeal or consideration.
5. By mutual written agreement, a grievance may revert to a prior level of reconsideration.
6. The grievant shall be present at all conferences in the grievance procedure.
7. All communications, notices and papers required to be in writing shall be served personally or by United States mail. For mailed notices and papers, the postmark shall be within the prescribed time limits.
8. Management shall inform the grievant of any limitation on the authority of the management representative to fully resolve the grievance.
9. All employees have the right to consult with their supervisor, their department head, or the Personnel Officer without prejudice, concerning the manner, form and/or procedure for filing a grievance.
10. Failure of the grievant to complete any step on the grievance procedure will bar further consideration of the grievance.
11. The grievance procedure shall not be used in addition to, or as a substitute for, the disciplinary procedure, the unfair labor relations practice

procedure or the impasse procedure, when any of such procedures are or could reasonably have been available in the exercise of reasonable diligence.

12. Grievances may be filed by an exclusively recognized employee organization.
13. If the grievance is against the employee's supervisor or department head, the employee may apply to the City Manager in writing for permission to commence the Grievance Procedure at the step immediately above the supervisor alleged to be the subject of the grievance. The City Manager (or the City Council, in the event the grievance is against the City Manager) shall permit this short circuit of the grievance procedure upon his/her determination that there are special circumstances that prevent the employee from obtaining full and fair consideration of the grievance by the employee's supervisor or department head.

**D. REPRESENTATION RIGHTS**

1. The employee has the right to the assistance of a representative of his or her choice in the investigation, preparation and presentation of a grievance.
2. Representation may occur at any stage of the grievance procedure provided, however, that prior to calling for representation at Step One (1) of the procedure, the employee shall informally discuss his or her grievance with his or her supervisor. Upon conclusion of such discussion, and in accordance with the below procedures, the employee may file a formal grievance within ten (10) calendar days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance in order to have the assistance of a representative at Step One.
3. If the employee elects another employee as his or her representative, such representative shall not be released during working hours without the approval of his or her supervisor.
4. The supervisor shall grant the representative a reasonable amount of time during work hours to assist the grievant, provided such would not unreasonably interfere with or delay City work.
5. Grievance conferences between management and grievant will normally be conducted during regular working hours at a mutually convenient time.
6. The investigation of a grievance during working hours by an employee and his or her representative, if any, shall be in accordance with the following:



- (a) Prior to entering any job site, the grievant and representative shall obtain the approval of the job site supervisor.
- (b) There shall be no solicitation of grievances or employee organization membership.
- (c) The investigation shall be conducted expeditiously and in a reasonable amount of time, with due regard for the work requirements of the City.
- (d) Where the investigation commences prior to the end of the regular workday, time spent after the close of the regular workday shall be on the representative's and the employee's own time.
- (e) Entry to a City job site will not be permitted if it would unreasonably interfere with or delay City work.
- (f) All safety regulations relating to the presence or conduct of persons at the job site shall be followed.

**E. GRIEVANCE PROCEDURE**

1. Informal Resolution

Employees who believe they have a bona fide complaint within the scope of these procedures shall promptly inform and discuss the issue with their immediate supervisor as designated by the Department Director or his/her designee to, in good faith, clarify the matter expeditiously and informally resolve the matter. If the informal discussion does not resolve the problem to the employee's satisfaction, and if the complaint constitutes a grievance as herein defined, the employee may file a formal grievance in accordance with the following procedure.

2. Step One – Immediate Supervisor

- (a) The employee shall file a written grievance on the form provided by the City to his or her supervisor within ten (10) calendar days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The employee shall complete all parts of the grievance form.
- (b) The supervisor shall, within five (5) calendar days after receipt of the grievance, have a discussion with the employee concerning the grievance.

- (c) The supervisor shall within five (5) calendar days of the grievance conference, render a written decision to the employee with a copy of the original grievance.

3. Step Two – Department Director

- (a) Within five (5) calendar days of receipt of the decision of the supervisor, the grievant, if he or she wishes to appeal the decision, shall submit an appeal to the department head. The appeal shall be submitted on forms provided by the personnel office, in conformity with the procedures stated therein and shall include the supervisor's response, if any.
- (b) The department head or his or her designee shall, within five (5) calendar days of receipt of the appeal, schedule a conference at a mutually agreeable time. A representative of the grievant and/or management may attend this conference in accordance with the Personnel Rules (VII, D) of this procedure.
- (c) The department head or his or her designee shall, within five (5) calendar days of the conference, render a written decision to the grievant with a copy of the original grievance.

4. Step Three – City Manager

- (a) Within five (5) calendar days of receipt of the written decision from the department head or his or her designee, the grievant, if he or she wishes to appeal the decision, shall submit an appeal to the City Manager. The appeal shall be submitted on forms provided by the personnel office, in conformity with the procedures stated therein and shall include the original grievance and management's responses, if any.
- (b) The City Manager or his or her designee shall within seven (7) calendar days of receipt of the appeal schedule a conference at a mutually agreeable time. A representative of the grievant and/or management may attend this conference in accordance with the Personnel Rules (VII, D) of this procedure.
- (c) The City Manager or his or her designee shall within seven (7) calendar days of the conference, render a written decision to the grievant with a copy of all appeal documents.
- (d) The City Manager may at his or her option, render a written decision based on the documents submitted for his or her review without the conference within the time frame set forth above. If he or she does so, the grievant may discuss this decision with the

City Manager at a mutually convenient time, provided the grievant requests such meeting within seven (7) calendar days of receipt of the City Manager's decision.

- (e) Grievances shall be appealable in accordance with the procedures set forth in Step 4.
- (f) Nothing in this section shall prohibit, by written agreement, a more expeditious handling of the grievance.

5. Step Four – Binding Arbitration

- (a) If the response at Step Three does not resolve the grievance, the grievant and Union may jointly request that the matter be submitted to binding arbitration. Such request shall be made in writing to the City Manager within five (5) calendar days of the grievant's receipt of the Step Three response. An arbitrator may be selected by mutual agreement between the parties. Should the parties fail to agree upon an arbitrator within a reasonable time, as determined by the City, they shall make a joint request to the State Mediation & Conciliation Service for a list of seven (7) arbitrators who have had experience in the municipal sector. The parties shall select the arbitrator by alternately striking names from said list until one name remains; such person shall then become the arbitrator. The first party to strike a name shall be determined by the toss of a coin.
- (b) The arbitrator selected shall hold a hearing as expeditiously as possible at a time and at a place convenient to the parties, and shall be bound by the following:
  - (1) The arbitrator shall be bound by the language of the MOU, as well as the City's and departmental rules and regulations consistent therewith in considering any issue properly before him/her.
  - (2) The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider other issues not submitted to him/her.
  - (3) The arbitrator shall be bound by applicable Federal, State and local law.
  - (4) In disputes involving the interpretation of the MOU, the arbitrator will only interpret the MOU and will not have the power to add to, delete from, or amend any part of the parties' Agreement. Additionally, the arbitrator may not

recommend changes in established wages or benefits, nor recommend the payment of back wages or benefits to a date prior to thirty (30) days before the grievance was timely filed.

- (c) The arbitrator's decision shall be final and binding on the City, the Union, and the grievant. All fees and costs of the arbitrator and court reporter, if any, shall be borne by the losing party. The Union has the authority to settle grievances at any step in the process on behalf of members of the bargaining unit.

## **VIII. PREVENTION OF HARASSMENT**

### **A. PURPOSE**

Every employee is entitled to a work environment free from discriminatory harassment or retaliation. This policy prohibits harassment and discrimination on the basis of any of the following protected classifications: actual or perceived race, religious creed, color, sex (including gender, gender identity, gender expression, and pregnancy), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation, military and veteran status or any other protected classification. Retaliation, including any threats to engage in unfair immigration-related practices, against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation, or for exercising a right protected by State labor or employment laws or any applicable ordinance is prohibited.

#### **1. Policy Statement**

The City has zero tolerance for any conduct that violates this policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions, up to and including discharge. The City will take appropriate preventative, corrective and/or disciplinary action in response to behavior that violates this division or the rights and privileges it is designed to protect.

#### **2. Definitions**

##### **(a) Discrimination**

Treating any individual differently because of the individual's protected classification as described above by this policy.

##### **(b) Harassment**

Harassment can include any form or combination of verbal, physical, visual, or environmental conduct. It need not be explicit or specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders. Harassment may include, but is not limited to, the following types of behavior:

- (1) Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes, and propositioning based on an actual or perceived protected classification. This may include, but is

not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

- (2) Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived protected classification. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
- (3) Visual or Written: The display or circulation of offensive or derogatory visual or written material related to a protected classification. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions (i.e. email).
- (4) Environmental: A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

(c) Discrimination/harassment does not include the following:

- (1) Bona fide acts or omissions based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission guidelines.

- (2) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or departmental rules or regulations, or any other appropriate work related communications between supervisor and employee.

3. Supervisor-Subordinate Relationships

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change with the result that sexual conduct that was once welcome becomes unwelcome and harassing. Employees engaged in such a relationship must immediately report their relationship to the Director of Administrative Services. The employees may continue their employment but not in a supervisor-subordinate role. The employees shall have first right to determine which of them will be transferred to an open position, if any exists, for which they meet the minimum qualifications. The City may unilaterally transfer one of the employees if one does not volunteer within five (5) calendar days of reporting the relationship. Failure to comply with this reporting requirement shall be grounds for discipline, including dismissal.

4. Responsibility

- (a) This division applies to all City personnel. Each department head is responsible for ensuring that the work environment is free from all types of unlawful discrimination, including sexual harassment. Supervisors are responsible for taking prompt, appropriate action within their work units to avoid and minimize the incidence of discrimination.
- (b) All employees shall report any conduct which violates this policy to their immediate supervisor, manager, any Department Head, the Administrative Services Department, or appropriate authority figure. This includes any instances of discriminatory harassment which they directly observe, whether or not the conduct is reported by the employee who is the object of such conduct.

Under no circumstances shall employees who believe they are victims of such conduct be required to first report that harassment to a supervisor or other authority figure if that figure is the individual who has harassed the employee. Employees may,

without following the departmental chain of command, file a complaint directly with the Department Head or City Manager.

All employees shall cooperate with any investigation of any alleged discriminatory harassment conducted by the City or its agents.

- (c) The City is also a member of the Employment Risk Management Authority and, as a member, the City is required to maintain an “Employee Reporting Line.” This is a toll-free telephone number that employees may call to report potential wrongdoing in the workplace. The City receives a transcript of the telephone call and the reporting party’s name, if left. Employees are not required to leave their name. The Line is monitored 24 hours/day and employees may submit their complaint anonymously. However, enough information must be provided to allow for an adequate investigation.

The Employee Reporting Line telephone number is (877) 651-3924. The City’s “Entity Organization Code” is “10312,” which is how transcripts of calls involving the City are forwarded to the City for action. Finally, employees may also make a report at the Employment Risk Management Authority’s website at [www.employeeprotectiononline.com](http://www.employeeprotectiononline.com).

- (d) Any supervisors or managers receiving information regarding violation(s) of this policy shall immediately notify Administrative Services. If it is not possible to report to Administrative services, the supervisor or manager must report the complaint to the City Manager. All supervisors or managers shall maintain confidentiality to the extent possible in communicating or investigating any claims of alleged discrimination or harassment.

## **B. INVESTIGATION OF COMPLAINT**

### **1. Informal resolution**

Sometimes an individual is unaware that his/her conduct is offensive. Whenever possible, employees who believe that they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, informal assistance or counseling should be sought from a supervisor. No employee is required to attempt informal resolution before filing a complaint.



2. Formal investigation

Upon receipt of any written or oral complaint, the department head shall initiate a formal investigation after consultation with Administrative Services.

Administrative Services shall conduct or authorize an investigation. The investigator will have full authority to investigate all aspects of the complaint. The investigative authority includes accessibility to records and cooperation of all employees involved. No influence will be used to suppress any complaint and the investigation will be conducted in a manner that ensures, to the extent possible, the privacy of the parties involved.

The investigator shall report in writing the findings of fact to Administrative Services. Administrative Services will determine whether the policy has been violated and inform the complainant of the general investigation conclusion(s) when the investigation has concluded.

Disciplinary action shall be decided in accordance with City policy and after consultation between Administrative Services and the Personnel Officer.

3. Option to Report to Outside Administrative Agencies

An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.

4. False or Malicious Complaints

If it is determined that the reporting party knowingly or maliciously filed a false complaint or that the act reported did not in fact occur, the City may issue appropriate discipline.

5. Documentation

The Administrative Services Director shall maintain a complaint file containing copies of witness forms, complaint forms, and investigation files. The information contained in this file is confidential and privileged, subject to disclosure only under appropriate legal measures. Department Heads may review investigation files concerning their departments only with the prior approval of the City Manager. In cases of confirmed claims

resulting in discipline, the personnel file of the disciplined employee will contain appropriate documentation relating to the disciplinary actions taken. In cases of unsubstantiated and unfounded claims not resulting in discipline, the investigation file will be maintained for five (5) years.

**C. MANDATORY TRAINING**

As part of its commitment to ensuring a work environment free from harassment and discrimination, the City requires that all of its employees receive training on this policy at least once every two (2) years. The Administrative Services Department will schedule training sessions each year to ensure that employees are able to schedule the mandatory training. Attendance at the training will be documented.

## **IX. SUBSTANCE ABUSE POLICY AND TESTING**

### **A. PURPOSE OF THE SUBSTANCE ABUSE POLICY**

Substance abuse causes job related accidents, absenteeism, substandard performance, poor employee morale and impairs the City's reputation. This policy is intended to eliminate substance abuse in the workplace. It is not intended to intrude into the private lives of City employees. The City's concern is that employees be in a condition to perform their duties safely and efficiently at work. The use of performance impairing or unlawful drugs and alcoholic beverages on the job, and the influence of those substances on employees during working hours are inconsistent with that objective. *It is unlawful for employees to manufacture, distribute, dispense, possess or use a controlled substance.*

### **B. APPLICATION**

1. This policy applies to all employees and applicants for employment with the City of Mendota. It applies to all alcoholic beverages and to all substances, drugs, and medications, legal or illegal, which could impair an employee's ability to effectively and safely perform their job or other City-related business.
2. The City maintains a separate policy in compliance with the Federal Department of Transportation's mandatory drug and alcohol testing policies for positions requiring a Commercial Driver's License. Covered employees, employed in any capacity, who operate a commercial vehicle or who have a CDL or CDP (Permit) are subject to the requirements contained in this policy as well as the mandated policy. Such employees shall review the City's Administrative Policies regarding the City's Safety-Sensitive Drug and Alcohol Testing Program to ensure compliance and may direct any questions to the Director of Administrative Services.
3. For the purpose of enforcing this policy and maintaining an alcohol, drug and controlled-substance free workplace, the City reserves the right to search all work areas and property to which the City maintains full or joint control with the employees, including but not limited to City vehicles desks, lockers, file cabinets, furniture, or storage areas. No employee has any expectation of privacy in any City building, property, or communications system. Such searches may be conducted when the City has reasonable grounds to conclude that there has been a violation of this policy and in accordance with the Personnel Rules (X, C (Miscellaneous, Right to Search City Property)).

**C. EMPLOYEE REQUIREMENTS**

1. Employees shall not report to work or be on duty, nor be subject to call-in, while under the influence of or in possession of alcoholic beverages or illegal drugs while on City property and wherever City business is performed. An employee is on duty during working hours, including breaks, during meal periods, or any time while on City property.
2. The City Manager may grant special permission for City employees to use or possess alcoholic beverages in appropriate circumstances such as during community celebrations, staff parties or special events.
3. Employees shall not, directly or through a third party, manufacture, distribute, dispense, sell, or provide, alcohol or any drugs in both City workplaces or wherever City business is performed while either or both employees are on duty.
4. City employees shall not be barred by this Rule from properly performing their job functions. Accordingly, other employees who come into possession of alcoholic beverages and/or unlawful drugs as part of their official duties shall not be in violation of this Rule.
5. Employees must notify their supervisor before beginning work when taking any medication or drugs, prescription or non-prescription, which could interfere with the safe and effective performance of their duties or operation of City equipment. In the event there is a question regarding an employee's ability to safely or effectively perform his/her duties while using prescribed medications, a medical clearance from a qualified physician may be required.
6. An employee must immediately submit to an alcohol or drug test by a City selected physician or laboratory when there exists reasonable cause to suspect that the employee is or was impaired or under the influence of drugs or alcoholic beverages while on City duty.
7. An employee must provide, within twenty-four (24) hours of request by their supervisor, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug/alcohol test is positive. The prescription must be in the employee's name.
8. Compliance with this policy is a condition of City employment. Disciplinary action will be taken against those who violate this policy.
9. The City will provide reasonable opportunities of rehabilitation to employees with a drug or alcohol problem in accordance with federal and/or state law.

10. The City has established a voluntary Employee Assistance Program (EAP) to assist employees who voluntarily seek help for alcohol or drug related problems. Employees should contact their supervisors or the EAP Counselor for information concerning this Program.

**D. PROCEDURES**

1. Drug and Alcohol Testing

(a) Pre-Employment Drug Tests

- (1) Generally, no drug test will be conducted before making a conditional offer of employment to the applicant. However, pre-employment testing for illegal drug use may be permitted in cases where (1) there is a special need (e.g., safety-sensitive positions or positions supervising children) to justify the test, and (2) all applicants for the position are required to test.
- (2) Before a drug test is administered to an employee or applicant with a conditional offer for City employment, he/she will be asked to sign a consent form authorizing the clinic or laboratory to obtain a blood and/or urine specimen and to release the results of the test to the Personnel Officer and to the appropriate Department Head. The consent form shall provide space for the employee or job applicant to indicate his/her current or recent use of prescription or over-the-counter medication.
- (3) A job applicant who refuses to consent to a drug and/or alcohol test after he or she receives a conditional offer of employment will be denied employment with the City and will be removed from the appropriate eligibility list.
- (4) A positive test from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of unlawful drugs and/or alcohol could reasonably affect job performance.
- (5) If a drug screen is positive for prescription drugs at the pre-employment physical, the applicant must provide, within twenty-four (24) hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name, or if the applicant does not provide adequate

verification, the Personnel Officer may decide not to hire the applicant.

(b) Drug and Alcohol Tests During Employment

- (1) Reasonable Suspicion. Supervisors, directors or management may require a drug or alcohol test when he/she has a reasonable suspicion that the employee is under the influence alcohol, illegal drugs, or controlled substances while on City duty. "Reasonable suspicion" is based on objective factors that lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol at work.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- (i) Appearance;
  - (ii) Slurred speech;
  - (iii) Alcoholic odor on breath;
  - (iv) Unsteady walking and movements;
  - (v) Bizarre or extremely unusual behavior; or
  - (vi) Possession of alcohol or unauthorized drugs while on duty.
- (2) Post-Accident Testing. The City may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the "reasonable suspicion" factors described above are present.

- (c) In the event a supervisor reasonably suspects that an employee is or was under the influence of alcoholic beverages or performance impairing drugs while on City duty, the following procedures shall be followed:

- (1) Supervisor shall notify the Department Director or Administrative Services, or their designees, of their reasonable suspicion. If the Director or Administrative Services concurs that there is reasonable suspicion of a violation of this policy, the Director or Administrative

Services shall notify the appropriate law enforcement agency.

- (2) The Director or supervisor shall immediately notify the employee their suspicions and advise that he/she may have a representative present during the drug/alcohol test. The Director or supervisor shall document this notification, specific facts constituting his/her reasonable suspicion, and all other facts from the initiation of procedures until such time as the employee can be safely transported home in an Incident Report form. The delay in the employee securing representation shall not exceed fifteen (15) minutes from the time the employee is ordered to submit to the drug/alcohol test. The employee shall be permitted an additional period of time, not to exceed fifteen (15) minutes, in which to confer with his/her representative.
  - (3) The employee will be offered an opportunity to give an explanation of his/her condition, such as reaction to a prescribed drug, fatigue, etc. This shall be recorded in the Incident Report.
  - (4) The supervisor shall sign and date the Incident Report form.
  - (5) The employee shall be provided with a copy of the Incident Report form upon its completion.
- (d) An employee who refuses to consent to a drug and/or alcohol test when there is reasonable suspicion of drug or alcohol use in violation of this policy, shall be subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.
- (e) An employee reasonably believed to be under the influence of alcoholic beverage or performance impairing drugs while on City duty, such that there is a question regarding an employee's ability to safely or effectively perform his/her duties, shall be prevented from engaging in further work, and shall be detained for a reasonable time until he/she can be safely transported from the work site.
- (f) Positive Results for Drug and Alcohol Tests During Employment
- (1) A positive result from a drug and/or alcohol analysis showing use of unlawful or performance impairing drugs or

alcohol may result in disciplinary action up to and including discharge. Upon the request of the employee who tested positive on the drug or alcohol analysis, the City Manager may, in his or her own discretion, order and authorize a retest of such employee.

- (2) If the drug screen is positive for prescription drugs, the employee must provide, within twenty-four (24) hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee provides bona fide verification and the prescription drug affects their ability to perform their essential functions, the City will engage in the disability interactive process to determine if it can reasonable accommodate the disability. Please see Rule XI(H) for additional guidance. If the employee does not provide adequate verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his/her supervisor of his/her on-the-job use of such prescription or performance impairing drug, the employee will be subject to disciplinary action, up to and including discharge.

## 2. Confidentiality

Laboratory reports and test results shall not appear in the employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Officer or his/her designee, including but not limited to the Administrative Services Director. The report or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

Disclosures, without employee consent, may also occur when:

- (a) the information is compelled by law or by judicial or administrative process;
- (b) the information has been placed at issue in a formal dispute between the City and the employee;
- (c) the information is to be used in administering an employee benefit plan; or



- (d) the information is needed by medical personnel for the diagnosis for treatment of the employee who is unable to authorize disclosure.

## **X. SAFETY**

### **A. GENERAL EMPLOYEE SAFETY**

City of Mendota is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the continuous cooperation of all employees.

City of Mendota will maintain safety and health practices consistent with the needs of our industry. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask your supervisor for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately. Compliance with these safety rules is considered a condition of employment. Therefore, it is a requirement that each supervisor makes the safety of employees an integral part of her/his regular management functions. It is the responsibility of each employee to accept and follow established safety regulations and procedures.

### **B. REPORTING SAFETY ISSUES**

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues must be reported immediately to your supervisor. If you or another employee is injured, you should contact outside emergency response agencies, if needed. If an injury does not require medical attention, a Supervisor and Employee Report of Accident Form must still be completed in case medical treatment is later needed and to insure that any existing safety hazards are corrected. The Employee's Claim for Worker's Compensation Benefits Form must be completed in all cases in which an injury requiring medical attention has occurred.

Federal law (Occupational Safety and Health Administration) requires that we keep records of all illnesses and accidents that occur during the workday. California State Worker's Compensation Act also requires that you report any workplace illness or injury, no matter how slight. If you fail to report an injury, you may jeopardize your right to collect worker's compensation payments as well as health benefits. OSHA also provides for your right to know about any health hazards that might be present on the job. Should you have any questions or concerns, contact your supervisor for more information.

#### **1. Entering and Leaving the Premises**

At the time you are hired, you will be advised about the proper entrances and exits for our employees, as well as unauthorized areas, if any. Our insurance company prohibits unescorted or unauthorized visitors in our facilities. If you are expecting visitors, such as clients, customers or

friends, please notify your supervisor. You are expected to abide by these rules at all times. Failure to do so will lead to disciplinary action.

2. Security Checks

City of Mendota may exercise its rights to inspect all packages and parcels entering and leaving our premises.

3. Safety Rules

Safety is everybody's business. Safety is to be given primary importance in every aspect of planning and performing all City of Mendota activities. We want to protect you against industrial injury and illness, as well as minimize the potential loss of production.

Below are some general safety rules to assist you in making safety a regular part of your work. Your supervisor may post other safety procedures in your department or work area.

4. Working Safely

Safety is everyone's responsibility. Remind your co-workers about safe work methods. Start work on any machine only after safety procedures and requirements have been explained. Immediately report any suspected hazards and all accidents to your supervisor.

5. Lifting

Ask for assistance when lifting heavy objects or moving heavy furniture. Bend your knees, get a firm grip on the object, hold it close to your body and space your feet for good balance. Lift using your strong leg muscles, not your weaker back muscles.

(a) Rules for lifting

- (1) Take a balanced stance, feet placed shoulder-width apart. When lifting something from the floor, squat close to the load.
- (2) Keep your back in its neutral or straight position. Tuck in your chin so your head and neck continue the straight back line.
- (3) Grip the object with your whole hand, rather than only with your fingers. Draw the object close to you, holding your elbows close to your body to keep the load and your body weight centered.

- (4) Lift by straightening your legs. Let your leg muscles, not your back muscles, do the work. Tighten your stomach muscles to help support your back. Maintain your neutral back position as you lift.
- (5) Never twist when lifting. When you must turn with a load, turn your body, feet first.
- (6) Never carry a load that blocks your vision.
- (7) To set something down, use the same body mechanics used for lifting.

6. Materials Handling

Do not throw objects. Always carry or pass them. Use flammable items, such as cleaning fluids, with caution. Also, stack materials only to safe heights.

(a) Rules for material storage

- (1) Store heavy objects on lower shelves.
- (2) Try to store materials inside cabinets, files, and lockers.
- (3) Aisles, corners, and passageways must remain unobstructed.
- (4) Fire equipment, extinguishers, fire door exits, and sprinkler heads should remain unobstructed. Materials should be at least 18inches minimum away from sprinkler heads.

7. Trash Disposal

Keep sharp objects and dangerous substances out of the trash can. Items that require special handling should be disposed of in approved containers.

8. Cleaning Up

To prevent slips and tripping, clean up spills and pick up debris immediately.

9. Preventing Falls

To prevent slips and tripping, clean up spills and pick up debris immediately.

10. Slips and Falls

- (a) All pathways should be clear of objects.
- (b) Do not leave file and desk drawers open. Close drawers completely after every use.
- (c) Make sure that your shoes are appropriate for your work area. Non-slip shoes should be worn at all times.
- (d) Secure electrical cords and wires away from walkways.
- (e) Always use a stepladder for overhead reaching. Chairs should never be used as ladders.
- (f) Clean up spills immediately. Do not wait for someone else to do it.
- (g) Pick up objects co-workers may have left on the floor.
- (h) Report loose carpeting or damaged flooring.
- (i) Never carry anything that obscures your vision.
- (j) Avoid excessive bending, twisting, and leaning backward while seated.

11. Falling Objects

Store objects and tools where they won't fall. Do not store heavy objects or glass on high shelves.

12. Work Areas

Keep cabinet doors and file and desk drawers closed when not in use. Remove or pad torn, sharp corners and edges. Keep drawers closed. Open only one drawer at a time.

13. Ladder Safety

- (a) Never use a substitute for a ladder (i.e. chair, desk, boxes, etc.)
- (b) Know what kind of ladder to use.
- (c) Inspect your ladder (Is it sturdy? Is it bent?)
- (d) Set up the ladder properly. (Do not lean ladders up against other objects. Extend the legs of the ladders out fully.)

- (e) Climb the ladder properly.
- (f) Practice safe work habits.
- (g) Carry the ladder correctly. (Watch for others and objects in your path.)

14. Electrical Hazards

- (a) Never put your finger or anything other than an electrical plug in an outlet.
- (b) Pull by the plug, not the cord, when unplugging an appliance.
- (c) Do not use an electrical appliance when you are wet, have wet hands or are standing in water.
- (d) Limit the number of appliances plugged into each outlet.
- (e) Be alert for damaged plugs and cords. Do not touch them!
- (f) Do not place electric cords so that they run through doorways or under carpets.

15. Fire Extinguishers

Know where fire extinguishers are and how to use them.

16. Report Injuries

Immediately report all injuries, no matter how slight, to your supervisor.

17. Ask Questions

If you are ever in doubt regarding the safe way to perform a task, please do not proceed until you have consulted a supervisor. Employees will not be asked to perform any task that may be dangerous to their health, safety or security. If you feel a task may be dangerous, inform your supervisor at once.

We strongly encourage employee participation and your input on health and safety matters. Please obtain a Safety Suggestion Form from your supervisor for this purpose. Employees may report potential hazards and make suggestions about safety without fear of retaliation. We appreciate, encourage and expect this type of involvement! The success of the safety program relies on the participation of all employees. Though it is City of Mendota's responsibility to provide for the safety, health and security of

its workers during working hours, it is the responsibility of each employee to abide by the rules, regulations and guidelines set forth.

Remember, failure to adhere to these rules will be considered serious infractions of safety rules and will result in disciplinary actions.

18. Weapons

City of Mendota believes it is important to establish a clear policy that addresses weapons in the workplace. Specifically, City of Mendota prohibits all persons who enter company property from carrying a handgun, firearm, knife or any other device, tool, chemical agent or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm regardless of whether the person is licensed to carry the weapon.

The only exception to this policy will be police officers, security guards or other persons who have been given written consent by City of Mendota to carry a weapon on the property.

Any employee disregarding this policy will be subject to immediate discipline, up to and including termination.

19. Fire Prevention

Know the location of the fire extinguisher(s) in your area and make sure they are kept clear at all times. Notify your supervisor if an extinguisher is used or if the seal is broken. Keep in mind that extinguishers that are rated ABC can be used for paper, wood, or electrical fires. Make sure all flammable liquids, such as alcohol, are stored in approved and appropriately labeled safety cans and are not exposed to any ignition source.

If you are aware of a fire, you should:

- (a) Dial 911 or the local fire department.
- (b) If possible, immediately contact your supervisor. Evacuate all employees from the area.
- (c) If the fire is small and contained, locate the nearest fire extinguisher. This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.
- (d) If the fire is out of control, leave the area immediately. No attempt should be made to fight the fire.

- (e) When the fire department arrives, direct the crew to the fire. Do not re-enter the building until directed to do so by the fire department.

20. Emergency Evacuation

If you are advised to evacuate the building, you should:

- (a) Stop all work immediately
- (b) Contact outside emergency response agencies, if needed
- (c) Shut off all electrical equipment and machines, if possible
- (d) Walk to the nearest exit, including emergency exit doors.
- (e) Exit quickly, but do not run. Do not stop for personal belongings.
- (f) Proceed in an orderly fashion to a parking lot near the building. Be present and accounted for during roll call.
- (g) Do not re-enter the building until instructed to do so.

21. Housekeeping

Neatness and good housekeeping are signs of efficiency. You are expected to keep your work area neat and orderly at all times—it is a required safety precaution.

If you spill a liquid, clean it up immediately. Do not leave tools, materials, or other objects on the floor that may cause others to trip or fall. Keep aisles, stairways, exits, electrical panels, fire extinguishers, and doorways clear at all times.

Easily accessible trash receptacles and recycling containers are located throughout the building. Please put all litter and recyclable materials in the appropriate receptacles and containers. Always be aware of good health and safety standards, including fire and loss prevention.

Please report anything that needs repairing or replacing to your supervisor immediately.

22. Office Safety

Office areas present their own safety hazards. Please be sure to:

- (a) Leave desk, file or cabinet drawers firmly closed when not in use.



- (b) Open only a single drawer of a file cabinet at a time.
- (c) Arrange office space to avoid tripping hazards, such as telephone cords or calculator electrical cords.
- (d) Remember to lift things carefully and to use proper lifting techniques.

23. Property and Equipment Care

It is your responsibility to understand the machines needed to perform your duties. Good care of any machine that you use during the course of your employment, as well as the conservative use of supplies, will benefit you and City of Mendota. If you find that a machine is not working properly or in any way appears unsafe, please notify your supervisor immediately so that repairs or adjustments may be made. Under no circumstances should you start or operate a machine you deem unsafe, nor should you adjust or modify the safeguards provided.

Do not attempt to use any machine or equipment you do not know how to operate, or if you have not completed training on the proper use of the machine or equipment.

24. Restricted Areas

In the interest of safety and security, certain portions of City of Mendota's facilities may be restricted to authorized personnel only. Such areas will be clearly marked. Some areas may be designated no smoking areas as well.

25. Safety Rules When Operating Machines and Equipment

When operating machines and equipment, please be sure to follow these procedures:

- (a) Make sure machine guards are in place while machines are in operation.
- (b) Remove loose clothing, jewelry or rings before operating machinery.
- (c) Wear steel toe shoes and prescription eye protection to start the job, if required.

Required personal protective equipment, except for prescription glasses and steel-toed shoes, will be issued to you by your supervisor.

We will continue to provide a clean, safe and healthy place to work and we will provide the best equipment possible. You are expected to work safely, to observe all safety rules and to keep the premises clean and neat. Remember that carelessly endangering yourself or others may lead to disciplinary action, including possible termination.

26. Security

Maintaining the security of City of Mendota buildings and vehicles is every employee's responsibility. Develop habits that insure security as a matter of course. For example:

Always keep cash properly secured. If you are aware that cash is insecurely stored, immediately inform the person responsible.

Know the location of all alarms and fire extinguishers, and familiarize yourself with the proper procedure for using them, should the need arise.

When you leave City of Mendota's premises, make sure that all entrances are properly locked and secured.

27. Smoking

Smoke only in designated smoking areas. Please be courteous and concerned about the needs of your fellow employees and others. Please do not smoke in restricted areas.

All employees are expected to abide by this policy while at work.

## **XI. MISCELLANEOUS**

### **A. PERSONNEL RECORDS**

The Personnel Officer shall maintain a service or personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Personnel Officer.

### **B. INTERNET, ELECTRONIC MAIL AND VOICEMAIL USE**

#### **1. Internet Use**

Internet, World Wide Web, and Intranet access has been provided to City employees for the benefit of the City and its customers/citizens. This access enables employees to connect to information and other resources around the world. All employees are required to maintain and enhance the City's public image, and to use the Internet in a productive manner. The following guidelines have been established for using the Internet and the City's electronic mail system.

#### **2. Acceptable Uses of the Internet**

Employees accessing the Internet, World Wide Web and/or the City's own Intranet are representing the City when doing so. Accordingly, all such communications should be for professional, business reasons and should not be for personal use. Each employee is responsible for ensuring that they use their Internet access privilege in an effective, ethical and lawful manner. "Chat rooms" may only be used to conduct official City business, or to gain technical or analytical advice.

#### **3. Unacceptable Uses of the Internet**

The Internet, World Wide Web and/or the City's Intranet should not be used for personal gain or advancement of individual views. Solicitation of non-City business, or any use of the Internet for personal gain, is strictly prohibited. Use of the Internet must not disrupt the operation of the City network or the networks of other users, and must not interfere with an employee's productivity. Copyrighted materials belonging to entities other than this City may not be transmitted by employees on the Internet. One copy of copyrighted material may be downloaded for an employee's personal use in research if pre-approved by the City Manager of City of Mendota. Employees are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so by the owner of such information or programs. Failure to observe copyright or license agreements may result in

disciplinary action from the City including termination or legal action by the copyright owner.

In addition, any employee accessing Internet sites containing pornography, racial or ethnic hate propaganda or other similarly inappropriate websites unrelated to employment will be subject to immediate discipline, including termination. Employees may not use the City 's computer system and Internet access for "shopping." All computer and Internet use will be tracked by the City from time to time for all users to insure that the City 's computer systems are not being used in an inappropriate manner.

4. E-Mail and Voicemail Use

Electronic mail (E-mail) and voicemail may be used for non-confidential business contacts. The City 's E-mail and voicemail systems are available to assist in the conduct of the City 's business. These systems, including the equipment and the data stored in the system, are and remain at all times the property of the City. As such, all messages created, sent, received or stored in the system are and remain the property of the City. Therefore, should you send or receive "personal" messages in violation of this policy, the City may review and copy any and all such messages.

Messages should be limited to the conduct of business at the City. Voicemail and E-mail may not be used for the conduct of personal matters except in very limited circumstances and with the approval of your supervisor.

The City reserves the right to retrieve and review any message composed, sent or received. Please note that even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of messages cannot be ensured to anyone and the City reserves the right to review deleted messages. While voicemail and E-mail may accommodate the use of passwords for security, confidentiality cannot be guaranteed. Messages may be reviewed by someone other than the intended recipient. Furthermore, although you may be granted the use of a "password," it is not for the protection of your privacy. Rather the use of passwords is for the protection of the City so that someone other than the intended recipient does not review the messages. Moreover, all passwords must be made known to the City and the City will at all times have the ability to review E-mail and voicemail messages regardless of an employee's use of a personal password. The reason for this is simple: your system may need to be accessed by the City when you are absent.

Messages may not contain content that may reasonably be considered offensive, disruptive, or illegal. Harassment of any kind, as defined by the Personnel Rules, through the use of E-mail or voicemail is prohibited.

Employees learning of any misuse of the voicemail or E-mail system or violations of this policy shall notify their supervisor or the City Manager of City of Mendota immediately. As appropriate, the City will investigate the matter. Employees found to have misused the City 's electronic resources will be disciplined up to and including termination.

Internet use, use of personal E-mail and/or voicemail which in the sole discretion of the City is determined to be excessive, disruptive, or an inappropriate use of City time and resources is prohibited and may lead to discipline up to and including discharge.

**C. RIGHT TO SEARCH CITY PROPERTY, EMPLOYEES AND PROPER USE OF CITY EQUIPMENT**

Employees have no right of privacy in the workplace. Therefore, to the fullest extent allowed under the law, City of Mendota will search and inspect City facilities, employees and the personal property of employees as necessary to insure the City 's interests are protected. Situations in which this may arise include suspicion of employee theft, incidents of violence or threats of violence, when an employee is suspected of the use, sale, or distribution of drugs, improper or illegal use of City facilities, misuse of City technology such as the Internet, E-mail or voicemail and other situations in which the City believes a search and inspection is appropriate.

All City of Mendota property—including, but not limited to, desks, storage areas, work areas or offices, lockers, file cabinets, credenzas, computer systems, office telephones, cellular telephones, modems, facsimile machines, duplicating machines, and vehicles—must be used properly and maintained in good working order. Employees who lose, steal, or misuse City of Mendota property may be personally liable for replacing or fixing the item and may be subject to discipline, up to and including discharge.

City of Mendota reserves the right, at all times and without prior notice, to inspect and search all City property for the purpose of determining whether this policy or any other policy of City of Mendota has been violated, or when an inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or outside of business hours and in the presence or absence of the employee.

In addition, in order to ensure the safety and security of employees and citizens, and to protect City of Mendota's interests, City of Mendota reserves the right to question and inspect any employee or other individual entering onto or leaving City of Mendota's premises. City of Mendota also may request employees' consent while on the job or on City of Mendota's premises to agree to reasonable inspection of their personal property and/or persons. The individual may be

requested to self-inspect his or her personal property or person by displaying the contents of any packages in the presence of a representative of City of Mendota, typically a management employee of the same gender. As long as it is within the scope of the law the City of Mendota will not tolerate any employee's refusal to submit to a search. Refusal to submit to a lawful search will be grounds for discipline up to and including termination.

City of Mendota's technical resources, such as its computer system, voicemail system, and E-mail, are provided for use in the pursuit of City of Mendota business and are to be reviewed, monitored, and used only in that pursuit, except as provided in this policy. As a result, computer data, voicemail messages, and E-mail transmissions are readily available to numerous persons. If, during the course of your employment, you perform or transmit work on City of Mendota's computer systems or other technical resources, your work may be subject to the investigation, search, and review of others in accordance with this policy. In addition, any electronically stored communications that you either send to or receive from others may be retrieved and reviewed by City of Mendota.

Employees have no right of privacy as to any information or file maintained in or on City of Mendota property or transmitted or stored through City of Mendota's computer systems, voicemail, E-mail, or other technical resources. All bills and other documentation related to the use of City of Mendota's equipment or property are the property of City of Mendota and may be reviewed and used for purposes that City of Mendota considers appropriate.

Although it is a common practice to refer to a City computer as a particular employee's computer, all computers are owned by City of Mendota and employees have no right of privacy as to any information or file maintained in or on a City computer. All files and other information on City of Mendota property or transmitted or stored through City of Mendota's computer systems, voicemail, E-mail, or other technical resources remain City property at all times. All documentation related to the use of City of Mendota equipment or property is the property of City of Mendota and may be reviewed and used for purposes that City of Mendota considers appropriate. Similarly, although you may be provided a password, the City retains the right to review the entire contents of your computer at any time. Do not share your password with other employees. Passwords are used to track computer use. Failure to follow this policy may lead to discipline including termination.

Employees may access only files or programs, whether computerized or not, that they have permission to use. Computer software is protected from unauthorized copying and use by federal and state law; unauthorized copying or use of computer software exposes both City of Mendota and the individual employee to substantial fines and/or imprisonment. Therefore, employees may not load personal software onto City of Mendota's computer system and may not copy software from City of Mendota for personal use. All employees must contact the

City Manager of the City of Mendota to install any software on the City of Mendota's computer system. Unauthorized review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other property of the City of Mendota, or improper use of information obtained by unauthorized means, may be grounds for disciplinary action up to and including termination.

Messages stored and/or transmitted by voicemail or E-mail must not contain content that may reasonably be considered offensive or disruptive to any employee. Offensive content would include, but not be limited to, sexual comments or images, racial slurs, gender-specific comments or any comments or images that would offend someone on the basis of his or her age, sexual orientation, religious or political beliefs, national origin, or disability.

**D. DRESS AND GROOMING CODE**

1. Grooming Guidelines

(a) Hair

Must be neat, clean and well groomed in a business-like style. Hair color must be appropriate for the professional setting. Long hair must be kept in a neat hairstyle. Hair adornments should be small and professional. Facial hair must be short and well trimmed.

(b) Personal Hygiene

Employees are expected to maintain a high standard of cleanliness, regular bathing, oral hygiene, and use of deodorant.

(c) Make-Up

Should be simple and appropriate for the business setting. Heavily applied dramatic eye make-up or unusual lipstick colors, such as black, are unacceptable.

(d) Jewelry

Must be simple and appropriate for the business setting. Visible body piercing, with the exception of ears, is not permitted. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

(e) Perfume or Cologne

Should be lightly applied.

(f) Fingernails

Must be kept clean, neatly trimmed. Length should not interfere with performing of job duties. Style and polish must be appropriate for the business setting.

(g) Other

No Tattoos or other unnatural markings are allowed anywhere on the head, face, or neck. Any visible tattoos cannot be obscene, sexually explicit, discriminatory, extremist, or gang-related. No visible tattoos shall be greater than 4 by 6 inches. Any non-conforming tattoos must be covered with clothing or a bandage while at work.

2. Dress Guidelines for Office Staff

(a) Tee Shirts

Tee shirts are not allowed.

(b) Slacks

Must be full length. Dress or casual slacks must be appropriate for the business setting. Leggings, knit stretch pants and jeans are unacceptable. Cropped pants and shorter suits are acceptable; however, hosiery is preferred.

(c) Hemlines

Are to be worn at a professional length, no higher than 4" above the knee.

(d) Necklines

Must be for the business setting. Plunging necklines, which reveal cleavage or undergarments, are not permitted. No backless tops or dresses. Sleeveless tops or dresses can be worn with a jacket.

(e) Midriff

Clothing must be worn so that midriff is covered.

(f) Undergarments

Color of undergarments must be inconspicuous, conventional usage only. Sheer clothing, which allows undergarments to show



through, is not acceptable. Undergarments should be appropriate to the cut of clothing being worn so it is not visible.

(g) Shoes

Shoes must always be well maintained and appropriate for the business setting. Backless, strapless or thong-type shoes are not permitted at any time.

(h) Belts

Must be worn at a conventional length and coordinate with clothing.

(i) Ties

Must be appropriate for the business setting.

(j) Fit

Clothing must be fitted in a traditional and professional manner. Excessively long or baggy clothing or tight, revealing clothing is not permitted.

(k) Casual Dress Day

Friday may be a casual dress day subject to either Department or City Manager approval. Casual dress does not include T-shirts, tank tops, shorts, revealing clothing, “beach-type” shoes, or sportswear (for example, jogging or gym clothes).

3. If an employee has a question about how the above policies apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

E. **INCONSISTENT, INCOMPATIBLE OR CONFLICTING EMPLOYMENT ACTIVITIES**

1. Purpose

The purpose of this division is to implement the provisions of Government Code § 1126 relating to inconsistent, incompatible, and conflicting employment by City employees. It is not the intent or purpose of this division to restrict, limit or interfere with employees’ right to outside employment. It is intended only to prevent outside employment that is inconsistent and incompatible with City employment.

2. Policy

- (a) Employees of the City shall not engage in any employment, activity or enterprise for compensation that is inconsistent, incompatible, in conflict with, or inimical to his/her duties as an employee of the City.
- (b) No employee of the City shall perform any work, service, or counsel for compensation (except as provided in Government Code § § 1128 and 1129) outside of his/her employment with the City, where any part of his/her efforts will be subject to approval by any officer, employee, board or commission of the City.
- (c) Each Department Director, subject to the City Manager's approval, may determine the consistency or inconsistency of outside employments, activities or enterprises with City employment. Authorization to engage in outside employment or activities for compensation is subject to revocation by the Department Head or City Manager without cause. Outside employment, activity, or enterprise shall be prohibited:
  - (1) If it involves the use, for private gain or advantage, or City time, facilities, equipment or supplies, or the City badge, uniform, prestige or influence of his/her City office or position;
  - (2) If it involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his/her employment with the City or as a part of his/her duties as an employee of the City;
  - (3) If it involves the performance of an act in other than his/her capacity as an employee of this City, which act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement of any officer or other employee of the City; or
  - (4) If it involves time demands as would render performance of his/her duties as an employee of the City less efficient.
- (d) No City-owned equipment, vehicles, tools, supplies or any other item shall be used by any employee while the employee is

engaged in any outside employment or activity, or for personal use.

3. Procedures

All employees of the City shall, within thirty (30) days of beginning any outside employment and annually, on April 1, submit a written statement to the Personnel Officer outlining and describing in full, all outside employment engaged in by such employee. Such statement shall include the name and address of the employee's outside place of employment, the name of the employee's supervisor at such outside place of employment, a job description for such employee's position at such outside place of employment, and the number of hours spent at such employment each month. Forms for such report shall be available in the personnel office. The Personnel Officer may require the employee to provide further and additional appointing information relative to such employee's outside employment.

Violation of any of the provisions of this division shall be grounds for disciplinary action, including dismissal from the City service.

F. **EMPLOYEE POLITICAL ACTIVITIES**

The City Prohibits:

(1) Employees and officers from engaging in political activities during work hours;

(2) Employees and officers from participating in political activities of any kind while in uniform;

(3) Political campaigning in City buildings or on premises adjacent to City buildings; and

(4) An employee or officer from using his or her office to coerce or intimidate public employees to promote, propose, oppose, or contribute to any political cause or candidate. All other political activities of City employees shall conform to pertinent provisions of State law and any local provision adopted pursuant to State law.

G. **GIFTS OR GRATUITIES**

No City officer or employee shall solicit or accept any gifts or gratuities in connection with or relating to employee's job duties or services rendered.

Gifts, rewards, or awards may be provided by the City of Mendota to City employees for work-related recognition, making special contributions, or

achieving major milestones such as years of service, promotion, departure, or retirement. The expense for such gifts or awards must follow prescribed accounting or procurement procedures. The Internal Revenue Service classifies many awards to staff as taxable income subject to W-2 reporting and tax withholding. All monetary awards , gifts, or cash equivalents, including but not limited to certificates or cards, are subject to personal income tax.

**H. COMPENSATION**

Employees should consult their Memorandum of Understanding for guidance on salary or compensation.

## **XII. EMPLOYER-EMPLOYEE RELATIONS**

### **A. GENERAL**

#### **1. Statement of Purpose**

These rules implement Chapter 10, division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) entitled "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations. However, nothing contained herein shall be deemed to supersede the provisions of state law, ordinances, resolutions and rules which establish and regulate the civil service system, or which provide for other methods of administering employer-employee relations.

It is the purpose of these rules to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of employees in appropriate units and that are not preempted by federal or state law. Nothing in these rules shall be construed to restrict any legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy, which include among others:

- (a) The exclusive right to determine the mission of its constituent departments, commissions and boards;
- (b) Set standards of service;
- (c) Determine the procedures and standards of selection for employment;
- (d) Direct its employees;
- (e) Take disciplinary action;
- (f) Relieve its employees from duty because of lack of work or for other lawful reasons;
- (g) Maintain the efficiency of governmental operations;
- (h) Determine the content of job classifications;
- (i) Subcontract work;
- (j) Maintain the efficiency of governmental operations;

- (k) Determine the methods, means and personnel by which government operations are to be conducted;
- (l) Take all necessary actions to carry out its mission in emergencies; and
- (m) Exercise complete control and discretion over its organization and the technology of performing its work.

## 2. Definitions

As used in these rules, the following terms shall have the meanings indicated:

- "*Appropriate unit*" means a unit of employee classes or positions, established under the following Representation Proceedings hereof.
- "*Confidential employee*" means an employee who, in the course of his/her duties, has access to information relating to the City's administration of employer-employee relations.
- "*Consult/Consultation in Good Faith*" means to communicate orally or in writing with all effected recognized employee organizations for the purpose of presenting and obtaining views or advising of proposed actions in a good faith effort to reach a consensus; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of the meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement in the form of a Memorandum of Understanding, nor is it subject to the following Impasse Procedures hereof.
- "*Day*" means calendar day unless expressly stated otherwise.
- "*Employee relations officer*" means the City Manager or his/her duly authorized representative.
- "Exclusively Recognized Employee Organization" means an employee organization which has been formally acknowledged by the City as the sole employee organization representing the employees in an appropriate representation unit pursuant to the Representation Proceedings hereof, having the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees.

Such recognition status may only be challenged by another employee organization as set forth in the procedures for Decertification of Exclusively Recognized Employee Organization

- *"Impasse"* means that the representatives of the City and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.
- *"Management employee"* means an employee having responsibility for formulating, administering or managing the implementation of City policies and programs.
- *"Proof of employee support"* means:
  - An authorization card recently signed and personally dated by an employee, provided that the card is not subsequently revoked in writing by the employee;
  - A verified authorization petition or petitions recently signed and personally dated by an employee; or
  - Employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one (1) employee organization for the account of any one (1) employee shall not be considered as proof of employee support for any employee organization. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee.
  - The phrase *"recently signed"* shall mean within ninety (90) days prior to the filing of such proof of support.
- *"Supervisory employee"* means any employee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

- Terms not defined herein shall have the meanings as set forth in the MMBA.

**B. REPRESENTATION PROCEEDINGS**

1. Recognition Petition – Filing by Employee Organization

An employee organization that seeks to be formally acknowledged as the exclusively recognized employee organization representing the employees in an appropriate unit shall file a petition with the employee relations officer containing the following information and documentation:

- (a) Name and address of the employee organization.
- (b) Names and titles of its officers.
- (c) Names of employee organization representatives who are authorized to speak on behalf of the organization.
- (d) A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the City.
- (e) A statement whether the employee organization is a chapter of or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization and if so, the name and address of each such other organization.
- (f) Certified copies of the employee organization's constitution and by-laws.
- (g) A designation of those persons, not exceeding two (2) in number, and their addresses to whom a notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
- (h) A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, age, sexual orientation, mental or physical disability or medical condition.
- (i) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- (j) A statement that the employee organization has in its possession proof of employee support as herein defined to establish that a



majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the employee relations officer or to a mutually agreed upon disinterested third party.

- (k) A request that the employee relations officer formally acknowledge the petitioner as the exclusively recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.
- (l) The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete under penalty of perjury by the duly authorized officer(s) of the employee organization executing it.

2. City Response

Upon receipt of the petition, the employee relations officer shall determine whether:

- (a) There has been compliance with the requirements of the recognition petition; and
- (b) The proposed representation unit is an appropriate unit in accordance with Section B(7) of this Resolution.

If an affirmative determination is made by the employee relations officer on the foregoing two (2) matters, he/she shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on such request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the employee relations officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section B(10) of this Resolution.

3. Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one

which corresponds with respect to some, but not all, the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty percent (30%) and otherwise in the same form and manner as set forth in Section B(1) of this Resolution. If such challenging petition seeks establishment of an overlapping unit, the employee relations officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the employee relations officer shall determine the appropriate unit or units in accordance with the standards in Section B(7) of this Resolution. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the employee relations officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section B(10) of this Resolution.

4. Granting Recognition Without an Election

If the Petition is in order, and the proof of support shows that a majority of the employees in the appropriate unit have designated the petitioning employee organization to represent them, and if no other employee organization filed a challenging petition, the petitioning employee organization and the employee relations officer shall request the California State Mediation and Conciliation Service, or another agreed upon neutral third party, to review the count, form, accuracy and propriety of the proof of support. If the neutral third party makes an affirmative determination, the employee relations officer shall formally acknowledge the petitioning employee organization as the exclusive recognized employee organization for the designated unit.

5. Election Procedure

Where recognition is not granted pursuant to Section B(4) of the Resolution, the employee relations officer shall arrange for a secret ballot election to be conducted by a party agreed to by the employee relations officer and the concerned employee organization(s), in accordance with its rules and procedures subject to the provisions of this Resolution. All employee organizations that have duly submitted petitions that have been determined to be in conformance with this Article (Representation Proceedings) shall be included on the ballot. The ballot shall also reserve to employees the choice of representing themselves individually in their employment relations with the City. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days

before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election.

An employee organization shall be formally acknowledged as the exclusively recognized employee organization for the designated appropriate unit following an election or runoff election if it received a numerical majority of all valid votes cast in the election. In an election involving three (3) or more choices, where none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted between the two (2) choices receiving the largest number of valid votes cast, the rules governing an initial election being applicable to a runoff election.

There shall be no more than one (1) valid election under this Resolution pursuant to any petition in a twelve (12) month period affecting the same unit.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the State Conciliation Service.

Costs of conducting elections shall be borne in equal shares by the City and by each employee organization appearing on the ballot.

6. Procedure for Decertification of Exclusively Recognized Employee Organization

A decertification petition alleging that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the employee relations officer only during the month of March of any year following the first full year of recognition or during the thirty (30) day period commencing one hundred twenty (120) days prior to the termination date of a memorandum of understanding then having been in effect less than three (3) years, whichever occurs later. A decertification petition may be filed by two (2) or more employees or their representative or an employee organization and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- (a) The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

- (b) The name of the established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as the representative of that unit.
- (c) An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit and the relevant and material facts relating thereto.
- (d) Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the employee relations officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this section.

An employee organization may, in satisfaction of the decertification petition requirements hereunder, file a petition under this section in the form of a recognition petition that evidences proof of employee support of at least thirty percent (30%) and otherwise confirms to the requirements of Section B(1) of the Resolution.

The employee relations officer shall initially determine whether the petition has been filed in compliance with the applicable provisions of this Article (Representation Proceedings). If his/her determination is in the negative, he/she shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section B(10) of these Rules. If the determination of the employee relations officer is in the affirmative, or if his/her negative determination is reversed on appeal, he/she shall give written notice of such decertification or recognition petition to the incumbent exclusively recognized employee organization and to unit employees.

The employee relations officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a recognition petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Section B(7) of the Resolution.

During the "open period" specified in the first paragraph of this section, the employee relations officer may on his/her own motion, when he/she has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent exclusively recognized employee organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. In such event any other employee organization may, within fifteen (15) days of such notice, file a recognition petition in accordance with this section, which the employee relations officer shall act on in accordance with this section.

If, pursuant to this section, a different employee organization is formally, acknowledged as the exclusively recognized employee organization, such organization shall be bound by all the terms and conditions of any memorandum of understanding then in effect for its remaining term.

7. Policy and Standards for Determination of Appropriate Units

The policy objectives for determining the appropriateness of units shall be the effect of a proposed unit on (1) The efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and (2) Providing employees with effective representation based on recognized community of interest considerations.

These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- (a) Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.
- (b) History of representation in the City and similar employment; except that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
- (c) Consistency with the organizational patterns of the City.
- (d) Effect of differing legally mandating impasse resolution procedures.
- (e) Number of employees and classifications and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.

- (f) Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

Notwithstanding the foregoing provisions of this section, managerial and confidential responsibilities, as defined in Section A(2) of this Resolution, are determining factors in establishing appropriate units hereunder, and therefore such managerial and confidential employees may only be included in units that do not include non-managerial and non-confidential employees. Managerial and confidential employees may not represent any employee organization that represents other employees.

Peace Officers have the right to be represented in separate units composed solely of such peace officers.

Also under the MMBA, professional employees have the right to be represented separately from non-professional employees.

The employee relations officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this section.

8. Procedures for Modification of Established Appropriate Units

Requests by employee organizations for modifications of established appropriate units may be considered by the employee relations officer only during the period specified in Section B(6) of the Resolution. Such requests shall be submitted in the form of a recognition petition and, in addition to the requirements set forth in Section B(1), shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section B(7) hereof. The employee relations officer shall process such petitions as other recognition petitions under this Article (Representation Proceedings).

The employee relations officer may, on his/her own motion, propose that an established unit be modified. The employee relations officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter, the employee relations officer shall determine the composition of the appropriate unit or units in accordance with Section B(7), and shall give written notice of such determination to the affected employee organizations. The employee relations officer's determination

may be appealed in accordance with Section B(10) of this Resolution. If a unit is modified pursuant to the motion of the employee relations officer hereunder, employee organizations may thereafter file recognition petitions seeking to become the exclusively recognized employee organization for such new appropriate unit or units pursuant to Section B(1) of the Resolution.

9. Procedure for Processing Severance Requests:

An employee organization may file a request to become the recognized employee organization of a unit alleged to be appropriate that consists of a group of employees who are already a part of a larger established unit represented by another recognized employee organization. The timing form and processing of such request shall be as specified in Section B(8) for modification requests.

10. Appeals

An employee organization, aggrieved by an appropriate unit determination of the employee relations officer, or an employee organization aggrieved by a determination of the employee relations officer that a Recognition Petition (Sec. B(1)), Challenging Petition (Sec. B(3)), Decertification Petition (Sec. B(6)), Unit Modification Petition (Sec. B(8)) --- or employees aggrieved by a determination of the employee relations officer that a Decertification Petition (Sec. B(6)) or Severance Request (Sec. B(9)) ---has not been filed in compliance with the applicable provisions of this Article (Representation Proceedings) may, within ten (10) days of notice thereof, request the intervention of the State Mediation and Conciliation Service, or may, in lieu thereof or thereafter, appeal such determination to the City council for final decision within fifteen (15) days of notice of the employee relations officer's determination or the termination of proceedings, whichever is later.

Appeals to the City council shall be filed in writing with the City Clerk, and a copy thereof served on the employee relations officer. The City council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The City council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the City council on the use of such procedure, and/or any decision of the City council determining the substance of the dispute shall be final and binding.

**C. ADMINISTRATION**

1. Submission of Current Information by Recognized Employee Organizations

All changes in the information filed with the City by an exclusively recognized employee organization under items (a) through (h) of its recognition petition under Section B(1) of this Resolution, shall be submitted in writing to the employee relations officer within fourteen (14) days of such change.

Exclusively recognized employee organizations that are party to an agency shop provision shall provide annually to the employee relations officer and to unit members within sixty (60) days after the end of its fiscal year the financial report required under Government Code Section 3502.5(f) of the MMBA.

2. Employee Organization Activities, Use of City Resources

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in memoranda of understanding and/or administrative procedures, shall be limited to lawful activities consistent with the provisions of this Resolution that pertain directly to the employer-employee relationship and not to such internal employee organization business as soliciting membership, campaigning for office, and organizing meetings and elections, and shall not interfere with the efficiency, safety and security of City operations.

3. Administrative Rules and Procedures

The City Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of these Rules after consultation with affected employee organizations.

**D. IMPASSE PROCEDURES**

1. Initiation, Meeting, Purpose

If the meet and confer process has reached impasse as defined in these Rules, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all issues. An impasse meeting shall then be scheduled promptly by the employee relations officer. The purpose of such meeting shall be:



- (a) To review the position of the parties in a final effort to reach agreement on a memorandum of understanding; and
- (b) If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

2. Procedures Enumerated

Impasse procedures are as follows:

- (a) If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
- (b) If the parties agree to, and do participate in mediation, and if mediator is unable to effect settlement of the controversy, the employee organization may present a request to the City and the Public Employment Relations Board (PERB) to submit the impasse to fact-finding. This request by the employee organization to submit the impasse to fact-finding must be made no sooner than 30 days, but no later than 45 days, following the selection of a mediator by the parties.
- (c) If the parties do not agree to participate in mediation, the employee organization may present a request to the City and PERB to submit the impasse to fact-finding no later than 30 days following the date that either party has provided the other a written notice of declaration of impasse.
- (d) Within five (5) working days after PERB's determination that the request for fact-finding is sufficient, a fact-finding panel of three (3) shall be appointed in the following manner: one (1) member of the panel shall be appointed by the employee relations officer, one (1) member shall be appointed by the exclusively recognized employee organization. PERB shall, within five (5) working days after making its determination that the request for fact-finding is sufficient, submit the names of seven persons, drawn from the list of neutral fact-finders established pursuant to Government Code section 3541.3(d). PERB shall thereafter designate one of the seven persons to serve as the chairperson unless notified by the parties within five (5) working days that they have mutually agreed upon a person to chair the panel in lieu of a chairperson selected by PERB.

The following constitute the jurisdictional and procedural requirements for fact-finding:

- (a) The panel shall, within ten (10) days after its appointment, meet with the parties or their representatives, either jointly or separately, and may make inquiries and investigations, hold hearings, and take any other steps it deems appropriate. The panel shall have subpoena power with regard to hearings, investigations and inquiries.
- (b) Subject to the stipulations of the parties, the fact-finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
  - (1) State and federal laws that are applicable to the employer.
  - (2) Local rules, regulations, or ordinances.
  - (3) Stipulations of the parties.
  - (4) The interests and welfare of the public, and the financial ability of the public agency.
  - (5) Comparison of the wages, hours, and conditions of employment of the employees involved in the fact-finding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.
  - (6) The consumer price index for goods and services, commonly known as the cost of living.
  - (7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
  - (8) Any other facts not confined to those specified in paragraphs (a)-(g), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations, including, but not limited to:
    - (i) Maintaining appropriate compensation relationships between classifications and positions within the City;

(ii) Other legislatively determined and projected demands on agency resources (i.e., budgetary priorities as established by the governing body);

(iii) Allowance for equitable compensation increases for other employees and employee groups for the corresponding fiscal period(s);

(iv) Revenue projections not to exceed currently authorized tax and fee rates for the relevant fiscal year(s);

(v) Assurance of sufficient and sound budgetary reserves; and

(vi) Constitutional, statutory, and Municipal Code/ Charter limitations on the level and use of revenues and expenditures.

- (c) Within thirty (30) days after the appointment of the fact-finding panel, or, upon agreement by both parties within a longer period, the panel shall make written findings of the facts and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairman of the fact-finding panel shall serve such findings and recommendations on the employee relations officer and the designated representative of the exclusively recognized employee organization before they are made available to the public.
- (d) If these parties have not resolved the impasse within ten (10) days after service of the findings and recommendations upon them, the fact-finder or the chairman of the fact-finding panel shall make them public by submitting them to the City Clerk for consideration by the City Council in connection with the Council's legislative consideration of the impasse.
- (e) After any applicable mediation and fact-finding procedures have been exhausted, but no earlier than ten (10) days after the fact finders' written findings of fact and recommended terms of settlement have been submitted to the parties, the City Council may hold a public hearing, the City Council may hold a public hearing regarding the impasse, and take such action regarding the impasse as it, in its discretion, deems appropriate as in the public

interest, including implementation of the City's last, best and final offer. Any legislative action by the City Council on the impasse shall be final and binding.

3. Costs

The costs for the services of a mediator and fact-finding panel chairperson agreed upon by the parties shall be borne equally by the City and the exclusively recognized employee organization, and shall include per diem fees, if any, and actual and necessary travel and subsistence expenses. The per diem fees shall not exceed the per diem fees stated on the chairperson's résumé on file with PERB. The chairperson's bill showing the amount payable by the parties shall accompany his or her final report to the parties and PERB. The parties shall make payment directly to the chairperson.

Any other mutually incurred costs shall be borne equally by the parties. Any separately incurred costs for the panel member selected by each party shall be borne by such party.

### **XIII. ACKNOWLEDGMENT**

This is to acknowledge that I have received a copy of the City of Mendota's Personnel Rules and have read and understand their contents. I understand that the rules contain important information about the City's general personnel policies and my obligations as an employee of the City. Further, I understand that I must keep the Personnel Rules in a safe place for reference and any changes or updates which may be made from time to time.

I further understand that the City may change, rescind or add to any rules, policies, or practices described in the Personnel Rules from time to time in its sole discretion without prior notice, and that the language used in the Personnel Rules is not intended to create, and does not create, a contract between the City of Mendota and any employee.

**DATED:** \_\_\_\_\_

\_\_\_\_\_  
**Employee's Signature**

\_\_\_\_\_  
**Employee's Name (Print)**

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**AGENDA ITEM**

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** JEFFREY O'NEAL, AICP, CITY PLANNER

**VIA:** VINCE DIMAGGIO, CITY MANAGER

**SUBJECT:** CITY COUNCIL APPROVAL OF THE FINAL MAP OF TRACT 6111, PHASE VI OF LAS PALMAS ESTATES

**DATE:** MARCH 22, 2016

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**ISSUE**

Should the Council approve the final map of Tract 6111?

**BACKGROUND**

Vesting Tentative Map No. 5483 was approved on March 22, 2005, and was initially valid through March 22, 2007. The Subdivision Map Act (Govt. Code §66410 et seq.) establishes the criteria for all divisions of land in California, and is implemented via the City of Mendota Subdivision Ordinance (Mendota Municipal Code Title 16). The Map Act provides various mechanisms by which approved maps can be extended without action being taken by the City. Through mechanisms provided by Govt. Code §66452.6(a)(1) and §66452.24, the approved Vesting Tentative Map has received a number of automatic extensions and is currently valid through March 22, 2017. Until that date, the subdivider may file a final map or maps on a portion or all of the land remaining within the boundary of the approved tentative map.

Multiple final maps may be filed, approved, and recorded consistent with the provisions of the approved tentative map. In addition to creating some number of individual lots for imminent development, each phased final map results in the creation of an unsubdivided remainder parcel, which itself may be further subdivided via a new final map, and so forth.

A note regarding the tract numbering system: in Fresno County, prior to submitting a tentative map, a subdivider must contact the Recorder's Office to be assigned a unique tract number for that tentative map; in this case 5483. Filing of multiple phased final maps based on an approved tentative map requires that each subsequent final map after the first be assigned its own unique tract number. As a result, Vesting Tentative Map No. 5483 has resulted in final maps numbered

5483, 5678, 5826, 5835, 5847, 5925, and now 6111<sup>1</sup>. Any future final maps will also have unique identifying numbers.

## **ANALYSIS**

The owner, KSA Investments, LLC, has submitted a final map covering a portion of the remainder parcel resulting from the recordation of Tract No. 5925. The map, Tract No. 6111, is located west of Rowe Avenue and is immediately west of recently-recorded Tract No. 5925. It includes 36 single-family lots along with local streets, curb, gutter, sidewalk, and underground utilities. It forms the next logical development area within the overall Las Palmas project. In conjunction with this phase of development, the owner has agreed to design and install extensions of Amador Avenue and Smoot Street to provide an additional point of access to and from the neighborhood. This phase of the project will utilize Holmes Avenue for ingress and egress, and is not expected to further impact the Black Avenue system.

As is typical with final maps, the required improvements for service of the mapped area will not be installed prior to final map approval. To that end, the City has prepared a subdivision agreement meeting the requirements of the City Engineer as to content and the City Attorney as to form. The Subdivision Agreement dictates timelines for installation of the required infrastructure, provides for payment of development impact fees, and establishes the required bonds to ensure timely completion of the project. The 36 single-family lots created via recordation of the map will be subject to a total of \$378,019.01 of development impact fees. Some of these fees will be credited to the developer in exchange for construction of additional offsite improvements.

## **Environmental Assessment**

Approval of a final map is a ministerial project, meaning that it does not involve exercise of discretion or judgment during consideration. The Council is required to approve the final map if it substantially conforms to the approved tentative map, and is required to deny the final map if it does not substantially conform (Govt. Code §66474.1). Ministerial projects, expressly including approval of final maps, are exempt from environmental review under the California Environmental Quality Act (CEQA Guidelines §15268(b)(3)).

## **Public Notice**

No public notice is required for approval of a final map.

## **Findings**

The City Engineer has reviewed the final map and improvement plans, and makes the following determinations:

1. He has reviewed the map.

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<sup>1</sup> Tract 6111 is commonly referred to as Phase VI of Las Palmas Estates. However, since Phase II of the project was split into two sub-phases (IIA and IIB), Phase VI is actually the seventh phased final map recorded for the project.

2. The subdivision as shown is substantially the same as it appeared on the tentative map.
3. The subdivider has complied with all provisions of Chapter 2 of the Subdivision Map Act (commencing with §66425) and all local ordinances in effect at the time of tentative map approval.
4. He is satisfied that the map is technically correct.

### **FISCAL IMPACT**

Any costs associated with recordation of the final map are pass-through costs that are paid by the project proponent. Development impact fees, discussed above and less any amount credited for offsite construction, would be collected to fund City capital improvements. There would be no impact to City funds.

### **RECOMMENDATION**

Staff recommends that the City Council adopts Resolution No. 16-20, approving the final map of Tract 6111, accepting all rights-of-way and other public dedications indicated thereon, and approving the subdivision agreement, development impact fees, and bond amounts.



**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA IN THE MATTER  
OF APPROVAL OF THE FINAL MAP OF  
TRACT NO. 6111, AND ENTERING INTO A  
SUBDIVISION AGREEMENT THEREFOR**

**RESOLUTION NO. 16-20**

**WHEREAS**, KSA Investments, LLC, a Delaware Limited Liability Company, (“Owner”) has applied for approval of a final map designated as Tract No. 6111, Phase VI of Las Palmas Estates (“Map”); and

**WHEREAS**, the Map comprises a 36-lot phased final map prepared pursuant to approved Vesting Tentative Map No. 5483, said Vesting Tentative Map valid as of the time of filing of the final map; and

**WHEREAS**, the property to be subdivided lies entirely within the corporate boundary of the City of Mendota; and

**WHEREAS**, all of the certificates that appear on the Map, excepting the approval certificate of the City Clerk and the recording certificate of the Fresno County Recorder, have been signed and acknowledged; and

**WHEREAS**, the Map conforms to all of the requirements of the Subdivision Map Act of the State of California (Govt. Code §66410, et seq.), and all City of Mendota ordinances, resolutions, and standards in effect at the time of tentative map approval, excepting that Govt. Code §§66492 and 66493 may not be fully complied with at the time of passage of this resolution, the owner previously having filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the final map considered herein by the City Council; and

**WHEREAS**, the Owner, whose signature appears on the Map, has offered for dedication certain streets, public utility easements, access rights, and other public properties and uses as shown and delineated on said map; and

**WHEREAS**, the Owner has caused to be prepared Plans, Specifications, and Detail Documents (“Plans”) illustrating consistent with the City of Mendota Standard Specifications and Standard Drawings and other specifications and standards as required the type, location, and extent of public improvements to be installed within and without the boundary of the Map; and

**WHEREAS**, the City Engineer has reviewed said Plans and deemed that they accurately depict the requirements of said Standard Specifications, Standard Drawings, and other specifications and standards; and

**WHEREAS**, at the time of approval of the Map, said public improvements have not been completed or accepted pursuant to the requirements of Title 16 of the Mendota

Municipal Code and as a result the Owner shall be required to enter into a subdivision agreement detailing the timing of improvements, payment of fees, and bonds to be acquired to ensure timely and proper installation of said improvements; and

**WHEREAS**, approval of a final map is considered a ministerial project, and is thus exempt from the California Environmental Quality Act pursuant to CEQA Guidelines §15268(b)(3); and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mendota that the final map of Tract No. 6111 as incorporated herein as Attachment A hereto substantially conforms to approved Vesting Tentative Map No. 5483, and is hereby approved.

**BE IT FURTHER RESOLVED** by the City Council of the City of Mendota that the Mayor of the City is hereby authorized to sign the subdivision agreement on behalf of the City of Mendota, said subdivision agreement incorporated herein by reference.

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Robert Silva, Mayor

**ATTEST:**

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at Mendota City Hall on the 22<sup>nd</sup> day of March, 2016 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Matt Flood, City Clerk

Attachment "A", Page 1

OWNER'S STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS, STREETS, AND EASEMENTS SPECIFIED ON THIS MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES STATED THEREIN.

OWNER: KSA INVESTMENTS, LLC A DELAWARE LIMITED LIABILITY COMPANY

HAIR FAMILY TRUST, MANAGING MEMBER

BY: STEPHEN W. HAIR, TRUSTEE DATE:

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA COUNTY OF ... BEFORE ME, ... A NOTARY

PUBLIC PERSONALLY APPEARED STEPHEN W. HAIR, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT

AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT. WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE PRINT NOTARY'S NAME PRINCIPAL COUNTY OF BUSINESS REGISTRATION # MY COMMISSION EXPIRES:

SUBDIVISION AGREEMENT

THE SUBDIVISION OF THIS PROPERTY IS AFFECTED BY AN AGREEMENT WITH THE CITY OF MENDOTA, RECORDED MAY 15, 2015, AS DOCUMENT NUMBER 2015-0059829, OFFICIAL RECORDS OF FRESNO COUNTY.

NOTES

THIS PROPERTY IS AFFECTED BY:

INSTRUMENT #2003-0098349, FRESNO COUNTY RECORDS, RECORDED MAY 1, 2003.

DOCUMENT #104180, BOOK 7120, PAGE 872, FRESNO COUNTY RECORDS, RECORDED SEPTEMBER 18, 1978.

INSTRUMENT #2005-0180536 OF OFFICIAL RECORDS, FRESNO COUNTY.

INSTRUMENT #2003-0189565 OF OFFICIAL RECORDS, FRESNO COUNTY, RECORDED AUGUST 15, 2003.

INSTRUMENT #2007-0122749 OF OFFICIAL RECORDS, FRESNO COUNTY.

INSTRUMENT #2007-0125671 OF OFFICIAL RECORDS, FRESNO COUNTY.

MAP OF TRACT # 6111 LAS PALMAS ESTATES PHASE VI CONSISTING OF 4 SHEETS

LYING IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF MENDOTA, COUNTY OF FRESNO, CALIFORNIA.

SURVEYED AND PLATTED IN NOVEMBER 2015 BY

HAWKINS & ASSOCIATES ENGINEERING 436 MITCHELL RD. MODESTO, CALIFORNIA 95354

SURVEYOR'S STATEMENT

THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CENTRAL VALLEY HOUSING CO. ON OCTOBER 12, 2006. I HEREBY STATE THAT ALL THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

REVIN J. GENASCI DATE L.S. 8860

CITY ENGINEER'S STATEMENT

I, DAVID M. MCGLOSSON, CITY ENGINEER OF THE CITY OF MENDOTA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT THE MAP COMPLIES WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, STATE OF CALIFORNIA STATUTES OF 2015, AND ALL LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT I AM SATISFIED THE MAP IS TECHNICALLY CORRECT.

DAVID M. MCGLOSSON DATE MENDOTA CITY ENGINEER P.L.S. 6968

CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MENDOTA, COUNTY OF FRESNO, STATE OF CALIFORNIA, BY RESOLUTION NO. ... ADOPTED AT THE REGULAR MEETING OF SAID COUNCIL DULY CONVENED AND HELD ON THE ... DAY OF ... DID APPROVE THE WITHIN MAP (AND ACCEPTED ON BEHALF OF THE PUBLIC, SUBJECT TO CONSTRUCTION, ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION). IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL OF SAID CITY THIS ... DAY OF ... 2015.

WATT FLOOD CITY CLERK OF THE CITY OF MENDOTA

RECORDER'S CERTIFICATE

DOCUMENT NO. ... FEE PAID \$ ...

FILED THIS ... DAY OF ... 2015, AT ... M. IN BOOK ... OF PLATS, AT PAGES ... FRESNO COUNTY RECORDS, AT THE REQUEST OF STEPHEN W. HAIR.

PAUL DICTOS, C.P.A., ASSESSOR-RECORDER COUNTY OF FRESNO RECORDS

BY: DEPUTY COUNTY RECORDER

Attachment "A", Page 2

BENEFICIARY'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

MENDOTA INVESTMENT COMPANY LIMITED, A DELAWARE LIMITED PARTNERSHIP, AS BENEFICIARY UNDER DEED OF TRUST RECORDED JANUARY 16, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0005126-00.

THE DOCUMENT ENTITLED "DEED OF PARTIAL RECONVEYANCE" RECORDED ON JUNE 19, 2015 AS INSTRUMENT NO. 2015-0078353 OF OFFICIAL RECORDS.

AND AGREEMENT RECORDED MARCH 12, 2015, RECORDING NO. 2015-0029242, OF OFFICIAL RECORDS WHICH STATES THAT THIS INSTRUMENT WAS SUBORDINATED TO THE DOCUMENT OR INTEREST DESCRIBED IN THE INSTRUMENT.

RECORDING DATE: MARCH 12, 2015  
RECORDING NO.: 2015-0029242, OF OFFICIAL RECORDS

AN AGREEMENT RECORDED JUNE 19, 2015, RECORDING NO. 2015-0078354, OF OFFICIAL RECORDS WHICH STATES THAT THIS INSTRUMENT WAS SUBORDINATED TO THE DOCUMENT OR INTEREST DESCRIBED IN THE INSTRUMENT.

RECORDING DATE: JUNE 19, 2015  
RECORDING NO.: 2015-0078356, OF OFFICIAL RECORDS.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA /  
COUNTY OF \_\_\_\_\_ / SS

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_, PERSONALLY  
A NOTARY PUBLIC PERSONALLY APPEARED \_\_\_\_\_,

KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE \_\_\_\_\_

PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

TRUSTEE'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

FIDELITY NATIONAL TITLE COMPANY, AS TRUSTEE UNDER DEED OF TRUST RECORDED JANUARY 16, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0005126-00.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

MAP OF TRACT # 6111  
**LAS PALMAS ESTATES**

**PHASE VI**

CONSISTING OF 4 SHEETS

LYING IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF MENDOTA, COUNTY OF FRESNO, CALIFORNIA.

SURVEYED AND PLATTED IN NOVEMBER 2015 BY

**HAWKINS & ASSOCIATES ENGINEERING**  
436 MITCHELL RD. MODESTO,  
CALIFORNIA 95354

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STATE OF CALIFORNIA /  
COUNTY OF \_\_\_\_\_ / SS

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_, A NOTARY  
PUBLIC PERSONALLY APPEARED \_\_\_\_\_,

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE \_\_\_\_\_

PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

BENEFICIARY'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

UNITED SECURITY BANK, AS BENEFICIARY UNDER DEED OF TRUST RECORDED JUNE 19, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0078356-00.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA /  
COUNTY OF \_\_\_\_\_ / SS

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_,

A NOTARY PUBLIC PERSONALLY APPEARED \_\_\_\_\_,

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE \_\_\_\_\_

PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

BENEFICIARY'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

UNITED SECURITY BANK, AS BENEFICIARY UNDER DEED OF TRUST RECORDED MARCH 12, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0029243-00.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA /  
COUNTY OF \_\_\_\_\_ / SS

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_,

A NOTARY PUBLIC PERSONALLY APPEARED \_\_\_\_\_,

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE \_\_\_\_\_

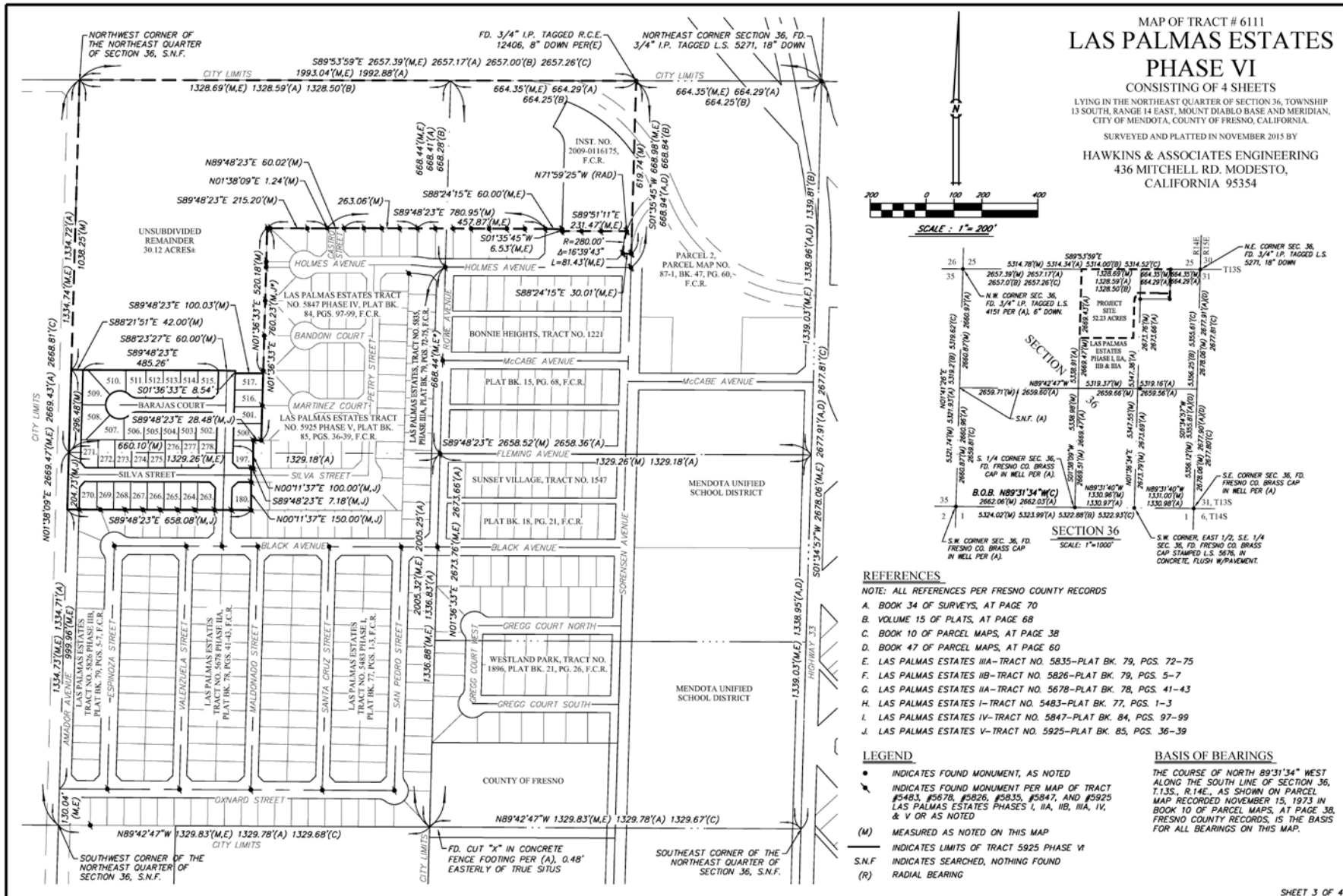
PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

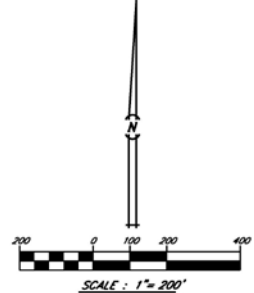
REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

Attachment "A", Page 3



MAP OF TRACT # 6111  
**LAS PALMAS ESTATES**  
**PHASE VI**  
 CONSISTING OF 4 SHEETS  
 LYING IN THE NORTH EAST QUARTER OF SECTION 36, TOWNSHIP  
 13 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN,  
 CITY OF MENDOTA, COUNTY OF FRESNO, CALIFORNIA.  
 SURVEYED AND PLATTED IN NOVEMBER 2015 BY  
**HAWKINS & ASSOCIATES ENGINEERING**  
 436 MITCHELL RD. MODESTO,  
 CALIFORNIA 95354



- REFERENCES**
- NOTE: ALL REFERENCES PER FRESNO COUNTY RECORDS
- A. BOOK 34 OF SURVEYS, AT PAGE 70
  - B. VOLUME 15 OF PLATS, AT PAGE 68
  - C. BOOK 10 OF PARCEL MAPS, AT PAGE 38
  - D. BOOK 47 OF PARCEL MAPS, AT PAGE 60
  - E. LAS PALMAS ESTATES IIIA-TRACT NO. 5835-PLAT BK. 79, PGS. 72-75
  - F. LAS PALMAS ESTATES IIIB-TRACT NO. 5826-PLAT BK. 79, PGS. 5-7
  - G. LAS PALMAS ESTATES IIIA-TRACT NO. 5878-PLAT BK. 78, PGS. 41-43
  - H. LAS PALMAS ESTATES I-TRACT NO. 5483-PLAT BK. 77, PGS. 1-3
  - I. LAS PALMAS ESTATES IV-TRACT NO. 5847-PLAT BK. 84, PGS. 97-99
  - J. LAS PALMAS ESTATES V-TRACT NO. 5925-PLAT BK. 85, PGS. 36-39
- LEGEND**
- (M) MEASURED AS NOTED ON THIS MAP
  - (M) INDICATES LIMITS OF TRACT 5925 PHASE VI
  - S.N.F. INDICATES SEARCHED, NOTHING FOUND
  - (R) RADIAL BEARING
- BASIS OF BEARINGS**
- INDICATES FOUND MONUMENT, AS NOTED
- INDICATES FOUND MONUMENT PER MAP OF TRACT #5483, #5678, #5826, #5835, #5847, AND #5925 LAS PALMAS ESTATES PHASES I, II, III, IV, & V OR AS NOTED
- THE COURSE OF NORTH 89°31'34" WEST ALONG THE SOUTH LINE OF SECTION 36, T.13S., R.14E., AS SHOWN ON PARCEL MAP RECORDED NOVEMBER 15, 1973 IN BOOK 10 OF PARCEL MAPS, IS THE BASIS FOR ALL BEARINGS ON THIS MAP.

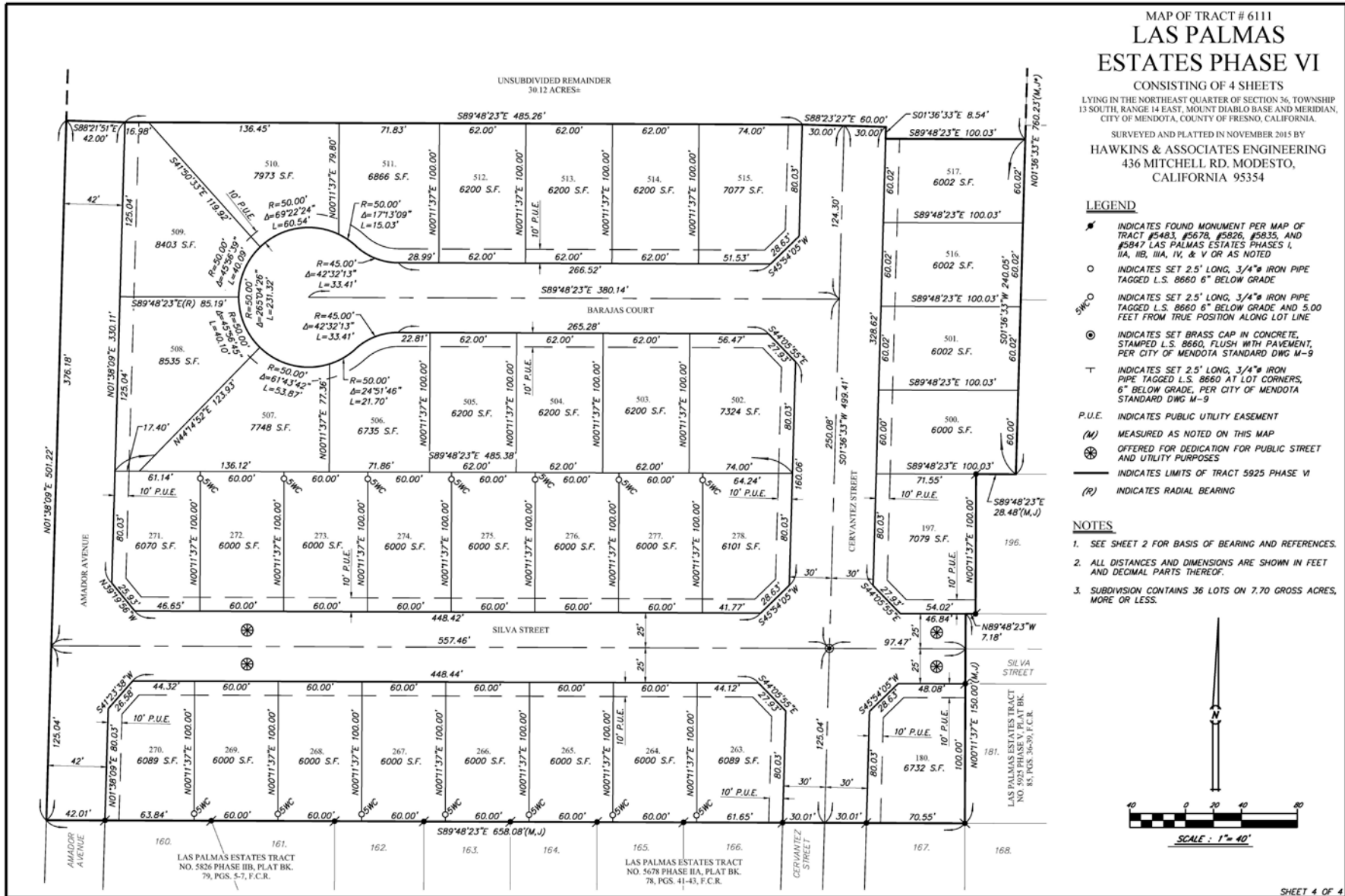
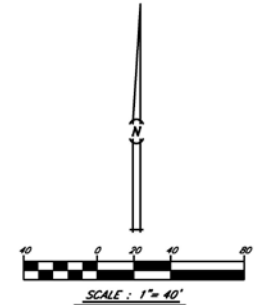
MAP OF TRACT # 6111  
**LAS PALMAS**  
**ESTATES PHASE VI**  
 CONSISTING OF 4 SHEETS  
 LYING IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP  
 13 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN,  
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 SURVEYED AND PLATTED IN NOVEMBER 2015 BY  
**HAWKINS & ASSOCIATES ENGINEERING**  
 436 MITCHELL RD. MODESTO,  
 CALIFORNIA 95354

**LEGEND**

- ✱ INDICATES FOUND MONUMENT PER MAP OF TRACT #5483, #5678, #5826, #5835, AND #5847 LAS PALMAS ESTATES PHASES I, III, IV, & V OR AS NOTED
- INDICATES SET 2.5" LONG, 3/4" IRON PIPE TAGGED L.S. 8660 6" BELOW GRADE
- INDICATES SET 2.5" LONG, 3/4" IRON PIPE TAGGED L.S. 8660 6" BELOW GRADE AND 5.00 FEET FROM TRUE POSITION ALONG LOT LINE
- ⊙ INDICATES SET BRASS CAP IN CONCRETE, STAMPED L.S. 8660 AT LOT CORNERS, 6" BELOW GRADE, PER CITY OF MENDOTA STANDARD DWG M-9
- T INDICATES SET 2.5" LONG, 3/4" IRON PIPE TAGGED L.S. 8660 AT LOT CORNERS, 6" BELOW GRADE, PER CITY OF MENDOTA STANDARD DWG M-9
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- (M) MEASURED AS NOTED ON THIS MAP
- OFFERED FOR DEDICATION FOR PUBLIC STREET AND UTILITY PURPOSES
- ⊕ INDICATES LIMITS OF TRACT 5925 PHASE VI
- (R) INDICATES RADIAL BEARING

**NOTES**

1. SEE SHEET 2 FOR BASIS OF BEARING AND REFERENCES.
2. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
3. SUBDIVISION CONTAINS 36 LOTS ON 7.70 GROSS ACRES, MORE OR LESS.



**SUBDIVISION AGREEMENT**  
**TRACT No. 6111**  
**PHASE VI OF VESTING TENTATIVE MAP No. 5483**

**Las Palmas Estates**

**CITY OF MENDOTA**  
**FRESNO COUNTY, CALIFORNIA**

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Mendota, a Municipal Corporation (herein "City"), and KSA Investments, L.L.C., a Delaware Limited Liability Company (herein "Owner"), the owner of record, without regard for number or gender.

**RECITALS**

A. Owner has filed with the City a Final Map proposing the subdivision of land owned by Owner, and referred to as Tract No. 6111, Phase VI of Las Palmas Estates, situated in the City of Mendota, along with certain Plans, Specifications and Detail Documents. Upon requesting approval by the City, Owner shall deliver all required documents and pay all fees required under the Mendota Municipal Code, and this Agreement.

B. City requires as a condition precedent to the acceptance and approval of the Final Map the dedication of such streets, highways and public places and easements as are delineated and shown on the Final Map, and deems the same as necessary for the public use, and also requires any and all streets delineated and shown on the Final Map shall be improved by the construction and the installation of the improvements hereinafter specified.

C. Section 16.32.390 of the Mendota Municipal Code requires the Owner to enter into this Agreement with City whereby Owner agrees to do, perform and complete the work and matters required as Conditions of Approval for Vesting Tentative Map No. 5483 as set forth in Exhibit "C" attached hereto, hereinafter referred to as "Conditions of Approval", within the time hereinafter specified.

D. Owner desires to construct the improvements and develop the Subject Property.

E. Owner hereby warrants that any and all parties having record title interest in the Final Map which could ripen into a fee have subordinated to this instrument and all such instruments of subordination, if any, are attached hereto and made a part hereof.

**AGREEMENT**

In consideration of approval by the **City** of the Final Map of Tract No. 6111 (Phase VI of Vesting Tentative Map No. 5483) for filing and recording as provided and required by law, it is mutually agreed and understood by and between Owner and City as follows:

1. Owner shall perform the onsite and offsite work and improvements hereinafter specified to the satisfaction of the City Engineer. Owner understands and

agrees that the following schedule of work is intended to provide a guideline as to diligent prosecution of the work under this agreement.

In any event, the **Owner** agrees to furnish and install the following and agrees to complete all improvements hereinafter specified to the satisfaction of the City Building Official and the City Engineer within a period not to exceed twenty-four (24) months.

The Owner agrees to construct all improvements per the drawings and specifications on file with the City and the time allotted per the following schedule:

	<u><b>Date of Completion</b></u>
Onsite and Offsite Grading	4-1-2018
Water Facilities	4-1-2018
Sewer Facilities	4-1-2018
Storm Drainage Facilities	4-1-2018
Gas, Electrical, and Telephone Facilities	4-1-2018
Street Improvements including Sidewalks	4-1-2018
Street Lights and Signage	4-1-2018

If the construction of the improvements shall be delayed without the fault of Owner, the time for completion thereof may be extended by the City Council for such period as the City Council may deem reasonable.

Building permits for homes within the Division may be issued once the water system has been installed, tested and accepted by City, and fire protection is available to the lots within the Division. However, all construction covered by this agreement shall be completed prior to issuance of any Certificates of Occupancy for dwellings within the Division. No model home certificates of occupancy will be allowed. Certificates of Occupancy may be issued by the Building Official at his discretion upon completion of all improvements and all building construction in accordance with applicable codes, standards and this Agreement.

2. Wherever used in this agreement, the following words and phrases shall have the meaning herein given, unless the context requires a different meaning:
  - a. "Engineer" shall mean the City Engineer of the City of Mendota, or duly authorized representative.
  - b. "Inspector" shall mean the City Engineer, and/or the City Building Official, Building Inspector, Public Works Director, and/or Public Utilities Director of the City of Mendota.
  - c. "Standard Specifications" shall mean the Standard Specifications of the City of Mendota dated September 2007, as amended; and State Standard Specifications, current revision, as applicable, including attached details and amendments thereto.



- d. "Division" shall mean and include the real property shown and described on the final map of Tract No. 6111, Phase VI of approved Vesting Tentative Map No. 5483, Las Palmas Estates, including street areas of adjacent existing public streets to the centerlines thereof.
3. All of the work and improvements and materials shall be performed, installed, and provided in strict accordance with the Standard Specifications, and all applicable Building Codes incorporated herein as though set forth in full. All said work and improvements shall also comply with the requirements of the City of Mendota Municipal Code. All of said work and improvements and materials shall be done, performed, and installed under the supervision of the Engineer and the Building Official of the City of Mendota, under whose directions the work shall be inspected as it progresses.

Notwithstanding the fact the Owner's plans and specifications, completion of the work, and other acts are subject to approval of the City, it is understood and agreed that any approval of the City hereof shall in no way relieve Owner of satisfactorily performing said work or Owner's obligations hereunder.

4. Owner agrees to perform and construct all work and improvements shown on the approved Plans on file with the Building Official of the City of Mendota,
5. Owner and City hereby agree that Owner is obligated to pay those fees and charges as set forth on Exhibit "A", attached hereto and incorporated herein by reference. Said fees and charges are due and payable upon approval of the Agreement by the City, unless agreed otherwise. City fees shall be collected per City regulations, or upon issuance of individual building permits for residences within the tract as agreed between Owner and City in accordance with applicable City ordinances and regulations.
6. Neither City nor any of its officers or agents shall be liable to Owner or its contractors for any error or omission arising out of or in connection with any work to be performed under this contract.
7. City shall not be liable to Owner or to other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this agreement, or any part thereof.
8. Owner hereby releases and agrees to indemnify and hold City and its officers, agents, and employees harmless from and against any and all injuries to and deaths of persons and injuries to property, and all claims, demands, costs, loss, damage and liability, howsoever, the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or non-performance of any or all work to be done in and upon the public street rights-of-way and upon the premises adjacent thereto pursuant to this agreement, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever same may be caused and whensoever the same may appear, either directly or indirectly made or suffered by the Owner, the Owner's agents, employees, and subcontractors, while engaged in the performance of said work.

Prior to the commencement of any work pursuant to this contract, Owner's contractors shall furnish to City satisfactory evidence of insurance policies written upon forms and by companies which meet with the approval of the City, insuring City and its respective officers, agents, and employees against loss or liability which may arise during the work of which may result from any of the work herein required to be done, including all costs of defending any claim arising as a result thereof. The minimum limits of such policy shall be in the amount of:

- a. Comprehensive Liability (including operations, products and completed operations.) \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- b. Auto Liability: \$1,000,000 per accident for bodily injury and property damage.
- c. Workers Compensation and Employers Liability: Worker's Compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

Said policy or policies shall include coverage for underground explosion and collapse. Said policy shall be in favor of Owner or Owner's contractors and of the City, Provost & Pritchard Consulting Group (City Engineer), and their respective officers, agents, and employees and shall be maintained in full force and effect during the life of this agreement. Said policy shall state by its terms and by an endorsement that said policy shall not be cancelled until City shall have had at least 30 days notice in writing of such cancellation. The Owner shall furnish the City with a copy of any and all insurance policies, along with a declarations page for each, adding the above-named entities as additional insured.

9. Upon completion of the improvements agreed to herein, Owner shall file a Notice of Completion of the improvements herein specified pursuant to Government Code Section 66499(b). This instrument shall be recorded and indexed in the Grantor Index to the names of all record owners of the property and in the Grantee Index to the City.
10. At the time Plans, Specifications, and Detail Documents for offsite and onsite improvements are approved, Owner shall submit the final documents and shall furnish to the City in a form acceptable to the City Attorney the following:
  - a. Improvement security in the amount of one-hundred-fifty percent (150%) of the total estimated cost for the faithful performance of all work and improvements required by this agreement;
  - b. Improvement security in the amount of one-hundred percent (100%) of the estimated cost of all required work to secure payment to the Contractor, his or her subcontractors, and to persons renting equipment or furnishing labor or materials for such improvements;

- c. Improvement security to secure the maintenance of the offsite improvements for a period of one (1) year after the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, in the performance of the agreement with the City or the performance of the act. Said security shall not exceed an amount equal to twenty-five percent (25%) of the estimated cost of furnishing and installing said Offsite facilities. This security shall be in addition to any warranty required of the manufacturer;
  - d. Security in the amount equal to the estimated cost of placing all monuments and lot corners not set at the time the Final Map is recorded, as specified by the Subdivision Ordinance.
  - e. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's and administration fees, incurred by the local agency in successfully enforcing the obligation secured.
  - f. Security in the estimated amount of taxes and special assessments collected as taxes which are a lien but which are not as yet payable as referred to in Government Code Section 66493, or satisfactory evidence in the form of a written receipt of prepayment of said taxes and special assessments as described herein at the time of recordation of the Final Map.
11. Owner and Owner's contractors and subcontractors shall pay for any materials, provisions and other supplies or terms used in, upon, for, or about the performance of the work contracted to be done, and for any work or labor thereon of any kind and for amounts due under the Unemployment Insurance Act of the State of California, with respect to such work or labor, and shall file with City pursuant to Section 3800 of the Labor Code a Certificate of Worker's Compensation and shall maintain a valid policy of Worker's Compensation Insurance for the duration for the period of construction.
  12. Compaction soil tests and retests shall be paid for by Owner. Street and onsite utility trench tests shall be taken in varying locations and depths as required and directed by the Engineer.
  13. Owner shall comply with Street, Plumbing, Electrical, and Zoning Codes and any other Codes of the City, and Owner shall secure an Encroachment Permit before working within any City of Mendota public right-of-way.
  14. Owner shall coordinate all work done by Owner's contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability if one operation delays another. In no case shall representatives of City be placed in the position of making decisions that are the responsibility of Owner. It shall further be the responsibility of Owner to give the City Engineer written notice not less than two (2) working days in advance of the actual date on which work is to be started. Failure on the part of Owner to timely notify the City Engineer may cause delay for which Owner shall be solely responsible.

Whenever Owner varies the period during which work is carried on each day, Owner shall give due notice to the Engineer so that proper inspection may be provided. Any work done in the absence of the Engineer will be subject to exposure, inspection, and potential rejection.

Inspection of the work shall not relieve Owner of any of Owner's obligations to fulfill the Agreement as prescribed. Defective work shall be made good by Owner and unsuitable materials will be rejected when discovered, notwithstanding the fact that such defective work and unsuitable materials may have been previously overlooked by the City Engineer, Inspector and/or Building Official and accepted.

15. Any damage to the Public Water, Sewer, or Stormwater Systems, concrete work, or street paving that occurs after installation and prior to final acceptance shall be made good to the satisfaction of the City Engineer by Owner before release of bonds and final acceptance of completed work.
16. Adequate dust and mud control shall be maintained by Owner on all onsite and offsite work required to be done under this agreement from the time work is first commenced in the development until the paving is completed. "Adequate dust control" as used herein shall mean the sprinkling with water and/or the laying of a coat of dust palliative thereon with sufficient frequency to prevent the scattering of dust by wind or the activity of vehicles and equipment.

Whenever in the opinion of the City Engineer adequate dust control is not being maintained as required by this paragraph and the requirements of the SJVAPCD, the City Engineer shall give notice to Owner to comply with the provisions of the paragraph forthwith. Such notice may be personally served upon Owner or, if Owner is not an individual, upon any person who has signed this agreement on behalf of Owner, or a superintendent or foreman of Owner or Owner's subcontractor at the subdivision or, at the election of the City Engineer, such notice may be mailed to Owner or Owner's address on file with the City Engineer.

If within twenty-four (24) hours after such personal service of such notice or within forty-eight (48) hours after the mailing thereof as herein provided Owner shall not have commenced to maintain adequate dust control or shall at any time hereafter fail to maintain adequate dust control, the City Engineer may, without further notice of any kind, cause any such work to be completed by City forces or by others, as he may deem advisable to eliminate the scattering of dust. Owner agrees to pay to City forthwith, upon receipt of billing therefore, the entire cost to City of such work. When the surfacing on any existing street area is disturbed, this surfacing shall be replaced with temporary or permanent surfacing within fourteen (14) calendar days, and the roadway shall be maintained in a safe and passable condition at all times between the commencement and final completion, and adequate dust control shall be maintained during these operations.

17. Owner shall perform all work within the public rights-of-way and install all street improvements in accordance with Title 16, Chapter 16.32 of the Municipal Code of the City of Mendota, the City of Mendota Standard Specifications, and the State of California Department of Transportation Standard Specifications, current edition, and the approved construction plans.

18. Concrete curbs and gutters, the sanitary sewer system, water system, storm drainage pipeline and structures, together with water mains, gas mains, and their respective service connections, shall be completed and accepted by the City Engineer before finish pavement improvements are started.
19. Time is of the essence of this agreement, and the same shall bind and inure to the benefit of the parties hereto, their successors and assigns.
20. No assignment of this agreement nor of any duty or obligation of performance hereunder shall be made in whole or in part by Owner without the prior written consent of City.
21. This agreement includes the following Exhibits that are included herewith and made a part of this agreement:
  - a. Exhibit A — Fees and Bond Requirements
  - b. Exhibit B — Security
  - c. Exhibit C — Resolution and Conditions of Approval, Vesting Tentative Map No. 5483
  - d. Exhibit D — Final Map, Tract No. 6111, Las Palmas Estates Phase VI
  - e. Exhibit E — Subordination
22. In the event it becomes necessary for either party to bring an action with respect to enforcement of the provisions of this agreement, or the security herewith, the prevailing party in such action shall be awarded reasonable attorney's fees and court costs as may be determined by the court.
23. Owner agrees to defend, indemnify and hold harmless the City, and its respective agents, officers, and employees from any claim, action, or proceeding against any of them to attack, set aside, void, or annul, any approval of the City or Fresno County concerning action brought within the time period provided for in Government Code Section 66499.37. The City agrees to properly notify the Owner of any claim, action or proceeding, and the City agrees to cooperate fully in the defense.
24. In the event an extension is granted to the time within which all work is to be completed, the Owner agrees that it will comply with all the applicable improvement standards in effect at the time the extension is granted.
25. It is agreed that all conditions of approval shall apply to and be included in this Agreement.
26. The City Engineer is assumed to be a just arbitrator between City, Owner, and the Contractor, and the entire work is under his jurisdiction to such end. It is his function to interpret the drawings and specifications; and pass judgment upon merits of materials and workmanship.
27. The Owner agrees to obtain a City of Mendota Business License for the General Contractor and for each of the Sub-Contractors performing construction work on the improvements.
28. Pursuant to Government Code Section 66462 and Mendota Municipal Code Section 16.32.390, the undersigned hereby certify and acknowledge that the construction of improvements identified herein shall be completed on or before April 1, 2018 or any approved extension thereof.

29. The Owner acknowledges that the City has formed a community facilities district (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to finance all or a portion of the cost of providing police, fire and paramedic services, as well any other services determined by the City which are allowed to be financed pursuant to the Act, that are in addition to those provided in the territory within the CFD prior to the formation of the CFD and do not supplant services already available within the territory proposed to be included in the CFD and to levy a special tax to pay for such services. The Owner agrees to include Tract No. 6111 in the CFD or annex Tract No. 6111 into the CFD, and the Owner shall cooperate with the City and take any necessary actions in order to assist the City in annexing Tract No. 6111 into the CFD. In furtherance of the foregoing, the Owner agrees to approve the levy of a special tax on any residential dwelling unit in the amount that is no less than \$838.66 per year but not greater than \$838.66 per year, which shall be subject to an annual escalation factor of no less than 2% but no greater than the rate of increase in the Consumer Price Index published by the U.S. Department of Labor for the County of Fresno.

In the event the Owner does not cooperate with the City and Tract No. 6111 is not included in the CFD or annexed into the CFD, the Owner agrees to pay the City an amount equal to the present value of all future special tax that would have been levied within Tract No. 6111 using a discount rate determined by the City in its sole discretion and assuming sixty (60) years of levy, which shall be used to mitigate the impact on the City's general fund in providing funds to finance the services described above.

(Signatures on Following Page)

The parties have executed this agreement on the day and year first above written.

**OWNER: KSA Investments, LLC, a Delaware Limited Liability Company:  
Hair Family Trust, Managing Member**

\_\_\_\_\_  
Stephen W. Hair, Trustee

**BENEFICIARY: Mendota Investment Company Ltd.**

SIGNED: \_\_\_\_\_

BY: \_\_\_\_\_  
Stephen W. Hair

ITS: \_\_\_\_\_  
General Partner

**BENEFICIARY: United Security Bank**

SIGNED: \_\_\_\_\_

BY: \_\_\_\_\_  
Ken Donahue

ITS: \_\_\_\_\_  
Executive Vice President & Chief Administrative Officer

**CITY: CITY OF MENDOTA, a Municipal Corporation**

\_\_\_\_\_  
Robert Silva, Mayor

ATTEST:

\_\_\_\_\_  
Matt Flood, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John P. Kinsey, City Attorney

**EXHIBIT "A"**  
**DEVELOPMENT FEES AND BOND REQUIREMENTS**  
**(Fees based upon 2007 City of Mendota Development Impact Fee Schedule for**  
**Low Density Development)**

Fees 1 thru 11 are due and payable at the time the Building Permit is issued.

1.	City management \$218.81x 36 units	\$7,877.16
2.	Law Enforcement \$591.49 x 36 units	\$21,293.64
3.	Fire Protection \$714.10 x 36 units	\$25,707.60
4.	Storm Drainage \$5,169.45 x 7.70 acres	\$39,804.77
5.	Water Supply & Treatment \$2,350.30 x 36 units	\$84,610.80
6.	Wastewater & Treatment \$1,947.56 x 36 units	\$70,112.16
7.	Traffic \$690.05 x 36 units	\$24,841.80
8.	Recreational Facilities \$1,364.51 x 36 units	\$49,122.36
9.	Water Service Connection Charges \$420.77 x 36 units	\$15,147.72
10.	Sewer Service Connection Charges \$480.88 x 36 units	\$17,311.68
11.	West Side Sewer Interceptor \$616.37 x 36 units	\$22,189.32
12.	Other (due upon approval of agreement and before construction)	
	(a) Deposit estimated inspection fees (Owner will be required to pay any cost that exceeds the deposited amount shown)	\$20,276.00
	(b) Performance bond, lien, cash deposit, approved by the City Attorney	\$1,471,248.48
	(c) Labor and material bond, lien, cash deposit approved by City Attorney	\$980,832.32
	(d) Off-Site warranty security (Will be required upon completion and acceptance of all off-site improvements to guarantee work for a period of one year from date of acceptance against any defective work and labor done or defective materials furnished)	N/A
	(e) A surety bond approved by the City Attorney to guarantee payment for placing street monuments and lot corners	\$2,500.00
	(f) A cash security in the amount of taxes which are a lien but are not yet payable. Amount to be determined by Fresno County Assessor's Office.	



**EXHIBIT "B"**  
**SECURITY**

Owner shall provide City with a Bond or Bonds, reflecting the amounts set forth in items 11(b) through and including 11(e) of Exhibit "A".

All other fees and expenses identified in Exhibit A shall be due and payable in accordance with the terms set out therein.

**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**  
**BEFORE THE CITY COUNCIL**  
**OF THE**  
**CITY OF MENDOTA, COUNTY OF FRESNO**

**RESOLUTION NO. 05-15**

**A RESOLUTION OF THE CITY OF MENDOTA CITY COUNCIL**  
**GENERAL PLAN AMENDMENT, PRE-ZONING, ANNEXATION, TENTATIVE**  
**PARCEL MAP AND APPROVAL WITH CONDITIONS FOR VESTING**  
**TENTATIVE SUBDIVISION MAP #04-01**  
**(Tract # 5483) FOR H/S DEVELOPMENT**

WHEREAS, the City of Mendota Community Development Department has received an application for a General Plan Amendment, Pre-Zoning, Annexation, Tentative Parcel Map and Tentative Subdivision Map for the construction of a 422 single family lots at Fresno County Assessor's Parcel Number 12-190-040 and 12-190-41, and;

WHEREAS, a Public Hearing has been advertised and conducted pursuant to Public Resources Code Section 21092 and 21092.3, and public comment has been solicited, and;

WHEREAS, a Notice of Public Hearing was placed in the December 2, 2004 and again in January 6, 2005 editions of the Firebaugh/Mendota Journal, all surrounding property owners within 300' of the project site were notified via U.S. Postal Service and a Notice of Public Hearing was posted on the City Hall bulletin window, and;

WHEREAS, the Planning Commission held the noticed Public Hearing on January 24, 2005 to take testimony with regard to the General Plan Amendment, Pre-Zoning, Annexation, Tentative Parcel Map, and Subdivision, and;

WHEREAS, the Planning Commission continued the noticed and scheduled public hearing to a special meeting of February 23, 2005, and;

WHEREAS, the Planning Commission completed its review of the General Plan Amendment, Pre-Zoning, Annexation, Tentative Parcel Map and Tentative Subdivision Map and information contained in the Staff Report and has considered the testimony received during the public hearing process, and;

WHEREAS, the Planning Commission adopted Resolution PC05-01 on February 23, 2005 recommending approval with of the project with conditions to the City Council at their regularly scheduled meeting of March 22, 2005;

WHEREAS, a notice of public hearing was published in the March 3, 2005 edition of the Firebaugh/Mendota Journal and subsequently posted on the City Hall information window and also a copy of the notice was mailed to all residents and property owners within 300 feet of the project area, and;

WHEREAS, the City Council has made the following findings based on the Tentative Subdivision Map proposal:

1. The proposed project meets or exceeds minimum Municipal Code and Zoning Ordinance requirements.
2. The proposed project construction would not cause a substantial increase of traffic above that which is planned for in the area. In addition, the current LOS (Level of Service) for the existing roadway(s) would not be exceeded as a result of building the proposed project. Improvements to Highway 33 and Highway 180 are being planned by Caltrans
3. Based on normal residential usage, the proposed single-family development(s) will not impact the availability of water or sewer capacity in the area.
4. All utility connections are located near the property and are readily available for extension.
5. The orientation of the ingress/egress pattern to the project site will not create a safety or hazard concern for vehicular or pedestrian traffic.
6. The proposed development is in conformance with the findings and recommendation of the adopted Housing Element for the City of Mendota to provide new affordable housing and such housing would assist to reduce the current overcrowding identified by the State of California for the City.

NOW THEREFORE BE IT RESOLVED, that the City Council adopts the following conditions of approval for the project:

Standard Conditions

1. This tentative tract map is granted for the land described in the application on file with the City of Mendota. The locations of all buildings and other features shall be located and/or designed substantially as shown in the aforementioned applications, unless otherwise specified herein.
2. This tentative subdivision map shall expire within the time frames prescribed under the State Subdivision Map Act.
3. Any minor changes may be approved by the Director. Any substantial changes will require the filing of an application for an amendment to be considered either by the Director, the Planning Commission or City Council as deemed appropriate.
4. All requirements of any law, ordinance or regulation of the State of California, City of Mendota, and any other governmental entity shall be complied with in the exercise of this approval.

5. Within thirty (30) days after the effective date of tentative subdivision map approval, the subdivider shall file with the Director written acceptance of the conditions of approval stated herein.
6. Compliance with an execution of all conditions listed herein shall be necessary, unless otherwise specified, prior to obtaining a certificate of occupancy. Deviation from this requirement shall be permitted only by written consent from the Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement null and void.
7. All heating and air conditioning units shall be ground/surfaced mounted and approved for location by the Building Official.

#### Subdivision Design

8. This subdivision shall meet all applicable requirements of the City of Mendota Municipal Code.
9. A dead-end street may be approved without a turn around subject to the City Engineer approval and installation of dead-end street barriers. In all other cases dead-end rights-of-ways and easements shall terminate with a minimum 50-foot radius to allow for turn around movement.
10. The project proponent shall establish easements for road and utility purposes and offers of dedication to the City of Mendota for rights-of-way for all interior streets as shown on the Tentative Map.
  - a. Road construction of right-of-way/easements shall comply with the requirements as specified by the City Engineer.
11. The project proponent shall be required to pay development impact fees as specified by the City of Mendota Municipal Code at the time building permit applications are filed.
12. The project proponent shall construct drainage, sewage, water, and stormwater facilities in accordance with the plans and calculations, which must be submitted to the City Engineer for review and approval prior to construction.
13. The project proponent shall offer in dedication all necessary easements for drainage, sewer, water and other public utilities as determined by the improvement plans and as approved by the City Engineer.
14. Hydraulic calculations, required and approved by the City Engineer shall be required for all drainage and sewer facilities.
15. Any construction work within the City of Mendota right-of-way shall be accomplished under an encroachment permit issued by the City Engineer.

16. No construction of improvements shall commence until all plans and/or calculations required by these conditions have been approved by the City Engineer and all fees have been paid.
  - a. The applicant/developer may proceed with improvements with the approval of the City Engineer and City Manager.
17. The subdivider and its contractors shall comply with the State Water Resources Control Board (SWRCB), National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharges Associated with Construction Activity (General Permit).
18. Owner/Contractor must comply with the Federal Clean Water Act, Section 402(p) and the Phase II Rule regulations under the National Pollutant Discharge Elimination System (NPDES). Since the site grading is one (1) acre, or more, the Owner/Contractor must file a Notice of Intent (NOI) with the State Water Control Board, and submit a Storm Drain Pollution Prevention Plan (SWPPP) to the City of Mendota, prior to obtaining a Grading Permit
19. All improvements required by the herein, stated conditions shall be:
  - a. Completed prior to final approval and recordation of the subdivision by the City or;
  - b. Guaranteed for completion within one year by furnishing security in a form as provided by Section 66499 through 66499.10 of the Government Code. The security shall be in the form and in amounts as set forth in the Mendota Municipal Code;
  - c. Any required improvements which have been guaranteed shall be completed and approved prior to approval of any further divisions of the parcels, and;
  - d. If improvements are deferred and surety posted for completion, the applicant shall enter into an agreement with the City as provided for in the Municipal Code.
20. The project proponent shall be required to pay all taxes, past and current, including those amounts levied as of March 1, but not yet billed, on the property prior to the recording of the Final Map.
21. A Preliminary Title Report shall accompany three Final Map Check Prints at time of filing with the City Engineer for review.
22. Any on-premise building construction sign(s) used to advertise the subdivision shall be limited to a maximum of 32 square feet. If an off-premise sign or signs are used to advertise the proposed subdivision, such sign or sign(s) shall only be permitted upon approval of a conditional use permit.

23. Proposed lighting contained within the subdivision shall be so arranged as to deflect light away from adjoining properties.
24. Streetlights shall be required for all interior streets. Streetlights along interior streets shall be spaced at 300 foot maximum spacing between street intersections. The standard luminaries shall be 70 watts except 200 watts at intersections.
25. The applicant shall provide two (2) 24-inch box trees for each interior lot. Additional number of street trees shall be required for corner lots as determined by the City Engineer.
26. Project proponent shall be encouraged to provide varying front yard setbacks of between 20 and 25 feet as approved by the Chief Building Inspector.
27. Fire hydrants shall be required for this development. The City Engineer shall verify and approve all fire hydrant locations and spacing.
28. The developer shall comply with all requirements of the Storm Drainage Plan approved by the City Engineer for the project.

Incidental Conditions

29. Construction hours shall be limited to normal working hours. All construction equipment shall be properly maintained and muffled to avoid nuisances to the surrounding or neighboring property owners.

Weekdays from 7:00 a.m. to 6:00 p.m.;  
Saturday from 8:00 a.m. to 5:00 p.m.;  
Sunday and Holidays – no construction allowed unless  
authorization is granted by the City Manager.

30. The project applicant and/or land developer shall adhere to the San Joaquin Valley Unified Air Pollution Control District Regulation VIII through the implementation of the following measures to reduce air pollutant emissions generated during the construction phase of the project:
  - a. On-site vehicle speed on unpaved roads shall be limited to 15 miles per hour;
  - b. Loaded haul trucks, operating at speeds over 15 miles per hour, shall be equipped with tarpaulins or other effective covers, or shall maintain at least two feet of freeboard;
  - c. Water trucks shall be used regularly to reduce dust and particulates generated during construction and along non-paved surfaces;
  - d. Construction shall be restricted or banned on days of high winds (exceeding 30 miles per hour).

31. Air Quality Design

- a. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on the southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow sun to reach residences during cold and winter months.
- b. Housing units should be oriented to maximize passive solar cooling and heating when practicable.
- c. Buildings to use central water heating systems.
- d. As many energy saving features as possible.
- e. Provide electric outlets for exterior yard maintenance equipment.
- f. Any gas fired appliances should be low nitrogen oxide (NOx) emitting appliances complying with California NOx Emissions Rule #1121.
- g. Limit the amount or type of wood-burning devices installed to EPA certified wood-stoves instead of open hearth.
- h. Pedestrian enhancing infrastructure that includes sidewalks and pedestrian paths; direct pedestrian connections; street tree to shade sidewalks; pedestrian safety designs/infrastructure.
- i. Provide transit-enhancing infrastructure that includes: transit shelters, benches, etc.; street lighting, route signs and displays; and/or bus turnouts.

32. Cultural Resource Management

- a. If the project construction results in the disturbance of subsurface paleontological, archaeological or historical resources as a result of excavation activities, the following provisions shall be followed:
- b. If subsurface cultural material is uncovered during construction, work within 30 feet is required to cease until a qualified archaeologist can complete a significance evaluation of the find(s). If human remains are found the County Coroner must be notified and the provisions specified in Section 15064.5 of the CEQA Guidelines shall be adhered to;
- c. If cultural material is uncovered the contractor shall contact the City Community Development Department, and report the incident immediately;
- d. The project applicant and/or land developer is responsible for informing any contractor participating on the project of these provisions in writing.

Mitigation Measures:

33. The intersection of McCabe and Derrick Avenue should be monitored upon completion of the project to determine if warrants for all-way stop control or signalization are satisfied. If warrants are not satisfied upon completion of the project, Caltrans should monitor the intersection through the year 2025 to determine if warrants for all way stop control or signalization are satisfied. The project will be required to contribute an equitable share of future improvements at the intersection.
34. The intersection of Oller Street and Derrick Avenue should be monitored by Caltrans through the Year 2025 to determine if warrants for all-way stop control or signalization are satisfied. The project will be required to contribute an equitable share of future improvements at the intersection.
35. The intersection of State Route 33 and Bass Avenue should be monitored by Caltrans through the Year 2025 to determine if warrants for all-way stop control or signalization are satisfied. The project will be required to contribute an equitable share of future improvements at the intersection.
36. If Lozano Street is opened at State Route 33, additional studies should be performed to determine if left-turns at the intersection should be permitted. It is assumed at this time that left-turns from Lozano to State Route 33 would experience excessive delays and left-turns from State Route 33 to Lozano may be feasible.
37. Based on the traffic analysis prepared for a proposed development Caltrans has determined that developments impacting the Highway 33 and Bass Avenue intersection should mitigate impacts at 129,200 and \$35,600 for the intersection of Highway 33 and Highway 180.
38. Prior to the issuance of a building permit for the project that all Caltrans impact fees estimated at \$164,800 be paid and a receipt of said payment be filed with the City Community Development Department prior to the authorization for the initiation of construction related activities on the site (including grading).
39. As a condition of approval, a Right-To-Farm Notice shall be required on the deed of each lot of the subdivision.
40. Construction permits for the project shall be subject to assurance of sewer capacity of the City of Mendota Wastewater Treatment Facility
41. All existing on-site water wells shall be abandoned in conformance with local and state requirements.
42. Construction permits for the project shall be subject to assurance of capacity of the City of Mendota community water system to serve the project.



43. A grading and storm drainage plan shall be submitted for review and approval by the City Engineer. Residential building pads and streets on the project site shall be graded a minimum of one foot above the 100-year flood plain.

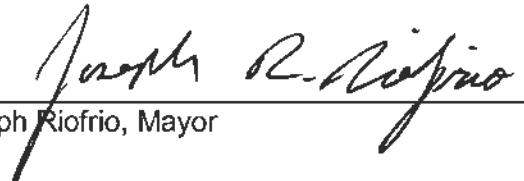
PASSED AND ADOPTED, by the City of Mendota City Council regularly scheduled meeting held on the 22<sup>nd</sup> day of March 2005.

AYES: 3 John Flores, Yvette Quiroga and Rene Covarrubia

NOES: 1 Joseph Riofrio

ABSTAIN: 1 Robert Silva

ABSENT: 0

  
\_\_\_\_\_  
Joseph Riofrio, Mayor

ATTEST:

  
\_\_\_\_\_  
Brenda L. Carter, City Clerk



EXHIBIT "D"  
FINAL MAP OF TRACT No. 6111  
LAS PALMAS ESTATES PHASE VI

BENEFICIARY'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

MENDOTA INVESTMENT COMPANY LIMITED, A DELAWARE LIMITED PARTNERSHIP, AS BENEFICIARY UNDER DEED OF TRUST RECORDED JANUARY 16, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0005126-00.

THE DOCUMENT ENTITLED "DEED OF PARTIAL RECONVEYANCE" RECORDED ON JUNE 19, 2015 AS INSTRUMENT NO. 2015-0078353 OF OFFICIAL RECORDS.

AND AGREEMENT RECORDED MARCH 12, 2015, RECORDING NO. 2015-0029242, OF OFFICIAL RECORDS WHICH STATES THAT THIS INSTRUMENT WAS SUBORDINATED TO THE DOCUMENT OR INTEREST DESCRIBED IN THE INSTRUMENT.

RECORDING DATE: MARCH 12, 2015  
RECORDING NO.: 2015-0029242, OF OFFICIAL RECORDS

AN AGREEMENT RECORDED JUNE 19, 2015, RECORDING NO. 2015-0078354, OF OFFICIAL RECORDS WHICH STATES THAT THIS INSTRUMENT WAS SUBORDINATED TO THE DOCUMENT OR INTEREST DESCRIBED IN THE INSTRUMENT.

RECORDING DATE: JUNE 19, 2015  
RECORDING NO.: 2015-0078356, OF OFFICIAL RECORDS.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ } SS

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

A NOTARY PUBLIC PERSONALLY APPEARED \_\_\_\_\_, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE \_\_\_\_\_

PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

TRUSTEE'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

FIDELITY NATIONAL TITLE COMPANY, AS TRUSTEE UNDER DEED OF TRUST RECORDED JANUARY 16, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0005126-00.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

MAP OF TRACT # 6111  
LAS PALMAS ESTATES  
PHASE VI  
CONSISTING OF 4 SHEETS

LYING IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF MENDOTA, COUNTY OF FRESNO, CALIFORNIA.

SURVEYED AND PLATTED IN NOVEMBER 2015 BY

HAWKINS & ASSOCIATES ENGINEERING  
436 MITCHELL RD. MODESTO,  
CALIFORNIA 95354

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ } SS

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NOTARY'S SIGNATURE \_\_\_\_\_

PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

BENEFICIARY'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

UNITED SECURITY BANK, AS BENEFICIARY UNDER DEED OF TRUST RECORDED JUNE 19, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0078356-00.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

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STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ } SS

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NOTARY'S SIGNATURE \_\_\_\_\_

PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

BENEFICIARY'S STATEMENT:

WE CONCUR WITH THE FOREGOING OWNER'S STATEMENT AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF FRESNO COUNTY, CALIFORNIA.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

UNITED SECURITY BANK, AS BENEFICIARY UNDER DEED OF TRUST RECORDED MARCH 12, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2015-0029243-00.

SIGNATURE \_\_\_\_\_

PRINT NAME & TITLE \_\_\_\_\_

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ } SS

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WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE \_\_\_\_\_

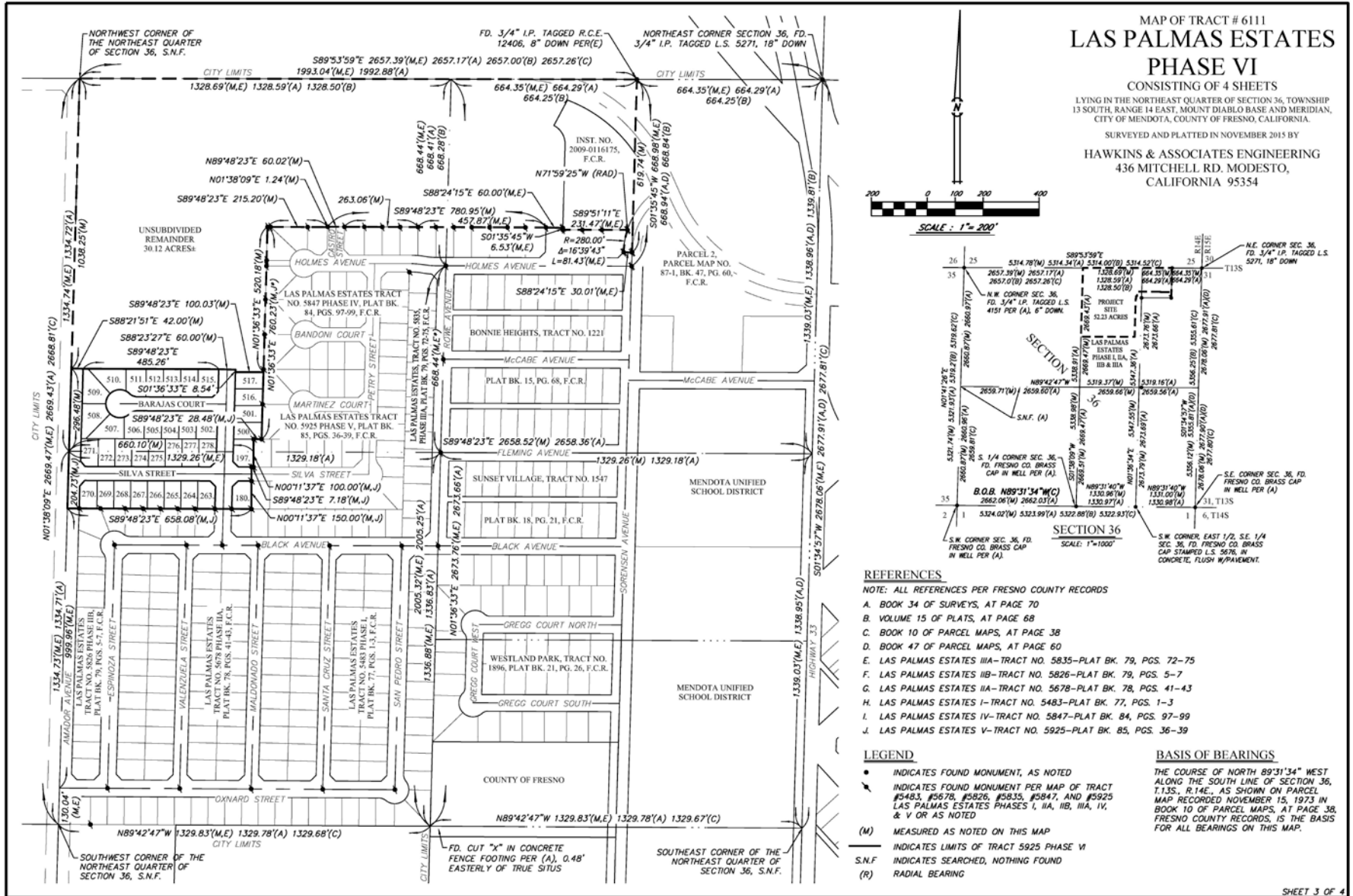
PRINT NOTARY'S NAME \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS \_\_\_\_\_

REGISTRATION # \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

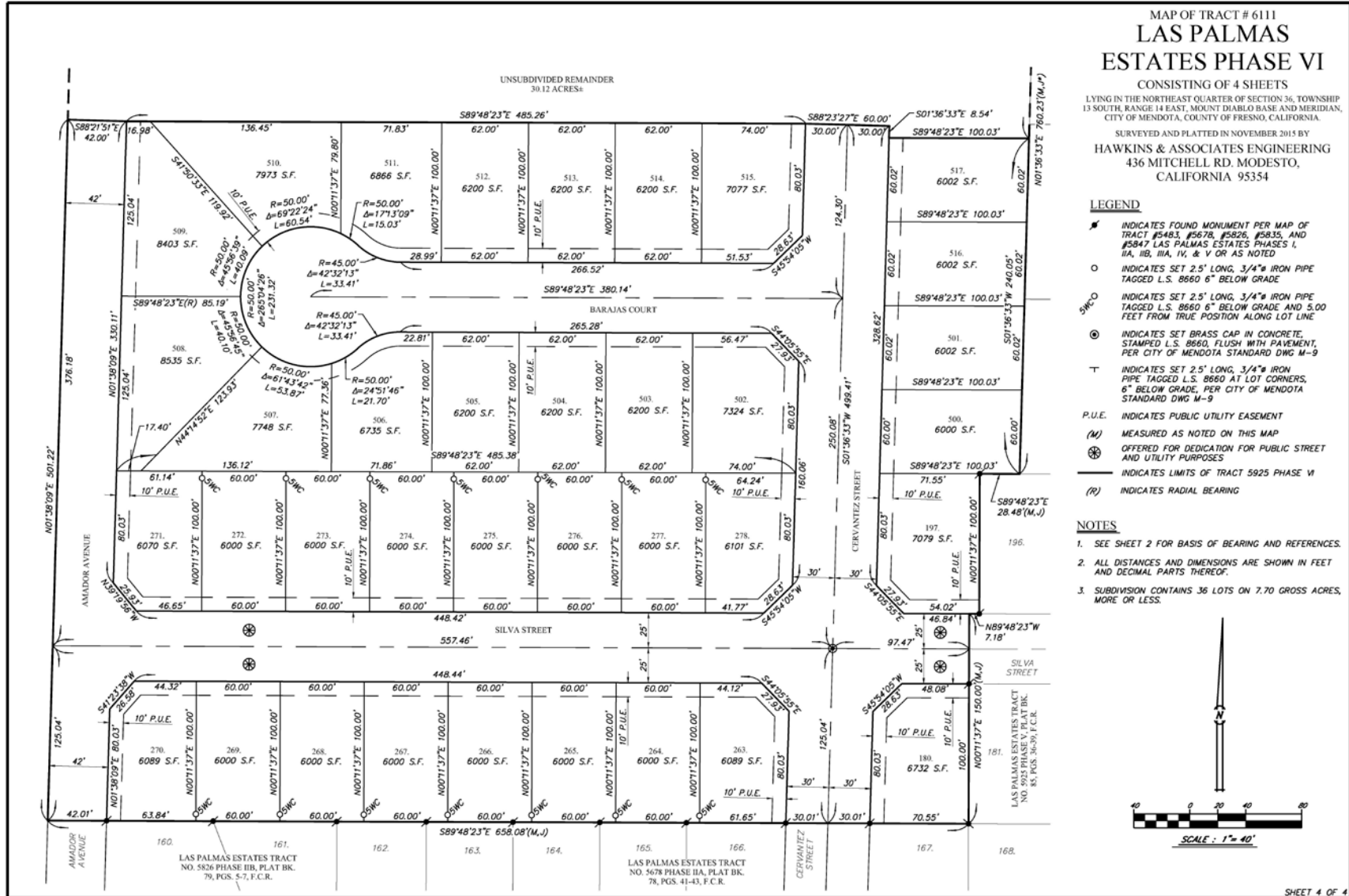
# EXHIBIT "D" FINAL MAP OF TRACT No. 6111 LAS PALMAS ESTATES PHASE VI



# EXHIBIT "D"

## FINAL MAP OF TRACT No. 6111

### LAS PALMAS ESTATES PHASE VI



**EXHIBIT "E"**  
**SUBORDINATION**

**FRESNO County Recorder**  
**Paul Dictos, C.P.A.**  
**DOC-**  
**2015-0029242-00**  
**Acct 3059-Fidelity National Title - Fresno**  
**Thursday, MAR 12, 2015 11:17:40**  
**Ttl Pd \$34.00 Rcpt # 0004272864**  
**RGR/R4/1-6**

**RECORDING REQUESTED BY:**  
Fidelity National Title Company  
**Order No.:** FFOM-3011500203  
**Title No.:** FFOM-TO15000157

**When Recorded Mail Document To:**  
Mendota Investment Company  
5301 Office Park Drive #115  
Bakersfield, CA 93309

APN/Parcel ID(s): 012-190-54S  
012-320-10S

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SUBORDINATION AGREEMENT**

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT, made March 6, 2015 \_\_\_\_\_, by KSA Investments, LLC, a Delaware limited liability company

owner of the land hereinafter described and hereinafter referred to as "Owner," and Mendota Investment Company Limited a Delaware Limited Partnership \_\_\_\_\_

present owner and holder of the deed of trust and note first hereinafter described and hereinafter referred to as "Beneficiary";

**WITNESSETH**

THAT WHEREAS, KSA Investments, LLC, a Delaware limited liability company, did execute a deed of trust, dated \_\_\_\_\_ January 13, 2015 \_\_\_\_\_, to Fidelity National Title Company, A California Corporation, as trustee, covering:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

to secure a note in the sum of \$765,000.00, dated January 13, 2015, in favor of Mendota Investment Company Limited, a Delaware Limited Partnership, which deed of trust was recorded on January 16, 2015, as Doc #2015-0005126-00, Official Records of said county; and

WHEREAS, Owner has executed, or is about to execute, a deed of trust and note in the sum of Five Hundred Eighty-Eight Thousand And No/100 Dollars (\$588,000.00) dated March 4, 2015 in favor of United Security Bank, hereinafter referred to as "Lender," payable with interest and upon the terms and conditions described therein, which deed of trust is to be recorded concurrently herewith; and

WHEREAS, it is a condition precedent to obtaining said loan that said deed of trust last above mentioned shall unconditionally be and remain at all times a lien or charge upon the land hereinbefore described, prior and superior to the lien or charge of the deed of trust first above mentioned; and

WHEREAS, lender is willing to make said loan provided the deed of trust securing the same is a lien or charge upon the above described property prior and superior to the lien or charge of the deed of trust first above mentioned and provided that Beneficiary will specifically and unconditionally subordinate the lien or charge of the deed of trust first above mentioned to the lien or charge of the deed of trust in favor of Lender; and

WHEREAS, it is to the mutual benefit of the parties hereto that Lender make such loan to Owner; and Beneficiary is willing that the deed of trust securing the same shall, when recorded, constitute a lien or charge upon said land which is unconditionally prior and superior to the lien or charge of the deed of trust first above mentioned.

# EXHIBIT "E" SUBORDINATION

## SUBORDINATION AGREEMENT (continued)

APN/Parcel ID(s): 012-190-54S  
012-320-10S

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Lender to make the loan above referred to, it is hereby declared, understood and agreed as follows:

1. That said deed of trust securing said note in favor of Lender, and any renewals or extensions thereof, shall unconditionally be and remain at all times a lien or charge on the property therein described, prior and superior to the lien or charge of the deed of trust above mentioned.
2. That Lender would not make its loan above described without this subordination agreement.
3. That this agreement shall be the whole and only agreement with regard to the subordination of the lien or charge of the deed of trust first above mentioned to the lien or charge of the deed of trust in favor of lender above referred to and shall supersede and cancel, but only insofar as would affect the priority between the deeds of trust hereinbefore specifically described, any prior agreement as to such subordination including, but not limited, those provisions, if any, contained in the deed of trust first above mentioned, which provide for the subordination of the lien or charge thereof to another deed or deeds of trust or to another mortgage or mortgages.

Beneficiary declares, agrees and acknowledges that:

1. He consents to and approves (i) all provisions of the note and deed of trust in favor of Lender above referred to, and (ii) all agreements, including but not limited to any loan or escrow agreements, between Owner and Lender for the disbursement of the proceeds of Lender's loan;
2. Lender in making disbursements pursuant to any such agreement is under no obligation or duty to, nor has Lender represented that it will, see to the application of such proceeds by the person or persons to whom Lender disburses such proceeds and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or in part;
3. He intentionally and unconditionally waives, relinquishes and subordinates the lien or charge of the deed of trust first above mentioned in favor of the lien or charge upon said land of the deed of trust in favor of Lender above referred to and understands that in reliance upon, and in consideration of, this waiver, relinquishment and subordination, specific loans and advances are being and will be made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and
4. An endorsement has been placed upon the note secured by the deed of trust first above mentioned that said deed of trust has by this instrument been subordinated to the lien or charge of the deed of trust in favor of Lender above referred to.

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.

IT IS RECOMMENDED THAT, PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT THERETO.

**EXHIBIT "E"**  
**SUBORDINATION**

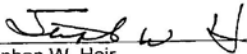
**SUBORDINATION AGREEMENT**  
(continued)

APN/Parcel ID(s): 012-190-54S  
012-320-10S

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

**BENEFICIARY**

Mendota Investment Company Limited  
Print Company Name

By:   
Stephen W. Hair,

Its: President

**OWNER(S)**

KSA Investments, LLC

BY:   
Stephen W. Hair, Managing Member

(ALL SIGNATURES MUST BE ACKNOWLEDGED)



**EXHIBIT "E"**  
**SUBORDINATION**

**SUBORDINATION AGREEMENT**  
(continued)

APN/Parcel ID(s): 012-190-54S  
012-320-10S

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

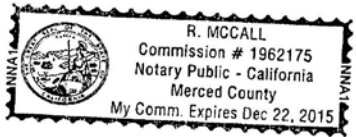
State of CA  
County of Merced  
On 3-9-15 before me, R. McCall, Notary Public,  
(here insert name and title of the officer)

personally appeared Stephen W. Hair \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal  
R. McCall  
Signature

(Seal)



**SUBORDINATION AGREEMENT**  
(continued)

APN/Parcel ID(s): 012-190-54S  
012-320-10S

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State of CA  
County of Merced  
On 3-9-15 before me, [Signature] Notary Public (here insert name and title of the officer), personally appeared

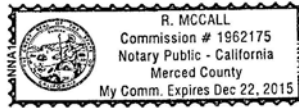
Stephen W. Hair, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

(Seal)



# EXHIBIT "E" SUBORDINATION

## EXHIBIT "A" Legal Description

**For APN/Parcel ID(s): 012-190-54S and 012-320-10S**

BEING a portion of the Northeast quarter of Section 36, Township, 13 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Mendota, County of Fresno, State of California, according to the Official Plat thereof, Fresno County Records, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 36; thence North 89° 53' 59" West, along the North line of said Section, a distance of 664.35 feet to the POINT OF BEGINNING; thence from the point of beginning; South 01° 35' 45" West, a distance of 668.98 feet; thence North 89° 51' 11" West, a distance of 664.49 feet; thence South 01° 36' 33" West, a distance of 906.41 feet; thence South 88° 23' 27" West, a distance of 130.00 feet; thence North 01° 36' 33" East, a distance of 30.03 feet; thence North 89° 48' 23" West, a distance of 1,199.32 feet, to a point on the West line of the Northeast Quarter of said Section 36; thence North 01° 36' 09" East, along the West line of said Northeast quarter, a distance of 1,539.47 feet to the Northwest corner of the Northeast quarter of said Section; thence South 89° 53' 59" East, along the North line of said Section, a distance of 1,993.04 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM Lots 171 through 179 inclusive, Lots 244 through 255 inclusive, Lots 397, 398 and 399, of Tract # 5835, Las Palmas Estates Phase IIIA, in the City of Mendota, County of Fresno, State of California, according to the map thereof recorded in Book 79, Pages 72, 73, 74 and 75 of Plats, Fresno County Records.

ALSO EXCEPTING THEREFROM that portion Conveyed to the City of Mendota by Grant Deed dated August 8, 2009, executed by Mendota Investment Company, and recorded August 21, 2009 as Document NO. 2009-0116175 of Official Records.

ALSO EXCEPTING THEREFROM all rights to oil, gas, other hydrocarbon substances or minerals on or under the property as conveyed to Harris Farms, Inc., by deed Recorded May6, 1986 , as Document No. 86049433, Official Records.

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA TERMINATING  
THE CONTRACT WITH ACQUISITION  
PARTNERS OF AMERICA FOR GRANT  
WRITING SERVICES.**

**RESOLUTION NO. 16-23**

**WHEREAS**, based on demographic data pertaining to employment, median income, population, and other qualifying criteria, the City of Mendota is ideally suited to be competitive for an array of grant opportunities; and

**WHEREAS**, the City Council, in adopting the City's budget for FY 2014-2015, has made financial provisions for staff to retain a grant consultant; and

**WHEREAS**, on October 4, 2014, the City Council approved a contract for grant writing services with Acquisition Partners of America (APA); and

**WHEREAS**, the service proposed to be provided by APA was to allow the City to apply for a wide range of grants; and

**WHEREAS**, City staff has determined that it is no longer in the City's interest to continue its contractual relationship with APA; and

**WHEREAS**, the staff proposes to terminate the contract with APA, solicit new proposals from other grant writing firms whose retainers do not exceed the amount budgeted for the service provided, interview other grant writing firms, and return to the Council with an appropriate contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Mendota that the City Council hereby terminates the contract with Acquisition Partners of America in accordance with the termination provisions outlined in Section 2 of the current contract.

---

Robert Silva, Mayor

**ATTEST:**

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 22nd day of March, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Matt Flood, City Clerk

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**RESOLUTION OF INTENTION TO INITIATE  
AN AMENDMENT TO THE CITY OF  
MENDOTA GENERAL PLAN, MODIFYING  
THE LAND USE DESIGNATION AND CITY  
ZONING MAP RELATING TO THE  
PROPERTIES IDENTIFIED AS FRESNO  
COUNTY ASSESSOR'S PARCEL NOS.  
013-141-02S AND 013-152-27S**

**RESOLUTION NO. 16-24**

***WHEREAS***, the City has entered into a settlement agreement, which contain provisions contemplating the re-zoning of two properties identified as Assessor's Parcel Numbers 013-141-02S and 013-152-27S (collectively, the "Subject Properties") from M-1 (Light Manufacturing) to M-2 (Heavy Manufacturing); and

***WHEREAS***, the Land Use Element of the City's existing General Plan identifies the Subject Properties as having a "light industrial" land use designation; and

***WHEREAS***, the City is authorized and obligated under California State Government Code section 65350, *et al.*, and Section 17.08.040 of the Mendota Municipal Code to consider amendments to its general plan and the zoning of a particular property; and

***WHEREAS***, the City of Mendota has the duty to protect the health, safety, and general welfare of the residents within the City Limits; and

***WHEREAS***, in order to ensure comprehensive economic development, thereby contributing to the solvency of the City's finances, it is necessary for the City to consider potential modifications to the zoning and land use designations of the Subject Properties.

***NOW, THEREFORE, BE IT RESOLVED*** that the City Council for the City of Mendota hereby declares its intention to propose amendments to the Land Use Designations within the General Plan, and the corresponding Zoning District on the official Zoning Map of the City, to effectuate the proposed re-zoning Subject Properties.

***BE IT FURTHER RESOLVED*** that the Secretary shall schedule a public hearing before the Planning Commission on the proposed amendments to the Land Use Designations within the General Plan, and the corresponding Zoning District on the official Zoning Map of the City, to effectuate the re-zoning Subject Properties no less than ten (10) days nor more than forty (40) days after the adoption of this resolution.

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Robert Silva, Mayor

**ATTEST:**

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 22nd day of March, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Matt Flood, City Clerk

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## STAFF REPORT

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TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MATT LEWIS, PUBLIC UTILITIES DIRECTOR

SUBJECT: STATE MANDATED EMERGENCY REGULATION ORDER

DATE: MARCH 22, 2016

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### **ISSUE:**

Should the City Council authorize approval to modify Section 13.32.050 of the Municipal Code (Stage Two Water Conservation) to change the number of allowed residential watering days from three (3) down to two (2) in order to comply with the Governor's executive order to reduce water usage Statewide by 25%.

### **BACKGROUND:**

On May 5, 2015, the State Water Resources Control Board adopted Resolution 2015-0032, an Emergency Regulation for Statewide Urban Water Conservation pursuant to Water Code section 1058.5. The Emergency Regulation became effective on May 18, 2015. Among other things, the Emergency Regulation is designed to achieve the 25 percent statewide potable water usage reduction through February 2016 ordered by Governor Brown in his April 1, 2015 executive order.

Section 865 of the Emergency Regulation requires that each public water supplier that supplies less than 3,000 customers, or supplies less than 3,000 acre feet annually to take one or both of the following actions:

- a) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or
- b) Reduce by 25 percent its total potable water production relative to the amount produced in 2013.

Section 865 requires that each public water supplier that supplies less than 3,000 customers, or supplies less than 3,000 acre feet annually to submit a report by December 15, 2015 that confirms compliance with the above requirements.

Water code section 1846 provides that any person or entity that violates a regulation adopted by the State Water Board may be liable for up to five hundred dollars (\$500) for each day the violation occurs.

The State Water Board has extended the Emergency Regulation until October 31, 2016.



### **ANALYSIS:**

In December of 2015 we prepared the required compliance report and filed it with the State. The months of June through November were compared for the years of 2013 and 2015. In almost every case we had a reduction in usage from the 2013 numbers. As an example, June production was reduced by 12.4 percent, July was reduced by 13.3 percent, August was reduced by 12.4 percent, September was reduced by 10.5 percent, October was a wash as we used about the same amount of water when compared with 2013, and November was reduced by 10.5 percent. Overall the average reduction in water consumption was around 12 percent for the months of June through November 2015, but we did not meet the Governors 25% reduction goal.

We are currently under Stage Two Water Conservation. Stage Two allows outdoor watering to occur 3 days a week. Even numbered addresses are permitted to water on Tuesday, Thursday and Saturday, while odd-numbered addresses may water on Wednesday, Friday and Sunday.

As the Governor has extended the drought control measures until October 31, 2016, and in order to avoid any penalties being levied against the City, we need to reduce the number of watering days from three down to two.

It is impossible to predict if the drought will continue in California. There may come a time where the Governor imposes even stricter drought regulations. Instead of implementing Stage 3 water conservation now, the Council should consider modifying the Stage Two Ordinance reducing the number of watering days allowed down to two. By modifying the Stage Two ordinance instead of going to Stage Three now this will allow the City the flexibility in the future to adopt the more restrictive stage three ordinance.

### **FISCAL IMPACT:**

No material fiscal impact as a result of this amendment.

### **RECOMMENDATION:**

Staff recommends that the Council vote to modify Section 13.32.050 of the Municipal Code (Stage Two Water Conservation) to read "Outdoor watering for those with even numbered addresses will be permitted on Wednesdays and Saturdays, while odd number addresses may water on Thursdays and Sundays. Monday, Tuesday and Friday will be days on which no outdoor watering is allowed".

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## AGENDA ITEM

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** JEFFREY O'NEAL, AICP, CITY PLANNER

**VIA:** VINCE DIMAGGIO, CITY MANAGER

**SUBJECT:** PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2015-2023 HOUSING ELEMENT

**DATE:** MARCH 22, 2016

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### **ISSUES**

1. Should the Council find that adoption of the 2015-2023 Housing Element will have no significant impact on the environment?
2. Should the Council then amend the City of Mendota General Plan by adoption of the 2015-2023 Housing Element?

### **BACKGROUND**

Government Code §65300<sup>1</sup> *et seq.* requires that cities and counties adopt and maintain a General Plan containing a minimum of seven mandatory elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. While all elements are required to contain specific information, the Housing Element is unique in that it has a mandatory update schedule and requires review and certification by an outside entity, the California Department of Housing and Community Development (HCD).

§§65580 through 65589.8 specify the contents for housing elements and the update schedule. Historically, housing elements required an update every five years. SB 375, enacted in 2008, changed housing law so that if the City receives certification from HCD, it must only update its Housing Element every eight years. This new cycle corresponds to the timing for greenhouse gas reduction targets and Regional Transportation Plan (RTP) preparation. SB 375 also established a penalty for communities that do not adopt their housing elements on time. In that event, the community must update its housing element every four years until it has successfully completed two consecutive update cycles.

One of the initial steps of the housing element update process involves establishing housing needs. As part of the Regional Housing Needs Allocation (RHNA) process, HCD provides each

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<sup>1</sup> All references are to Government Code unless otherwise specified.

county with a total projected number of dwelling units that will be need to be constructed during the upcoming housing element planning period to accommodate population growth. The Fresno Council of Governments (COG) is responsible for coordinating discussions between the cities and the County to assign specific allocations. In 2013, COG began hosting a series of meetings with Fresno County and the 15 cities to discuss the RHNA. Generally speaking, the County has difficulty meeting its number of housing units, primarily since it is County policy to direct population growth to the cities as much as possible. In order to assist the County during the RHNA process, Mendota, along with several other cities, agreed to accept a portion of Fresno County's lower-income units.

In 2014, the County and 12 of the cities<sup>2</sup> accepted a proposal from Mintier Harnish to prepare a multijurisdictional housing element (MJHE). The MJHE is a regional housing document that effectively acts as the State-mandated housing element for all participating jurisdictions, including the County of Fresno and the cities of Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma.

The City Council reviewed the Draft Housing Element on June 9, 2015 public work session, and staff subsequently submitted the Housing Element to HCD on August 12, 2015. HCD reviewed the Draft Housing Element and issued a comment letter on October 9, 2015 (see Attachment B). Some of the comments in the letter apply to the main chapters of the Housing Element, which apply to all participating jurisdictions. The letter also has individual appendices that contain the comments for each of the participating jurisdictions. The City of Mendota comments are attached to the letter.

Staff and the Consultants submitted responses to HCD comments in December 2015 and February 2016. The revisions are shown as underline (new text) / strikeout (deletions) in the Final Draft Housing Element (Attachment A). To summarize, the most revisions included, but were not limited to, the following:

- Revisions to the main chapters of the Housing Element (Chapters 1-5) include:
  - Further description of public outreach efforts (Chapter 1)
  - Further description of housing rehabilitation needs (Chapter 2)
  - Expanded analysis of the farmworker population (Chapter 2)
  - Additional analysis to justify that affordable housing development is feasible at 15 units per acre and feasible in non-residential zones where residential uses are allowed (Chapter 3)
  - New policy to encourage “sweat-equity” homeownership programs (Chapter 5)
- Revisions to the programs in Appendix 2H for Mendota include:
  - A new program to continue regional collaboration efforts (Program 1)
  - A new program to review annexation standards in the MOU between the County of Fresno and the cities within the county (Program 2).
  - A new program to provide water and sewer priority to affordable housing consistent with Government Code Section 65589.7 (Program 5)
  - A new program related to farmworker housing (Program 7)

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<sup>2</sup> The cities of Firebaugh, Fresno, and Orange Cove did not participate. Each prepared its own housing element independently.

- A new program to encourage the development of second units (Program 9)
- A new program to facilitate lot consolidations for small sites and lot splits for larger sites (Program 11)
- A new program to monitor fees and consider deferred or reduced fees for affordable housing (Program 12)
- Revisions made to the analysis in Appendix 2H include:
  - Analysis of the availability of water and sewer infrastructure to serve new development
  - Additional analysis of regional impact fees
  - Additional analysis of the review of past accomplishments
  - An update to the sites inventory list after verification of numerous property zone changes.

Following incorporation of the second round of comments and edits, HCD determined that the Final Draft Housing Element was conditionally-compliant with State law and issued a letter dated February 9, 2016 (Attachment C) stating that the City’s Housing Element will be in full compliance following its adoption by the City Council.

**ANALYSIS**

For each agency, the MJHE is a single document comprising two primary components: 1) the main body, which describes demographics, housing needs, resources, and constraints at a regional level and includes goals and policies common to all participating jurisdictions; and 2) individual appendices, which contain details for each jurisdiction (i.e. sites inventory, governmental constraints, evaluation of existing Housing Element) and individual implementation programs.

The 2015-2023 MJHE describes housing needs in Mendota, identifies available sites for housing development, explains potential barriers to housing production, and contains the proposed policies to address the City’s housing needs. For Mendota, Sections 1, 2, 3, 4, 5, Appendix 1, and Appendix 2H of the MJHE constitute the City’s 2015-2023 Housing Element (Attachment A). These sections are what was reviewed by the Planning Commission, and are currently being presented to the City Council for its consideration.

At completion of the RHNA process Mendota’s housing needs for the planning period are:

CITY OF MENDOTA HOUSING NEEDS					
Income Category					TOTAL
Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	
40	40	56	77	341	<b>554</b>

Income categories are based upon County area median income (AMI) and are established by Health and Safety Code §50093:

Income Category	Percent of County Area Median Income (AMI)
Extremely Low	0-30%
Very Low	31-50%
Low	51-80%
Moderate	81-120%
Above Moderate	120% or greater

The State AMI for Fresno County in 2014 was \$57,900 for a household size of four persons; the 2012 median household income in Mendota was \$26,061. While there is an apparent disconnect between Mendota’s housing unit requirements and the ability of its households to afford those units, it should be noted that HCD uses density of development vis-à-vis zoning as opposed to actual cost to establish what qualifies in each affordability category. For example, development within the R-1 zone district (typically single-family homes) qualifies as “Above Moderate” while development within the R-3 zone district (typically apartments) would qualify within one of the lower-income categories regardless of the actual mortgage or rental costs. As a result of this methodology, a single-family home that utilizes a subsidy program to promote homeownership would potentially qualify as Above Moderate housing while still being available to a lower-income household.

As illustrated in the Housing Element, Mendota has a surplus of residentially-zoned land available for development. Also, numerous dwellings that have been approved but are not yet built count towards meeting the housing goals, including the remaining area of the Las Palmas Estates project and an 11-unit apartment complex at 8<sup>th</sup> and Rio Frio Streets.

In addition to providing analysis of existing conditions, housing needs, and housing goals, the Housing Element is required to contain an action plan intended to remove constraints and ensure that housing is available for all segments of the population. Following is a list of the 20 programs contained within the City of Mendota’s Action Plan (Section 2H-1 of Appendix 2H):

1	Regional Collaboration	11	Lot Consolidation and Lot Splits
2	Review Annexation Standards	12	Monitoring of Planning and Development Fees
3	Provision of Adequate Sites	13	Housing Assistance Rehabilitation Program
4	Monitoring of Residential Capacity	14	Rental Rehabilitation Program
5	Water and Wastewater Service	15	Code Enforcement
6	Affordable Housing incentives	16	Homebuyer Assistance Program
7	Farmworker Housing	17	First-Time Homebuyer Resources
8	Preserving Assisted Housing	18	Energy Conservation
9	Encourage and Facilitate Accessory Units	19	Housing Choice Vouchers
10	Zoning Code Amendments	20	Fair Housing

The adoption deadline for the 2015-2023 Housing Element is December 31, 2015. However, the statute also provides a 120-day grace period. According to the schedule established by SB 375,

the City has until April 29, 2016 to adopt the Housing Element without incurring the four-year update penalty.

§§65353-65358 contain the procedures for adoption or amendment of a general plan. The Planning Commission is required to conduct a public hearing to consider the proposal, following which it may make a recommendation to the City Council. At a duly-noticed public hearing at its regular February 16, 2016 meeting, the Mendota Planning Commission considered the Housing Element and made a recommendation that the City Council adopt the document as presented. Additionally, a city may not amend a single element of its general plan more than four times per calendar year. Adoption of the 2015-2023 Housing Element would constitute the first amendment to the City's Housing Element for Calendar Year 2016.

#### CEQA Process

An initial study/negative declaration (IS/ND) has been prepared for this project pursuant to the California Environmental Quality Act (CEQA). On December 14, 2015, the City Planner made a preliminary determination that the project could not have a significant impact to the environment. The Notice of Intent to adopt a Negative Declaration was published in the *Firebaugh-Mendota Journal* on December 16, 2015. However, a delay in the CEQA preparation process resulted in the Notice of Intent being provided to the Fresno County Clerk on January 6, 2016 and to the State Clearinghouse on January 8, 2016. Overall, the IS/ND was made available for public and agency review and comment between December 18, 2015 and February 8, 2016.

The City received comment letters from the State Water Resources Control Board, the United States Army Corps of Engineers, and the Fresno Local Agency Formation Commission. The letters did not contain any specific comments or concerns regarding the IS/ND. Although as part of a negative declaration the City is not obligated to formally respond to comments received, it is required to consider those comments in its decision making. The City has opted to provide responses nonetheless. A list of comments received and corresponding analysis/responses is included as Attachment D.

If the IS/ND is adopted and the project is approved, the City will need to file a notice of determination (NoD) with the Fresno County Clerk within five business days. There is typically a Department of Fish and Wildlife (DFW) filing fee associated with filing of an NoD with the County Clerk (\$2,210.25 for 2016). However, DFW reviewed the Housing Element and came to the conclusion that its adoption could not have *any* impact to biological resources. DFW issued a No Effect Determination, which exempts the City from payment of the DFW filing fee. A \$50 County Clerk fee still applies.

#### **FISCAL IMPACT**

Adoption of the Housing Element does not require the City to obligate any funds now or in the immediate future. However, over the course of the planning period, the City will implement the Housing Element's various programs. Of the 20 programs listed in Appendix 2H, six are proposed to be funded via one or more State and/or federal grant, bond, tax credit, or similar programs. The remaining 14 programs would utilize the City's general fund, unless other funding sources can be identified. At this time, specific costs related to implementation of any of

the 20 programs are unknown. Costs are likely to mainly comprise staff and/or consultant time related to policy and document preparation, as well as attendance at meetings. Certain programs (e.g. ordinance revisions) will have a one-time cost, while others (e.g. regional collaboration) will incur ongoing if modest costs. Specific to the CEQA component of the proposal, the City will be responsible for payment of a \$50.00 filing fee for the notice of determination.

### **RECOMMENDATION**

Staff recommends that the City Council adopts Resolution No. 16-21, finding that adoption of the 2015-2023 Housing Element will have no significant impact on the environment, and further recommends that the City Council adopts Resolution No. 16-22, thereby amending the City of Mendota General Plan to include the 2015-2023 Housing Element.

**City of Mendota  
Housing Element  
2015-2023**



**Initial Study  
Negative Declaration**



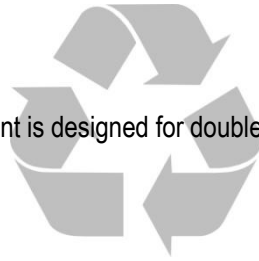
**Lead Agency**  
City of Mendota  
643 Quince Street  
Mendota, CA 93640

**Consultant**  
MIG  
537 S. Raymond Avenue  
Pasadena, California 91101

December 2015



This document is designed for double-sided printing



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# 1 PURPOSE AND AUTHORITY

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The purpose of this Initial Study is to identify and assess the significance of the physical effects on the environment due to potential future development guided by the goals and policies of the City of Mendota portion of the 2015-2023 Multi-Jurisdictional Housing Element. Pursuant to the California Environmental Quality Act (CEQA; Public Resources Code §21000 et seq.), the proposed Housing Element is considered a “Project” and thus requires analysis and determination of environmental effects prior to approval.

This Initial Study has been prepared in accordance with the California Environmental Quality Act Statutes and the CEQA Guidelines (California Code of Regulations §15000 et seq.) and the City of Mendota local rules and regulations. The proposed project requires discretionary approval by the City of Mendota and review and certification by the California Department of Housing and Community Development (HCD). As the project initiator, and because of the legislative approvals involved, the City of Mendota is the Lead Agency with respect to this Initial Study pursuant to §15367 of the CEQA Guidelines. Specifically, the Project requires City of Mendota approval of a General Plan Amendment. No other governmental agencies have discretionary permitting authority with respect to approval of the proposed project, and no Trustee Agency, as defined in §21070 of the CEQA Statutes, has jurisdiction over resources such that Trustee agency approval is required.

Pursuant to §15074 of the CEQA Guidelines, prior to approving the Project, the City of Mendota is obligated to consider the findings of this Initial Study and to either adopt a Negative Declaration (ND) or a Mitigated Negative Declaration (MND), or determine that an Environmental Impact Report (EIR) is required due to potentially significant, unavoidable environmental impacts. The findings of this Initial Study support adoption of an ND, as discussed in Section 4. This determination indicates that the environmental impacts of the programs for accommodating housing pursuant to the Housing Element, in accordance with the governing land use planning policies and zoning standards, will be less than significant and that an EIR is not required.

## **CONTENTS**

This document has been prepared to comply with §15063 of the State CEQA Guidelines, which sets forth the required contents of an Initial Study. These include:

- A description of the project, including the location of the project (see Section 2)
- Identification of the environmental setting (see Section 2.11)
- Identification of environmental effects by use of a checklist, matrix, or other method(s), provided that entries on the checklist or other form are briefly explained to indicate that there is some evidence to support the entries (see Section 3)
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (see Sections 2.6 and 2.7)
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (see Section 5.1)

## **TIERING**

§15152 et al of the CEQA Guidelines describe “tiering” as a streamlining tool as follows:

- (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.*
- (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of*

*environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.*

- (c) *Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.*
- (d) *Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to affects which:
  - (1) *Were not examined as significant effects on the environment in the prior EIR; or*
  - (2) *Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.**
- (e) *Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.*
- (f) *A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.
  - (1) *Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR that effect is not treated as significant for purposes of the later EIR or negative declaration, and need not be discussed in detail.*
  - (2) *When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).*
  - (3) *Significant environmental effects have been "adequately addressed" if the lead agency determines that:
    - (A) *they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or*
    - (B) *they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.***

- (g) *When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.*
- (h) *There are various types of EIRs that may be used in a tiering situation. These include, but are not limited to, the following:*
  - (1) *General Plan EIR (Section 15166)*
  - (2) *Staged EIR (Section 15167)*
  - (3) *Program EIR (Section 15168)*
  - (4) *Master EIR (Section 15175)*
  - (5) *Multiple-family residential development/residential and commercial or retail mixed-use development (Section 15179.5)*
  - (6) *Redevelopment project (Section 15180)*
  - (7) *Projects consistent with community plan, general plan, or zoning (Section 15183)*

This Initial Study for the 2015-2023 Housing Element has been prepared to tier from the General Plan EIR of the City of Mendota, as amended or otherwise supplemented. For the City of Mendota, documents by which the analysis recorded herein has been tiered from are available for public review at:

City of Mendota  
Planning and Economic Development Department  
643 Quince Street  
Mendota, California 93640

## ***ANALYTICAL APPROACH***

The environmental analysis contained in this Initial Study is based on the following assumptions:

**General Plan Consistency:** As the General Plan is updated and/or amended, the City of Mendota will ensure that such updates and amendments do not prevent implementation of the policies contained in the updated Housing Element.

**Exempt Project:** Ministerial projects, including those that are subject only to issuance of building permits without need for discretionary action, are exempt from environmental review pursuant to CEQA Guidelines § 15268. Further, the Secretary for Natural Resources has established a series of categorical exemptions defined within CEQA Guidelines § 15300 et seq. Projects meeting the standards of the various categories have been determined to have no significant impact on the environment. Categorical exemptions may be used except in cases where, due to unusual circumstances surrounding a particular project, it may result in significant individual and/or cumulative impacts. Projects that are exempt from CEQA require no further analysis..

**Project Specific Environmental Review:** Future development proposals not exempt from CEQA will be subject to the environmental review process to identify potential impacts and the City will impose appropriate mitigation measures, if needed, to avoid significant impacts.

**Purpose of Environmental Review:** The proposed Housing Element does not authorize any plan for construction of new homes or other uses or the redevelopment of any properties within Mendota. No direct environmental impacts, therefore, will occur as a result of adoption of the Housing Element. This Initial Study assesses the potential environmental impacts resulting from potential development facilitated by the Housing Element in accordance with the City of Mendota's existing land use policies.

The Housing Element does not propose any changes to the use, density, intensity of uses of property or other land use policies.

The purpose of the environmental analysis conducted for the Housing Element, as documented herein, is to determine general impacts that could result from implementation of the Housing Element. The analysis is based on a hypothetical development scenario for the Inventory Sites identified in the Housing Element and how construction and operation of those sites may result in impacts to the environment. Because this is a program-level analysis, some measure of forecast and assumption is necessary in order to characterize potential development scenarios and should not be construed as speculative or unreasonable. Therefore, the program-level analysis of the potential impacts of the Housing Element is inherently broad and typically qualitative due to the lack of project-level information.

## 2 PROJECT DESCRIPTION

### **PROJECT TITLE**

City of Mendota 2015-2023 Housing Element

### **LEAD AGENCY/PROJECT SPONSOR NAME AND ADDRESS**

City of Mendota  
643 Quince Street  
Mendota, CA 93640

### **CONTACT PERSON AND PHONE NUMBER**

Matt Flood, Economic Development Manager  
(559) 655-3291

### **PROJECT LOCATION**

The 2015-2023 Housing Element applies to all proposed and existing residential and mixed-use General Plan land use designations and zoning districts that support residential or mixed-use development within the municipal boundaries of the City of Mendota. The City of Mendota is located in northwestern Fresno County and is surrounded by unincorporated Fresno County land to the north, south, east, and west. The City of Firebaugh is approximately 10 miles to the northwest. The City of Mendota lies at the junction of State Routes 33 and 180, which provide regional access to the greater Central Valley. State Route 99 and the City of Fresno are approximately 30 miles to the east. The Planning Area, for purposes of this environmental analysis, encompasses the entirety of the municipal boundaries of the City of Mendota. The Planning Area is approximately 2,100 acres, representing less than one percent of the land area of the County of Fresno. The Inventory Sites identified in the Housing Element are located throughout the city. Residential and commercial (mixed-use) lots are largely concentrated in the central business district. Areas available for residential development lie west of State Route 33 and also adjacent to the north and south sides of Bass Avenue. One mixed-use commercial area lies south of Belmont Avenue and east of State Route 33. Exhibit 1 (Regional Location and Vicinity Map) illustrates the City's location within the County of Fresno and its local context in terms of roadways, other transportation infrastructure, and important landmarks.

### **GENERAL PLAN DESIGNATIONS**

The existing residential and mixed-use General Plan land use designations that support housing development within the City of Mendota are summarized in Table 1 (Residential and Mixed-Use Land Uses).<sup>1 2</sup> The proposed Housing Element concluded that the City's General Plan provides for a range of housing densities and income levels in the community; therefore, new land use designations to support development options for balanced housing will not be required.

**Table 1**  
**Residential and Mixed-Use Land Uses**

<b>Land Use Designation</b>	<b>Supported uses</b>	<b>Maximum Density (DU/AC)</b>
Low Density Residential	Single-Family Residential	3.5
Medium Density Residential	Single-Family Residential	6
Medium-High Density Residential	Single- and Multi-Family Residential	11
High Density Residential	Multi-Family Residential	25
General Commercial (C-3)	Mixed Use	1-8

Source: City of Mendota General Plan Update 2009

<sup>1</sup> City of Mendota. General Plan Update 2005-2025. Land Use Element. August 2009

<sup>2</sup> City of Mendota. 2005-2025 Mendota General Plan Environmental Impact Report. June 2009



**ZONING DISTRICTS**

Existing zoning districts that support residential development are listed in Table 2 (Residential Zoning Districts) and include a summary of key development standards. The proposed Housing Element does not identify the need for additional zoning districts.

**Table 2  
Residential Zoning Districts**

<b>Zone</b>	<b>Permitted Residential Uses</b>	<b>Maximum Height (FT)</b>	<b>Minimum Lot Size (SF)</b>
Single Family Residential Agricultural (R-A)	Single-Family Residential	30	24,000
Low Density Residential (R-1-A)	Single-Family Residential	30	9,000
Medium Density Residential (R-1)	Single-Family Residential	30	4,000
Medium-High Density Residential (R-2)	Single- and Multi-Family Residential	30	6,000/ 3,000 per dwelling
High Density Residential (R-3)	Multi-Family Residential	40	6,000/ 1,500 per dwelling
High Density Residential – One Story (R-3-A)	Multi-Family Residential	20	6,000/ 1,500 per dwelling
MHP	Mobile Home Park	30	One Acre
General Commercial (C-3)	Mixed Use (as part of planned development)	40	n/a

Source: City of Mendota Zoning Code 2015

**CHARACTERISTICS OF THE HOUSING ELEMENT**

The proposed project is the adoption and implementation of the City of Mendota 2015-2023 Housing Element (Project). California Housing Element law requires every jurisdiction in the state to prepare and adopt a housing element as part of its general plan. It is typical for each city or county to prepare and maintain its own separate general plan and housing element; however, the Fresno Council of Governments (COG) is coordinating the County of Fresno and twelve of its 15 incorporated cities in preparing a multi-jurisdictional housing element for the fifth round of housing element updates. The Project provides an opportunity for countywide housing issues and needs to be more effectively addressed comprehensively at the regional level as opposed to individually, and without coordination, at the local level. This approach provides the opportunity for the local governments and the County to work together in accommodating the Regional Housing Needs Allocation (RHNA) assigned to the Fresno County region. The Housing Element for the City has been prepared using the information and collaboration developed through this multi-jurisdictional effort.

**HOUSING ELEMENT**

A Housing Element is one of seven required elements of a jurisdiction’s General Plan. It addresses the existing and future housing needs of persons from all economic backgrounds and serves as a tool for decision-makers and the public in understanding and meeting housing needs in the local jurisdiction. The law does not require local governments to construct housing to meet those needs. State law mandates that the community address housing needs in its discretionary planning actions by creating opportunities for housing and facilitating balanced housing development through policy.

**STATUTORY REQUIREMENTS**

State law requires that all housing elements address four key topics: 1) housing needs, 2) constraints to housing development, 3) housing resources, and 4) a preparation of a housing plan. Analysis of these topics provides the foundation for the preparation of a housing element. Article 10.6, §65580 – 65589.8, Chapter 3 of Division 1 of Title 7 of the California Government Code establishes the legal requirements for a housing element and encourages the provision of affordable and decent housing, in suitable living environments, in all communities, in working toward statewide goals. The 2015-2023

Housing Element will become the policy document in the City of Mendota that will address current and projected housing needs within its jurisdiction, in relationship to the other participating jurisdictions. The Element identifies housing goals and policies to meet the broad, diverse housing needs at the regional level coupled with the programs and availability of land at the local level to implement the plan and reach those goals.

## HOUSING NEED

Several factors influence the demand for housing in the County of Fresno and the 15 cities in the County, including 1) housing needs resulting from population growth, 2) housing needs resulting from the overcrowding of existing housing units, 3) housing needs that result when households are paying more than they can afford for housing, and 4) housing needs of "special needs groups" that include the elderly, large families, female-headed households, households with a physically- or developmentally-disabled person, farm workers, and the homeless.

The 2015-2023 Multi-Jurisdictional Housing Element examines the housing needs of different groups of people based on demographic metrics that include owners versus renters, lower-income households, overcrowded households, elderly households, special needs groups, and homeless persons. This information is detailed in the Housing Element.

California housing element law requires that each city and county develop local housing programs designed to meet its "fair share" of housing needs for all income groups, based on projected population growth. The HCD Housing Policy Division develops Regional Housing Needs Allocations (RHNA) for each region of the state represented by councils of governments. Fresno COG determines the housing allocation amongst the 15 cities and unincorporated County areas in which the City of Mendota is located. Fresno COG has assigned the City of Mendota a housing allocation of 554 housing units for the 2015-2023 planning period. Table 3 (Regional Housing Needs Allocation) identifies the projected housing needs for the 2015-2023 cycle.

**Table 3**  
**Regional Housing Needs Allocation**

<b>Income Group</b>	<b>Total Allocation (DU)</b>	<b>Income Group Ratio (%)</b>
Extremely Low/Very Low	80	14
Low	56	10
Moderate	77	14
Above Moderate	341	62
<b>Total</b>	<b>554</b>	<b>100</b>
Source: FCOG 2015		

Considering the RHNA is based on a January 1, 2013 baseline in projecting growth in the Planning Area and the region for the 2015 through 2023 cycle, jurisdictions may credit housing units developed, under construction, or approved since January 1, 2013 toward the units assigned through the RHNA. From January 1, 2013 to April 28, 2015, 33 units were built or under construction, and another 211 units were planned or approved (see Table 4, Credits and Remaining Need). The approved units include the Ochoa Apartments, which includes two deed-restricted affordable units. The applicant received three additional units over the maximum allowed density by including the two deed-restricted units. The housing units credited towards the needs allocation currently have the following income distribution: 2 low-income units, 9 moderate-income units, and 233 above moderate-income units. The distribution of credited housing units and the allocation of this remaining housing need is summarized in Table 4 (RHNA Credits and Remaining Need).

**Table 4**  
**RHNA Credits and Remaining Need**

Unit Type	AMI				Total
	0-50%	51-80%	81-120%	121%+	
<i>Units Built or Under Construction</i>					
Fermin's Furniture Mixed Use APNs 013-143-09 and 10	0	0	0	2	2
VTTM No. 5483 Final Map (012-190-40 & 41)	0	0	0	28	28
Single Family Permits	0	0	0	3	3
<i>Entitled/Permitted Units</i>					
Ochoa Apartments (APN 013-223-21)	0	2	9	0	11
VTTM No. 5483 Final Map (012-190-40 & 41)	0	0	0	200	200
<b>RHNA Allocation</b>	<b>80</b>	<b>56</b>	<b>77</b>	<b>341</b>	<b>554</b>
<i>Credits</i>	0	2	9	233	243
<b>Remaining Need</b>	<b>80</b>	<b>54</b>	<b>68</b>	<b>108</b>	<b>310</b>
Source: Mintier Harnish 2015					

## HOUSING OPPORTUNITY AREAS

State law requires that jurisdictions demonstrate in the Housing Element that there is land inventory available and adequate to accommodate that jurisdiction's housing allocation. The City of Mendota has identified vacant and underutilized sites presently zoned for residential or mixed uses and suitable for residential development that are more than sufficient to accommodate the remaining needs allocation target of 310 units. No constraints have been identified in regard to these Inventory Sites that would prevent development, redevelopment, or reuse during the Housing Element period. The vacant and underutilized sites are categorized and summarized herein.

### ***Vacant Land Inventory***

Identification of vacant residential and mixed-use sites is based on an analysis of the latest assessor's parcel information and taking into account zoning and allowable densities. The inventory of vacant residential and mixed-use land in the City totals approximately 33 acres. These vacant sites, identified in Table 5 (Vacant Land Inventory), have the potential to accommodate 324 units with applicable land use and zoning requirements.

### ***Underutilized Land Inventory***

Vacant land is anticipated to be developed incrementally during the 2015-2023 life of the proposed Housing Element and will become scarcer as growth occurs in the City and throughout the region. Underutilized properties that may include commercial land have become a growing alternative to properties traditionally zoned for residential uses considering lot size, location, and the need for contemporary approaches to solving the issue of accommodating balanced housing. The underutilized sites included in the inventory have the highest potential for development within the planning period based on size, density, opportunities for consolidation, past market demand, and established regulatory incentives for development (see Table 6, Underutilized Land Inventory). Underutilized sites have been identified because the existing uses are not maximizing development potential that was identified in the General Plan. These sites exhibit redevelopment potential to higher-intensity residential uses. The survey identified six lots totaling approximately 76 acres that could accommodate an estimated 486 dwelling units.

**Table 5  
Vacant Land Inventory**

Land Use Designation	Zoning	Parcels	Density (DU/AC)	Acres	Development Estimate (DU)	AMI (%)
HDR	R-3	19	25	12.28	239	51-120
MHDR	R-2	14	11	3.51	26	81-120
MDR	R-1	1	3.5	4.81	13	121+
LDR	R-1	37	3.5	8.20	37	121+
GC	C-3	9	1/site	4.00	9	121+
<b>TOTAL</b>		<b>80</b>	<b>--</b>	<b>32.80</b>	<b>324</b>	<b>--</b>

Source: Mintier Harnish 2015

**Table 6  
Underutilized Land Inventory**

Land Use Designation	Zoning	Parcels	Density (DU/AC)	Acres	Development Estimate (DU)	AMI (%)
HDR	R-3	1	25	0.59	11	51-80
LDR	R-1	4	3.5	1.31	4	121+
GC	C-3*	2	^	73.61	471	121+
<b>TOTAL</b>		<b>6</b>	<b>--</b>	<b>75.51</b>	<b>486</b>	<b>--</b>

Source: Mintier Harnish 2015

Notes  
 \* River Ranch Specific Plan Area, Town Center Overlay  
 ^ Max FAR 0.4

### ADEQUACY OF INVENTORY SITES IN MEETING NEEDS ALLOCATION

The City of Mendota's remaining housing need after consideration of credits is 310 units. The vacant land and underutilized land identified a combined capacity of 810 dwelling units, which include sites suitable for development of 222 low-income housing units. Based on the analysis provided in the Housing Element, the City has sufficient land to accommodate its projected housing needs during the planning period. Table 7 (Land Inventory and Needs Comparison) summarizes the City's housing needs in comparison to the development potential of vacant and underutilized land, units built or under construction, and capacity from prezoned tracts. The comparison identifies a surplus of 281 units for lower income groups and 1,078 units for moderate income groups.

**Table 7  
Land Inventory and Needs Comparison**

	AMI				
	0-50%	51-80%	81-120%	121%+	Total
Units Built or Under Construction	0	0	0	33	33
Planned or Approved Projects	0	2	9	200	211
Capacity on Vacant Sites	0	211	54	59	324
Capacity on Underutilized Sites	0	11	0	475	486
Capacity on Prezoned Tracts	0	193	462	204	859
<b>Total Units</b>		<b>417</b>	<b>525</b>	<b>971</b>	<b>1,913</b>
<i>Housing Need</i>	80	56	77	341	554
<b>Surplus/Shortfall</b>	<b>-80</b>	<b>+361</b>	<b>+448</b>	<b>+630</b>	<b>+1,359</b>
<b>Redistributed</b>		<b>+281</b>		<b>+1,078</b>	<b>+1,359</b>

Source: Mintier Harnish 2015

## **PUBLIC AND UTILITY SERVICES**

Future housing development will require the support of public services including fire, police, schools, and parks and recreation in addition to necessary utility services such as water, sewer, and storm drainage. Public services and utilities serving the City of Mendota, as described in the 2009 General Plan EIR, are summarized herein.

- **Police Services:** Law enforcement services in Mendota are provided by the City's Police Department. The Mendota Police Department is led by the chief of police who oversees a staff of thirteen sworn police officers, three civilian employees and six reserve police officers. The Mendota Police Department operates 12-hour patrol shifts. A patrol supervisor oversees the activity and personnel assigned to each shift. In a two-week period patrol officers work seven 12-hour shifts for a total 84 hours. Patrol Officers are responsible for all assigned investigations up to and including evidence collection and case filing.
- **Fire Protection/Emergency Services:** The City of Mendota contracts with the Fresno County Fire Protection District (FCFPD) for fire prevention and protection services. Each permanently staffed station of the FCFPD serves an area of approximately 170 square miles. Station #96 serves the Mendota area and is located at the northwest corner of McCabe Avenue and Derrick Avenue in Mendota. In addition to fire protection, the FCFPD provides emergency medical services to the citizens in its area of responsibility. District personnel are trained to the Emergency Medical Technician level and frequently arrive on the scene prior to the ambulance, especially in the outlying county area. Approximately 60 percent of the FCFPD responses are for medical emergencies. Emergency medical services are also provided by American Ambulance, under contract with the County of Fresno. American Ambulance maintains an ambulance substation, staffed 24 hours per day, located at 6th Street and Quince Street in Mendota. Basic medical care is provided by the Mendota Family Health Center at 121 Barboza Street. The nearest trauma center is located at the University Medical Center, approximately 35 miles to the east in Fresno.
- **Schools:** The Mendota Unified School District (MUSD) includes three elementary schools, one junior high school, one senior high school, and one alternative education school. MUSD has experienced overcrowded conditions and is proceeding to implement a district-wide facilities master plan to increase capacity. Enrollment during the 2012-2013 school year was 2,860 (MUSD 2012).
- **Parks and Recreation:** Existing recreational opportunities in Mendota range from traditional active sports such as softball and soccer to passive recreation such as nature observation and simply spending time outdoors. Between these two extremes falls a range of activities enjoyed by many residents, including picnicking in parks, walking and bicycling, and playground activities. Mendota has approximately 23 acres of parks/recreational open space, 5 acres of buffer open space, and less than 0.1 acre of multi-use open space, plus additional recreational areas at local schools.
- **Water:** The City of Mendota's water supply system currently comprises three primary production wells, two emergency backup wells, transmission mains, and a water treatment plant (discussed below). The well field is located on private property located approximately 3.5 miles northeast of Mendota, near the San Joaquin River. The pipeline from the well field is designed to accommodate two additional wells for future expansion. Water quality from the three primary wells meets all Title 22 water quality requirements. Two storage tanks of 1 MG each provide approximately 1.75 MG of usable water storage.
- **Wastewater:** The City of Mendota's wastewater system comprises two basic components: collection and conveyance of wastewater to the wastewater treatment plan (WWTP) and treatment and disposal of that wastewater. The WWTP is located northeast of the William R. Johnston Municipal Airport.
- **Solid Waste:** The City of Mendota contracts with Mid-Valley Disposal for solid waste disposal services. Refuse is taken to the American Avenue Landfill, located approximately 15 miles southeast of Mendota near Tranquillity. The 361-acre landfill is a Class III landfill and only accepts standard municipal waste. The facility is anticipated to be able to accommodate the region's solid waste through 2031 based on its current permitted loading rate.

## ***SURROUNDING LAND USES***

The Inventory Sites identified in Exhibit 2 (Mendota Sites Inventory) are located throughout the City, which is largely surrounded by agricultural and rural residential lands. The City of Mendota itself is characterized by a range of land uses, including residential development (primarily single-family homes), commercial uses, and industrial uses. Other land uses in the City include public facilities, recreational, and agricultural use. A Union Pacific rail corridor runs diagonally through the central business district, and the Mendota Municipal Airport is immediately east of the central business district.

## ***ENVIRONMENTAL SETTING***

The City of Mendota is located in northwestern Fresno County in the central portion of the San Joaquin Valley, which forms the southern portion of the Central Valley. The jurisdiction encompasses approximately 3.28 square miles of land (2,100 gross acres). The Planning Area is largely developed with urban uses consisting of single-story buildings.

The City is located near the confluence of the San Joaquin River and the Fresno Slough. Several water canals, including the Delta-Mendota Canal, border the Mendota area on the north and intersect the San Joaquin River near its confluence with the Fresno Slough. Mendota has an average elevation of approximately 175 feet above mean sea level, with the terrain sloping gently from the southwest to the northeast. The area is mostly flat and level with no significant hills or topographic features. Mendota is in a zone of low primary seismic hazard. No major faulting has occurred along the Mendota margin of the central San Joaquin Valley.

The predominant landscape feature of the San Joaquin Valley is the wide variety of agricultural land, which is made possible through irrigation water supplied by a network of delivery canals, irrigation ditches, and reservoirs. The Coast Ranges are frequently visible to the west and on clear days, the Sierra Nevada Mountains can be seen east of the City.

The City of Mendota is located in the San Joaquin Valley Air Basin, which comprises San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and parts of Kern County. Pollutants and cool air are generally trapped along the east side of the San Joaquin Valley due to circular air currents. Average temperatures in Fresno County vary from the high 90s (Fahrenheit) to lows in the mid 30s.

The range of natural vegetation communities has been significantly reduced from historic levels as a result of conversion of these lands to urban and agricultural uses. Only scant disturbed remnants of these natural communities remain within the Planning Area. Agricultural and urban development has nearly eliminated most historic natural vegetation communities and associated wildlife.

Primary noise sources include the state highways, local roads, the railroad corridor, the airport, and routine noise associated with urban and agricultural uses.

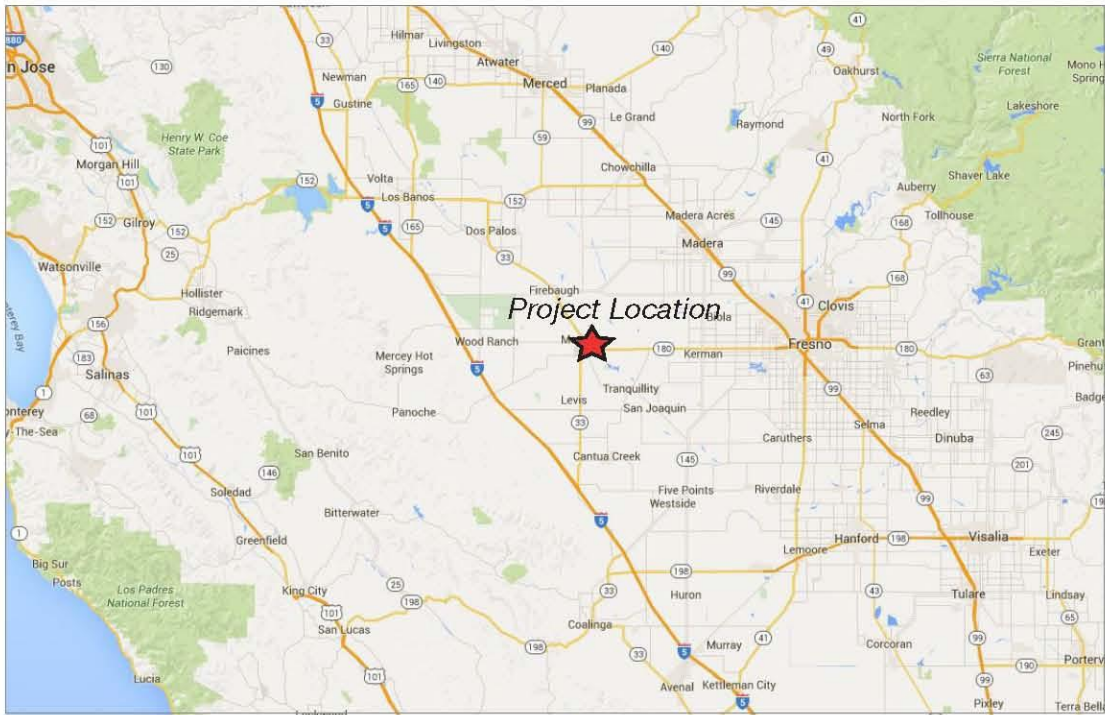
## ***REQUIRED COUNTY/CITY APPROVALS***

Following a recommendation from the Planning Commission, the City Council must approve a General Plan Amendment to incorporate the 2015-2023 Multi-Jurisdictional Housing Element into the General Plan.

## ***OTHER AGENCY APPROVALS***

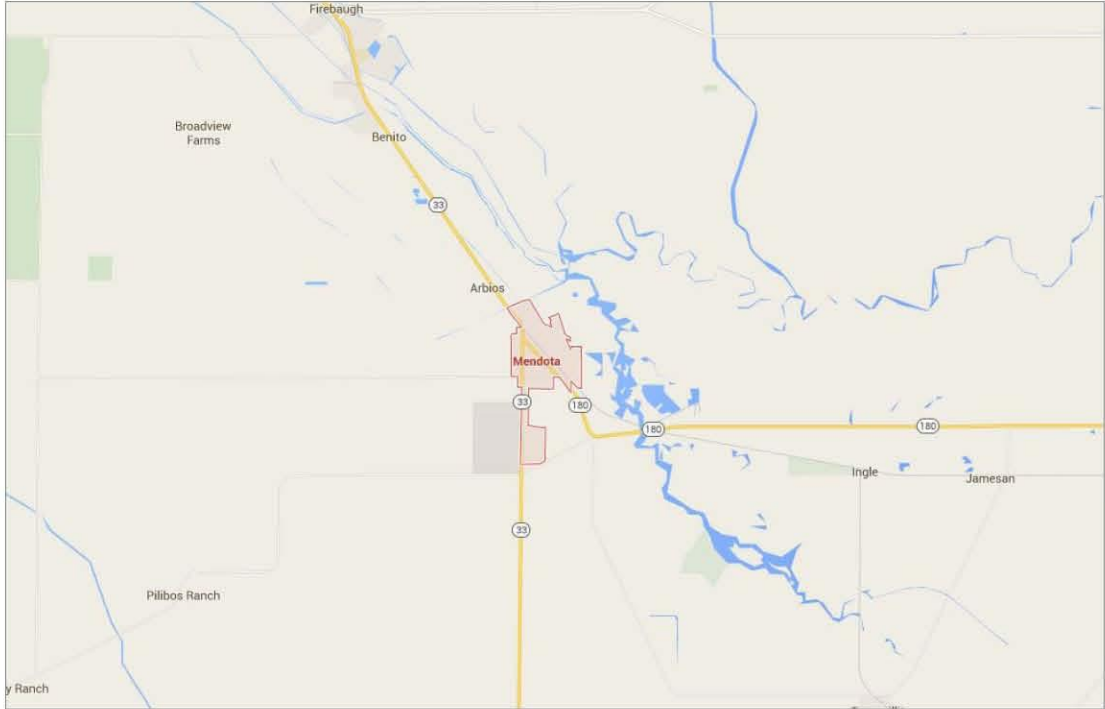
The State of California, Department of Housing and Community Development (HCD) is required to review the Housing Element for compliance with State law (Article 10.6 of the California Government Code) but does not have actual approval authority over the Project. No other jurisdiction has approval authority over any part of the Housing Element.





Source: Google Maps

Regional



Source: Google Maps

Vicinity

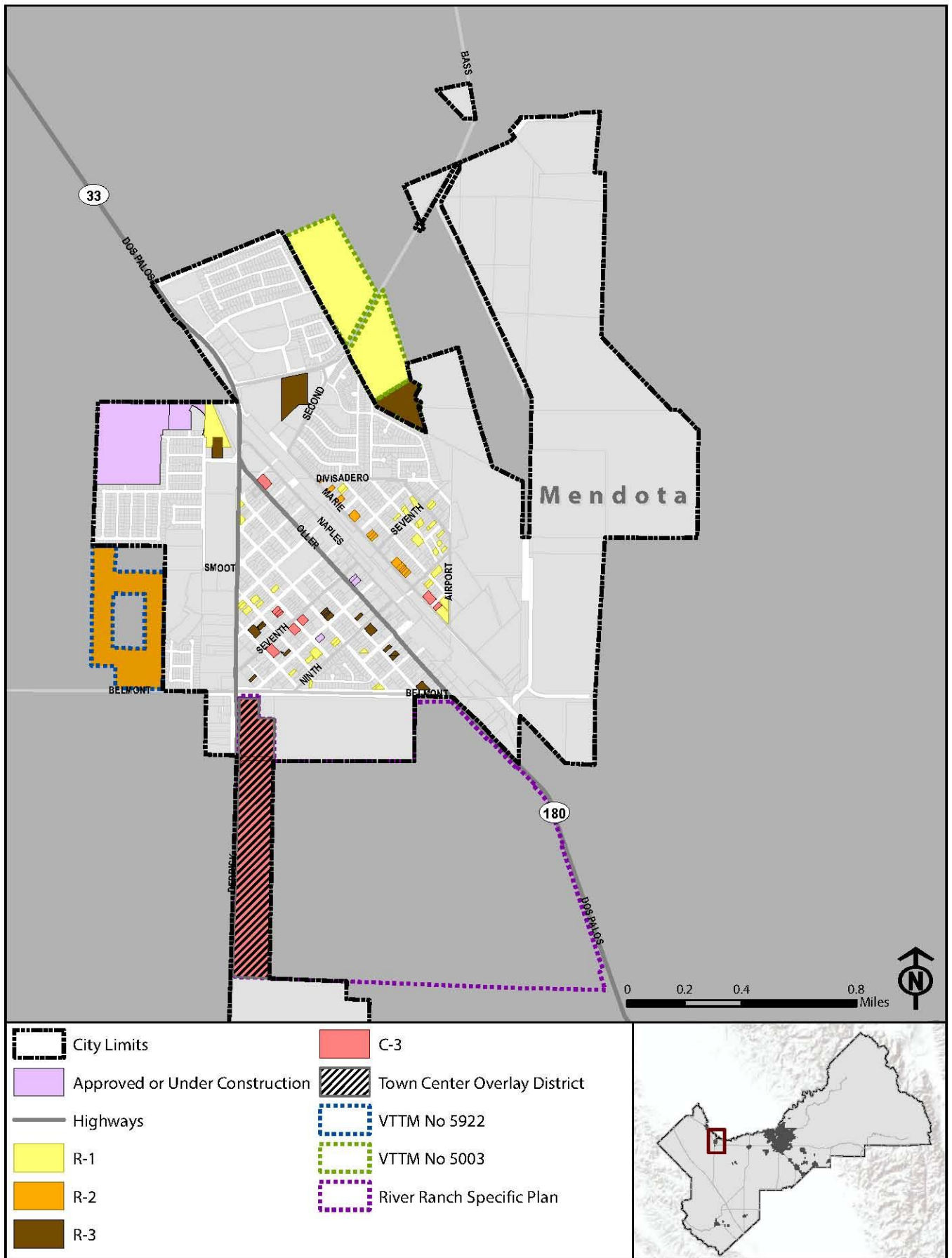
# Exhibit 1 Regional Context and Vicinity Map

2015-2023 Multi-Jurisdictional Housing Element  
Mendota, California









Source: Fresno County Multi-Jurisdictional Housing Element: Figure 2H-1

## Exhibit 2 Mendota Sites Inventory

2015-2023 Multi-Jurisdictional Housing Element  
Mendota, California



### 3 DETERMINATION

#### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

#### **DETERMINATION**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION would be prepared.
- I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION would be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 \_\_\_\_\_  
 Signature

December 14, 2015

\_\_\_\_\_  
 Date

Jeff O'Neal, City Planner  
 City of Mendota



## 4 EVALUATION OF ENVIRONMENTAL IMPACTS

### 1. AESTHETICS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Have a substantial adverse effect on a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**A) No Impact.** According to the City of Mendota General Plan EIR, there are no scenic vistas or scenic highways within or in the vicinity of the Planning Area. There are no designated or eligible scenic highways within or in the vicinity of the Planning Area; therefore, no impacts to scenic vistas or scenic highways could occur.

**B) No Impact.** Scenic resources are isolated, natural, or manmade objects offering a unique visual display to the onlooker, in contrast to the expanse and variety of aesthetic values offered in scenic vistas. According to the General Plan EIR, there are no significant trees, rocks outcroppings, or other scenic resources within the Planning Area; therefore, implementation of the proposed Housing Element will not result in any impact related to scenic resources.

**C) Less than Significant Impact.** Visual character is the composite physical values of a structure or structures, in context of the built and/or natural environment, that include architectural treatment, landscaping, location, and the intangible qualities such as historical context or uniqueness that establish a thematic visual display for the onlooker when viewing the location. Above most environmental issues, defining visual character is generally subjective, relying on the opinion of the onlooker coupled with the expertise and institutional knowledge of the local jurisdiction to define the visual character of an area or property. Future development implemented through the policies of the Housing Element will have the effect of changing the visual character of each Inventory Site by introducing a new element to each location. The residential Inventory Sites are generally surrounded by single family residential uses that are one to two stories in height and mixed-use Inventory Sites are generally surrounded by residential and commercial use. If the change in the visual character or quality of an Inventory Site, in context of the existing visual character and quality of the surrounding environment, can be perceived as 'degrading', then the effect of the project may result in potentially significant impacts. Similar to the impacts resulting from adverse changes to scenic values of vistas and isolate resources, adverse changes to the visual character of an area can reduce the quality of life for occupants and visitors of the area, reduce the uniqueness or singularity of the viewing experience, and/or reduce the historical and/or communal value of the visual setting.

The General Plan EIR states that implementation of the General Plan would result in alterations to the existing landscape characteristics of the City as intensification of land uses occurs within the city. With implementation of General Plan Policies listed below, impacts were determined to be less than significant.

- OSC-8.1** Designate areas of scenic interest within the City and surrounding areas. These may include scenic vistas, agricultural landscapes, scenic highways and scenic areas within and around Mendota.
- OSC-8.9** Encourage land uses to provide and maintain aesthetically-appealing landscaping.
- LU-1.2** The Land Use Diagram shall be periodically reviewed to ensure that adequate mix of residential, commercial and industrial land is designated to meet the present and future needs of residents of the City and to maintain the City's economic vitality.
- LU-1.5** Where differing land uses abut one another, promote land use compatibility with buffering techniques such as landscaping, setbacks, screening and, where necessary, construction of sound walls.
- LU-1.8** Improve the community's physical appearance through creative planning, (such as utilizing planning principles of smart growth and sustainability), the redevelopment of infill areas and the design of future development areas. The use of design principles will be encouraged, as will site plans that include trails, open space and similar amenities.
- LU-1.9** New development shall consider the quality of scale, building design and exterior materials, signage, landscaping and proximity to services, shopping, parks and schools.
- LU-3.1** Aesthetics, visual quality and character defining features of the community shall be maintained with development standards for landscaping, setbacks, signs, fencing and other visual characteristics of development.
- LU-3.2** New development outside the downtown core shall be consistent with the scale, appearance and rural character of Mendota's neighborhoods.
- LU-3.5** The character of the community should be enhanced through City beautification programs and the elimination / prevention of blight.

In addition, General Plan Policies OSC-6-1 through OSC-6-14 call for the protection and maintenance of historic buildings and other cultural features within the community.

The proposed Housing Element does not include any changes to the General Plan land use designations of the Inventory Sites. Thus, impacts associated with potential development of the proposed Inventory Sites will remain within the scope of analysis in the General Plan EIR. Future development of any individual Inventory Site will be subject to project-specific review pursuant to CEQA. Thus, future development on the Inventory Sites will be subject to applicable General Plan Policies and zoning regulations related to height, mass and scale, architectural style, materials, landscaping, and a variety of other standards that will ensure future housing development is consistent with the visual character intended for the area. Impacts due to changes to visual character or quality will be less than significant with adherence to existing regulations.

**D) Less than Significant Impact.** Future development guided by the implementation of the proposed Housing Element will result in new sources of light and glare. Outdoor lighting will be required in parking lots and pedestrian pathways for security purposes and may be included as accent lighting in landscaping and architectural features. Indoor lighting will also likely be visible through windows. Lighting associated with vehicle travel to and from the Inventory Sites will also be generated. Outdoor lighting when viewed at night can result in glare that can be defined as "excessive, uncontrolled brightness" from a luminaire, defined as "a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and ballast (where applicable), and to connect the lamps to the power supply" by the National

Electrical Code (NEC).<sup>3 4</sup> Glare can also occur during the day due to light reflecting off building materials such as highly-polished metal and reflective glass. Inappropriate installation of light and reflective materials in future housing could result in effects on nighttime and daytime views through scattering excessive light in the viewers' eyes, causing a partial or complete inability to see. The effects of excessive light and glare can result in nuisance impacts ranging from viewer annoyance or an inability to see features in the night sky, to health and safety impacts such as temporary blindness while operating a motor vehicle.

The General Plan EIR determined that impacts related to light and glare would be less than significant with implementation of General Plan Policy OSC-8.8, which requires land uses to limit glare, spillage of light off-site, upward illumination, and sky glow. Implementation of the lighting requirements of the General Plan will ensure that lighting is appropriately designed to provide necessary security while not creating undue nuisance or hazards for people at surrounding properties or on roadways in the vicinity of the Inventory Sites. Furthermore, future housing will be subject to standards enumerated in the code or other document, requiring review by staff or the architectural review board that will limit the use of metal in accent features, as opposed to primary architectural features, thereby minimizing the potential for daytime glare. Impacts to daytime and nighttime views will be less than significant with implementation of existing regulatory requirements.

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<sup>3</sup> Lighting Research Center. National Lighting Product Information Program. Lighting Answers: What is Glare? <http://www.lrc.rpi.edu/programs/nlpiip/lightinganswers/lightpollution/glare.asp> [November 18, 2015]

<sup>4</sup> National Electrical Code. Article 100. 2014



## 2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project, as well as forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D) Result in loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A) **Less than Significant Impact.** According to the State of California Department of Conservation, Inventory Sites located within the Sphere of Influence to the west and north of the city are located on Farmland of Local Importance.<sup>5</sup> These Inventory Sites are not located within city boundaries and have been identified in the Housing Element as Inventory Sites to facilitate future annexation and development. According to the General Plan EIR, General Plan build out would result in the loss of approximately 855.73 acres of important farmland within the existing city limits and approximately 5,093 acres within the City’s proposed Sphere of Influence (SOI) resulting in a significant impact. General Plan Policies, listed below, have been implemented to minimize the effects of agricultural land conversion.

**OSC-4.1** Encourage the continued agricultural use of land designated for urban use within the Planning Area until it is needed for urban development.

<sup>5</sup> State of California. Department of Conservation. California Important Farmland Finder. <http://maps.conservation.ca.gov/ciff/ciff.html> [December 15, 2015]

**OSC-4.2** Preserve a buffer between Mendota and neighboring agricultural lands to minimize conflicts between agricultural and urban uses, consistent with the buffer shown on the General Plan Land Use Diagram.

**OSC-4.3** The City of Mendota will continue to coordinate planning efforts with Fresno County to ensure that a buffer is preserved between urban development in the City and agricultural lands in the unincorporated County.

The proposed Housing Element does not include any changes to the General Plan land use designations of the Inventory Sites. Thus, impacts associated with potential development of the proposed Inventory Sites will remain within the scope of analysis in the General Plan EIR. Future development of any individual Inventory Site will be subject to project-specific review pursuant to CEQA. Thus, future development on the Inventory Sites will be subject to applicable General Plan Policies related to conversion of agricultural land. Impacts related to the conversion of important farmland will be less than significant.

**B) Less than Significant Impact.** According to the state Williamson Act Map, properties within the Planning Area are currently preserved for agricultural uses pursuant to Williamson Act contracts.<sup>6</sup> None of the Inventory Sites are currently enrolled in Williamson Contracts. The General Plan EIR found that impacts related to the loss of land under Williamson Act contract will be significant and unavoidable. The proposed Housing Element does not propose the re-zoning or re-designation of any Inventory Sites and does not identify any site not analyzed in the General Plan EIR. General Plan Policies listed below have been implemented to minimize the effects of agricultural land conversion.

**OSC-5.3** Ensure that private and public landowners of historic and productive agricultural lands may keep their land in agricultural use through such techniques as contractual protection (conservation easements, Williamson Act and Farmland Security Zone contracts), agricultural zoning and with assistance of Right-to-Farm ordinances.

**OSC-5.4** The City shall prepare and adopt a set of policies that govern the administration of Williamson Act Contracts within the City sphere of influence.

Future development consistent with the proposed Housing Element will be subject to General Plan Policies related to the development of land under a Williamson Act contract and will be subject to City review and approval. Therefore, implementation of the proposed Housing Element will not result in increased impacts as analyzed in the General Plan EIR. Impacts related to the loss of land under Williamson Act contract will be less than significant.

**C-D) No Impact.** Public Resources Code §12220(g) identifies forest land as 'land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.' There is no forest land located on or in the vicinity of any proposed Inventory Site. Forest land, regardless of its productive capabilities or management potential as a resource, is important to the regional and global environment. Forests provide watershed stability, wildlife shelter and habitat, oxygen, soil nutrients, and carbon dioxide sinks, serving as a multi-faceted and integral part of the broader ecosystem. Considering that the proposed Housing Element will not result in direct loss or substantial changes to the National Forest of Forests, no impacts will result.

**E) Less than Significant Impact.** As discussed above, there is no forest land within the Planning Area or on the Inventory Sites. However, important farmland and/or Williamson Act Contracted properties are located within or in vicinity of the Planning Area. General Plan Policies discussed above will reduce conflicts with adjacent agricultural operations that could lead to premature conversion of agricultural lands to non-agricultural use. Considering that the proposed Housing Element will not result in the indirect conversion of agricultural or forest land to non-agricultural or non-forest uses, impacts will be less than significant.

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<sup>6</sup> California Department of Conservation. Fresno County Williamson Act FY 2012/2013 Sheet 1 of 2.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A-C) **Less than Significant Impact.** The City of Mendota is located within the San Joaquin Valley Air Basin (Basin) that is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD).<sup>7</sup> The SJVAPCD comprises the Counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare, and the San Joaquin Valley Air Basin portion of Kern County. Due to meteorological, geographical, and topographical conditions in the Central Valley that result in a low tolerance for air pollution in the Basin, the Basin exhibits air pollution at levels comparable to that of the South Coast Air Basin despite the population of the Central Valley less than one-tenth that of the greater Los Angeles region, demonstrating the unique air quality challenges faced by SJVAPCD. Future housing developed in accordance with the goals and policies of the Housing Element will have the effect of contributing incrementally to the mobile, energy, and area sources that cumulatively contribute to criteria pollutant levels and associated air pollution in the Basin. The SJVAPCD is responsible for preparing the various pollution control Plans and Maintenance Plans that constitute the Air Quality Management Plan (AQMP) for the Basin. The AQMP includes strategies and control measures to reduce and/or maintain the effects that construction and operation of various uses within the Basin have on regional air quality. The effects of future housing development on regional air quality could result in potentially significant impacts on the health of residents if it is determined that a project's individual contribution to cumulative air pollution levels is considerable by exceeding the annual emissions thresholds established by the SJVAPCD in its *Guidance for Assessing and Mitigating Air Quality Impacts* and, furthermore, would be determined to potentially conflict with implementation of the AQMP.<sup>8</sup> Criteria pollutants can directly damage the environment, both natural and man-made. Impacts to human health include a variety of acute and chronic respiratory illnesses.

The SJVAPCD *Guidance* identifies procedures for evaluating projects through a screening process that removes the need for full air quality review where, based on analysis documented by the SJVAPCD, projects meeting certain criteria are determined

<sup>7</sup> San Joaquin Valley Air Pollution Control District. About the District. [http://www.valleyair.org/General\\_info/aboutdist.htm](http://www.valleyair.org/General_info/aboutdist.htm) [November 16, 2015]

<sup>8</sup> San Joaquin Valley Air Pollution Control District. *Guidance for Assessing and Mitigating Air Quality Impacts*. March 2015

to not have a substantial effect on air quality but cannot be found exempt from environmental analysis pursuant to CEQA. The SJVAPCD *Small Project Analysis Level* (SPAL) guidelines identify screening thresholds for single-family, multi-family, retirement community, and manufactured housing projects based on traffic generation and number of dwelling units. The daily traffic generation screening threshold is established at 1,453 daily trips. Dwelling unit thresholds range from 152 units for single-family residential projects to 460 units for retirement communities. Projects not meeting the SPAL screening threshold are then afforded the Cursory Analysis Level (CAL) procedure that requires project-specific, quantitative emissions modeling that includes construction-related and operational criteria pollutant emissions, carbon monoxide hotspot screening and/or modeling, and assessment of hazardous air pollutant emissions before determining if mitigation is required. The CAL process is generally applicable to projects that do not require an Environmental Impact Report (EIR) and are therefore not subject to the Full Analysis Level (FAL) process.

Development of future housing will be subject to environmental evaluation for exemption and potential analysis pursuant to CEQA upon application for entitlement permits. Projects found to be exempt from CEQA will not have a significant impact on the environment as declared by state legislation. Other projects will be subject to standard analysis and mitigation if required.

General Plan Policies OSC-10.1 through OSC-10.4 require consistency with the SJVAPCD AQMP, encouraging the use of vegetative buffers, requiring the use of best management practices that minimize impacts to air quality during construction, and requiring the City to implement a site development permit process using CEQA in the review of potential development projects. According to the General Plan EIR, implementation of General Plan Policies OSC-10.1 through OSC-10.4 will ensure that impacts related to short-term construction emissions will be less than significant.

Implementation of General Plan Policies OSC-10.4 through OSC-10.17 will reduce long-term emissions by promoting pedestrian-scale environments that reduce the dependence on automobiles, encouraging infill development while maintaining the character and quality of the surrounding neighborhood, encouraging a reduction in energy consumption, encouraging sustainable design strategies, and encouraging transportation projects to be consistent with air quality goals and policies of the General Plan.

The General Plan EIR concluded that build out of the General Plan will be inconsistent with the air district's air quality management plans and will result in substantial increases in criteria pollutant emissions within the air basin. The proposed Housing Element does not propose any land use changes or designate any Inventory Sites that were not already analyzed in the General Plan EIR. Therefore, long term impacts in the Planning Area have already been contemplated, and the proposed Housing Element will not result in impacts that are greater than those contemplated in the General Plan EIR. In addition, future development of the proposed Inventory Sites will be subject to the Goals and Policies of the General Plan and will be subject to environmental evaluation for exemption and potential analysis pursuant to CEQA. Impacts related to implementation of the proposed Housing Element will be less than significant.

**D) Less than Significant Impact.** Common sensitive receptors include children under age 14, the elderly over age 65, athletes, and people with cardiovascular and chronic respiratory diseases. Each of the Inventory Sites is surrounded by residential uses. Future housing projects are not considered uses that emit substantial levels of hazardous air pollutants that could have an effect on the environment such that potentially significant impacts will occur. According to the EPA, there are no toxic air emitters within the City of Mendota.<sup>9</sup> Impacts to sensitive receptors will be less than significant.

**E) Less than Significant Impact.** Residential land uses do not generate objectionable odors that could impact a substantial number of people, and there are no sources of objectionable odors located in the vicinity of any Inventory Site identified in the proposed Housing Element.; therefore, future housing development is not likely to result in exposure of a substantial number of people to objectionable odors. Impacts will be less than significant.

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<sup>9</sup> United States Environmental Protection Agency. Envirofacts. <http://oaspub.epa.gov/enviro/envirofacts.quickstart?pSearch=Map%20Recentered&minx=-120.480194&miny=36.727328&maxx=-120.293427&maxy=36.789216&ve=12,36.758272,-120.386810> [December 15, 2015]

#### 4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A) **Less than Significant Impact.** According to the General Plan EIR, there have been recorded occurrences of 20 special-status plant species and 34 special-status animal species within five miles of the Planning Area. Construction of future housing on the Inventory Sites could have the effect of removing or disturbing habitat, potentially resulting in harm to sensitive species during its removal or indirectly if the habitat is used for foraging or for other means of sustenance. Occupancy of the homes can result in effects on sensitive species and habitat by introducing human activities and domestic animals that can result in harm or habitat loss. The impacts that can result due to harm or loss of sensitive species are most easily understood as the results of upsetting a piece of an intricately balanced and interdependent ecology that can result in cumulative impacts on other species, including humans, as the ecosystem adjusts to environmental pressures such as imbalances in predator and prey ratios or further loss or changes in habitat as species adjust.

The General Plan EIR states that suitable habitat for listed plant and animal species could be indirectly impacted by development under the General Plan through increased human/wildlife interactions, habitat fragmentation, encroachment by

exotic weeds, and area-wide changes in surface water flows due to development of previously undeveloped areas. To ensure that impacts to special-status species are avoided or reduced to less than significant levels, General Plan Policies OSC-7.1 through OSC-7.9 have been implemented. According to the General Plan EIR, General Plan Policies OSC-7.1 through OSC-7.9 requiring a biological resources evaluation for private and public development projects within biologically sensitive areas, requiring mitigation of impacts to special-status species, encouraging the creation of habitat preserves, requiring the adoption of a Noxious Weed Ordinance, and adopting policies to establish protection and mitigation for impacts to Swainson's hawk would ensure that potential impacts to listed special-status species and their habitat would be less than significant.

The proposed Housing Element update does not include any changes to the land use designations of the Inventory Sites and does not propose any Inventory Sites that were not previously analyzed in the General Plan EIR; thus, impacts associated with potential development of the Inventory Sites will remain within the scope of analysis certified in the General Plan EIR. Future development of the Inventory Sites will be subject to project-specific environmental review pursuant to CEQA, as applicable. Considering that the General Plan EIR analyzed impacts to sensitive species and impacts were found to be less than significant with incorporation of General Plan Policies, and that the proposed Housing Element will not result in increased impacts than those previously contemplated in the General Plan EIR, impacts will be less than significant.

**B-C) Less than Significant Impact.** According to the National Wetlands Inventory, riparian and wetlands are located to the east and southeast of the City of Mendota.<sup>10</sup> These resources are sensitive due to the important habitat they provide for a variety of species and their role in the natural treatment and conveyance of water. Future development of these sites could result in direct effects to these resources through habitat removal or the disruption of the resources natural function, or indirectly by generating noise, lighting, urban runoff, and other activities that could result in effects on how the resource is used by species. Potential impacts are similar to those resulting from effects on sensitive species, namely upset to the ecosystem due to changes in the balance of species and habitat. None of the Inventory Sites are located on wetland or riparian habitat.

The General Plan EIR determined that implementation of General Plan Policy OSC-7.9 will minimize potential direct and indirect impacts resulting from future development within the City to less than significant levels. General Plan Policy OSC-7.9 requires that new development fully mitigate wetland loss of function and value in regulated wetlands through any combination of avoidance, minimization, or compensation. The proposed Housing Element update does not include any changes to the land use designations of the Inventory Sites; thus, impacts associated with potential development of the Inventory Sites will remain within the scope of analysis certified in the General Plan EIR. Incorporation of the General Plan Policy discussed above will ensure that impacts to riparian and wetland resources resulting from future development of housing will be less than significant.

**D) Less than Significant Impact.** According to the General Plan EIR, existing open space and agricultural lands will provide adequate opportunity for wildlife migration. The General Plan EIR concluded that impacts to wildlife movement will be less than significant with implementation of General Plan Policies. General Plan Policies OSC-1.1 through OSC-1.3 provide protective policies to open space and agricultural and biological resources that will ensure that movement areas for wildlife and dispersal areas for plant life are maintained in future planning processes; therefore, less than significant impacts will occur as a result of development of any Inventory Site. All linear water bodies serve as corridors for terrestrial and aquatic species to migrate, and other water bodies can serve as nodes along the Pacific Flyway that accommodate the seasonal movement of avian species between Canada and South America. Wildlife corridors and the movement of animals are important in maintaining genetic diversity, accommodating mating patterns, and ensuring that seasonal behavior is not interrupted. As discussed in Issue 4.B-C, future development of Inventory Sites will not result in significant impacts to any creeks, rivers, or other water bodies with incorporation of General Plan Policies; thus, creeks, rivers, and the like will remain open as wildlife corridors. Impacts will be less than significant.

<sup>10</sup> U.S. Fish and Wildlife Service. National Wetlands Inventory. Wetlands Mapper. <http://www.fws.gov/wetlands/Data/Mapper.html> [December 5, 2015]

E) **No Impact.** According to the General Plan EIR, the City of Mendota has not adopted local ordinances or regulations pertaining to biological resources; therefore, implementation of the proposed Housing Element will not conflict with any locally adopted ordinance or regulation. No impact will result.

F) **No Impact.** The Planning Area is not located within a Natural Community Conservation Plan (NCCP). The Planning Area is located within the boundaries of the Pacific Gas and Electric Company (PG&E) San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). PG&E's service area encompasses approximately 70,000 square miles in 48 of the 58 counties in California. The HCP addresses small-scale temporary effects due to operation and maintenance of the service area that are dispersed over a large geographic area. The activities covered in the HCP include two categories of activities for which PG&E requests take authorization conducted in accordance with CPUC requirements: operation and maintenance activities and minor construction activities. Although the City is located within the HCP boundary, the HCP covers only PG&E-related operation and maintenance and construction activities and does not cover any other facilities or activities. Therefore, implementation of the proposed Housing Element will not conflict with the intent of the HCP. No impact will occur.

**5. CULTURAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**A) Less than Significant Impact.** According to the General Plan EIR, portions of the Planning Area contain two historic sites identified as P-10-005364 (the Cervantes Property) and P-10-005365 (the Marchini Property). These two historic properties will not be impacted by the proposed Housing Element. Historic resources are important to the knowledge of the past of California and the region while forming a portion of the character of the City that creates a sense of place and identity. Effects that result in the loss of historic structures, properties, or districts can result in impacts that include the loss of cultural identity, loss of unique engineering, architectural, or artistic works, and loss of unique, irreplaceable components of the sense of place that forms a cultural environment. General Plan Policies listed below have been implemented to reduce the impacts to historical structures to less-than-significant levels.

**OSC-6.1** Establish and promote programs that identify, maintain and protect buildings, sites, or other features of the landscape possessing historic or cultural significance.

**OSC-6.2** Develop and regularly update a comprehensive historic resources inventory, coordinating with other agencies as necessary. The inventory will contain a list of all historically significant properties, as well as historic and archaeological resources, within the City of Mendota and its Sphere of Influence, including a map depicting their locations.

**OSC-6.4** Maintain and enhance the historic character of the City of Mendota by establishing review procedures for the remodeling and reconstruction of buildings and other structures.

**OSC-6.5** Promote the integration or maintenance of historically accurate designs and features in residential and commercial structures, including information on the restoration and adaptive reuse of historic buildings

**B) Less than Significant Impact.** According to the General Plan EIR, a cultural records search was conducted by the Southern San Joaquin Valley Historical Resources Information Center (HRIC) at California State University, Bakersfield for the Mendota Planning Area. The records search found no known cultural resources within the Planning Area or within a half-mile radius that is listed in the National Register of Historic Places, California Register of Historical Resources, California Points of Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.



Similar to the potential impacts resulting from the effects of future housing development on historical resources, impacts to archaeological resources can result in the loss of information important to the history (and potentially the pre-history) of California and the people who created and/or used the resources. The potential for uncovering significant resources at Inventory Site locations during construction activities is unknown given that no such resources have been discovered and/or recorded previously. In the unlikely event that archaeological resources are uncovered, implementation of General Plan Policies will ensure that uncovered resources are recorded, evaluated, left in place if possible, and/or curated as recommended by a qualified professional archaeologist who meets the U.S. Secretary of the Interior's Qualifications and Standards. Impacts to buried archaeological resources will be less than significant with the implementation of the following General Plan Policies.

**OSC-6.7** Require cultural resources studies (i.e. archaeological and historical investigations) for all applicable discretionary projects, in accordance with CEQA regulations. The studies should identify cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) in the project area, determine their eligibility for inclusion in the California Register of Historical Resources, and provide mitigation measures for any resources in the project area that cannot be avoided. Cultural resources studies shall be completed by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology.

**OSC-6.8** If, during the course of construction cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) are discovered work shall be halted immediately within 50 feet of the discovery, the City of Mendota Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to determine the significance of the discovery.

**OSC-6.9** The City of Mendota and a project applicant shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology for any unanticipated discoveries. The City and a project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation necessary for the protection of cultural resources.

**OSC-6.11** Prior to the commencement of project ground disturbing activities, all construction personnel shall be informed of the type(s) of cultural resources that might be inadvertently uncovered in the area and protocols to be implemented to protect Native American human remains and any subsurface cultural resources.

**C) Less than Significant Impact.** According to the General Plan EIR, there are no known geological resources and/or unique geological features located within the Inventory Sites. The potential for uncovering significant paleontological resources at the Inventory Sites during construction activities is unknown given that no such resources have been previously discovered and/or recorded. In the unlikely event that paleontological resources are uncovered, implementation of General Plan Policies will ensure that uncovered paleontological resources are evaluated, salvaged, and curated as recommended by a qualified professional paleontologist who meets the qualifications set forth by the Society of Vertebrate Paleontology. Impacts to buried paleontological resources will be less than significant with the implementation of the following General Plan Policies.

**OSC-6.12** Require paleontological studies for all applicable discretionary projects. The studies should identify paleontological resources in the project area, and provide mitigation measures for any resources in the project area that cannot be avoided.

**OSC-6.13** Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be halted immediately within 50 feet of the discovery, the City of Mendota Planning

Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery.

**OSC-6.14**

The City and a project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and a project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources

**D) Less than Significant Impact.** Future development of the proposed Inventory Sites that requires site preparation and earthmoving activities has the unlikely potential to uncover buried or surficial human remains outside of a recognized cemetery or other burial location. Construction activities that result in disturbing or destroying human remains could result in impacts to our knowledge of the burial practices of the people who were buried, the people who buried the remains, and the pre-historic or historic context and circumstances under which the buried became deceased. Should human remains be discovered, the contractor is required to comply with Health and Safety Code §7050.5. This requires halting work in the immediate area of the find and notifying the County Coroner, who must then determine whether the remains are of forensic interest. If the Coroner, with the aid of a supervising archaeologist, determines that the remains are or appear to be of a Native American, the Coroner is required to contact the Native American Heritage Commission for further investigations and proper recovery of such remains, if necessary. Implementation of existing regulations will ensure that any discovered remains are appropriately collected and examined for any significant information that can be elicited. Potential impacts due to effects on human remains will be less than significant with adherence to existing regulations.

## 6. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Be located on expansive soil, as defined in Chapter 18 of the most recently adopted California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A, C-D) **Less than Significant Impact.** According to the General Plan EIR, potentially hazardous geological and soils conditions occur in the Planning Area that include fault rupture, severe seismic activity, subsidence, collapse, and lateral spreading, although risk due to liquefaction and landslide would be minimal. Development sites subject to one or more of these conditions can have the effect of disturbing or destabilizing geologic units or soils such that hazards or hazardous conditions are initiated, thereby resulting in potential impacts to properties in the vicinity of the project. Potential impacts to properties within the vicinity and inclusive of the development include property destruction, injury, and loss of life depending on the severity of the impact. Geological and soils hazards of concern are summarized below as described in the Fresno County General Plan EIR, supplemented by additional data.<sup>11</sup>

<sup>11</sup> Fresno County. General Plan Update Draft Environmental Impact Report. February 2000

- ^ **Fault Rupture:** There are active and potentially active faults within and adjacent to Fresno County. Faults within Fresno County and major active and potentially active faults in the region are described in Section 14.3 of the County's General Plan EIR. The Nunez and Ortigalita faults are located near Coalinga and Panoche in the West Valley and have been designated Alquist-Priolo Earthquake Fault Zones (EFZ). An active fault may pose a risk of surface fault rupture. Surface rupture occurs when movement on a fault deep within the earth breaks through to the surface. Fault rupture typically follows preexisting faults and the rupture may occur suddenly during an earthquake or slowly in the form of a fault creep.
- ^ **Seismic Ground Shaking:** Most of Fresno County east of Interstate 5 (I-5) is located in Seismic Zone 3 pursuant to the California Building Code. Areas in the Coast Range and foothills and an area along the Fresno County-Inyo County boundary are located in Seismic Zone 4. Groundshaking is the primary seismic hazard in Fresno County, because of the seismic setting and record of historical activity. Urbanized locations in the East Valley, West Valley, and Sierra Nevada Foothills are subject to less intense seismic effects than locations in the Coast Range Foothills and Sierra Nevada Mountains.
- ^ **Expansive Soils:** Expansive soils are those that greatly increase in volume when they absorb water and shrink when they dry out. Expansion is measured by shrink-swell potential defined by the relative volume change in soil while gaining in moisture. If the shrink-swell potential is rated moderate to high, damage to buildings, roads, and other structures can occur. Soils exhibiting a high to moderately high shrink-swell potential generally occur in a linear, northwest-trending area generally parallel to the Friant-Kern Canal foothills in Kings Canyon National Park of the Sierra Nevada and along Fresno Slough from Madera County to Kings County. Investigations conducted under the auspices of the Natural Resource Conservation Service (NRCS) for the Westlands Water District have identified areas of expansive soils generally parallel the San Luis Drain.

Future housing developed pursuant to the policies of the proposed Housing Element will be subject to the requirements of the California Building Code (CBC) as adopted by the City, including preparation of a soils report. The CBC requires analysis of soils and application of engineering standards to ensure project sites are made suitable for building construction, particularly in regard to foundation design. Typical foundation design requirements to prevent failure due to the effects of geological hazards include post-tensioning due to lateral spreading/collapse, installation of piles due to liquefaction, dewatering or pre-saturation due to expansive soils, and installation of geomats due to landslides. Foundation and structural design for proposed development of the Inventory Sites will be subject to analysis and design recommendations by a licensed geotechnical engineer for review and approval by the City. In addition, implementation of General Plan Policies S-3.1 and S-3.2, requiring conformance with CBC requirements, preparation of project-specific soils and geologic-seismic analysis will ensure that impacts due to geological and soils hazards will be less than significant.

**B) Less than Significant Impact.** Natural forces, both chemical and physical, are continually at work breaking down and moving rocks, minerals, and soils. Erosion poses environmental hazards through the effect of removing soils that can undermine roads and buildings and destabilize slopes. Erosion can also result in environmental damage by depositing soils in reservoirs, lakes, and drainage structures that can result in impacts to wildlife and human health by changing the ecological properties or the physical boundaries of the water body or drainage control device. In the eastern Fresno County area, soils exhibiting moderately high to high erosion potential are located in the Sierra Nevada and its foothills, generally coinciding with slopes that exceed 30 percent, although most areas are not substantially populated. Within the Valley, erosion is generally not problematic except for areas containing *Rossi* soils east of the Fresno Slough. Severe erosion potential has also been identified along the San Joaquin River Bluff where widely spaced gullies have eroded soils from subsiding floodwaters that drain into the main flood control channel. In western Fresno County, most soils associated with the *Kettleman* series generally located west of I-5 in the Coast Range foothills could be subject to moderate to severe sheet and gully erosion potential. *Panoche* and *Panhill* soils are classified as exhibiting no erosion under natural conditions, but their physical properties are particularly susceptible to erosion as a result of human activity. These soils are located extensively throughout western Fresno County and are especially prevalent in areas of young alluvial fans. Impacts will be less than significant with compliance with Federal and State regulations limiting erosion pursuant to NPDES requirements, SJVAPCD rules, and local implementation requirements associated with these regulations.

E) **Less than Significant Impact.** Municipal Code §13.8.020 (Sewer connection required) requires that any building or structure within the boundaries of any lot within the city be connected with a public sewer within 30 days after the time when a public sewer line is brought within 100 feet of said property. All existing cesspools and septic tanks within the City must be rendered inoperable and either backfilled or steps must be taken to render them sanitary and safe by the city's inspector. General Plan Policy LU-13.5 requires that annexation areas prepare Municipal Services Plans as part of the land entitlement process including sewer. General Plan Policy LU-14.1 requires that the City plan for the expansion of needed water and sewer infrastructure. Impacts will be less than significant.

**7. GREENHOUSE GAS EMISSIONS**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A-B) **Less than Significant Impact.** Climate change is the distinct change in measures of climate over a long period of time. Climate change is the result of numerous, cumulative sources of greenhouse gas emissions all over the world. Natural changes in climate can be caused by indirect processes such as changes in the Earth’s orbit around the Sun or direct changes within the climate system itself (i.e. changes in ocean circulation). Human activities can affect the atmosphere through emissions of greenhouse gases (GHG) and changes to the planet’s surface. Human activities that produce GHGs are the burning of fossil fuels (coal, oil and natural gas for heating and electricity, gasoline and diesel for transportation); methane from landfill wastes, raising livestock, and deforestation activities; and some agricultural practices.<sup>12</sup>

Greenhouse gases differ from other emissions in that they contribute to the “greenhouse effect.” The greenhouse effect is a natural occurrence that helps regulate the temperature of the planet. The majority of radiation from the sun hits the Earth’s surface and warms it. The surface in turn radiates heat back towards the atmosphere, known as infrared radiation. Gases and clouds in the atmosphere trap and prevent some of this heat from escaping back into space and re-radiate it in all directions. This process is essential to supporting life on Earth because it warms the planet by approximately 60° Fahrenheit. Emissions from human activities since the beginning of the industrial revolution (approximately 250 years ago) are adding to the natural greenhouse effect by increasing the gases in the atmosphere that trap heat, thereby contributing to an average increase in the Earth’s temperature. Greenhouse gases occur naturally and from human activities. Greenhouse gases produced by human activities include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Since 1750, it is estimated that the concentrations of carbon dioxide, methane, and nitrous oxide in the atmosphere have increased over 36 percent, 148 percent, and 18 percent, respectively, primarily due to human activity. Emissions of greenhouse gases affect the atmosphere directly by changing its chemical composition while changes to the land surface indirectly affect the atmosphere by changing the way the Earth absorbs gases from the atmosphere.

In August 2008, the SJVAPCD adopted the Climate Change Action Plan (CCAP). The CCAP required the development of guidance to assist Lead Agencies, project proponents, permit applicants, and interested parties in assessing and reducing project-specific contributions of greenhouse gas emissions and resulting cumulative impacts due global climate change.<sup>13</sup> On December 17, 2009, the SJVAPCD adopted the *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. The guidance relies on the use of performance based standards, otherwise known as Best Performance Standards (BPS), to normalize the effects resulting from project-specific greenhouse gas emissions that contribute to global climate change during the environmental review process, as required by CEQA.

<sup>12</sup> United States Environmental Protection Agency. *Frequently Asked Questions About Global Warming and Climate Change. Back to Basics*. April 2009.

<sup>13</sup> San Joaquin Valley Air Pollution Control District. Climate Change Action Plan. [http://www.valleyair.org/Programs/CCAP/CCAP\\_menu.htm](http://www.valleyair.org/Programs/CCAP/CCAP_menu.htm) [November 17, 2015]

Use of the BPS method is designed to streamline the CEQA process for determining significance and is not a mandated emissions reduction program as promulgated by the SJVAPCD. Projects for which the BPS method has been used can be determined to have less than cumulatively significant impacts related to climate change as supported by evidence documented by the SJVAPCD. Otherwise, demonstration of a 29 percent reduction in GHG emissions as compared to future conditions under which the project is operated without GHG reduction methods (known as the Business-as-Usual, or BAU, baseline) is required to find that a project would have an inconsiderable contribution to cumulative global climate change conditions and the resulting impacts to the environment. The guidance does not limit a lead agency's authority to establish its own process for determining the significance of impacts resulting from global climate change or a project's contribution to those impacts.

## **CONSTRUCTION EMISSIONS**

Future development proposed on Inventory Sites will result in short-term greenhouse gas emissions from construction activities. Greenhouse gas emissions would be released by equipment used for demolition, grading, paving, and other construction activities. GHG emissions would also result from worker and vendor trips to and from project sites and from demolition and soil hauling trips. Construction activities are short-term and cease to emit greenhouse gases upon completion, unlike operational emissions that are continuous year after year until operation of the use ceases. In recognition of the temporary character of GHG emissions from construction activities, the SJVAPCD Guidance does not require construction-related GHG emissions to be included in analysis of project-specific climate change impacts.

## **LONG-TERM EMISSIONS**

Future development projects will result in continuous GHG emissions from mobile, area, and other operational sources. Mobile sources, including vehicle trips to and from development projects, will result primarily in emissions of CO<sub>2</sub>, with minor emissions of CH<sub>4</sub> and N<sub>2</sub>O. The most significant GHG emission from natural gas usage would be CO<sub>2</sub>. Electricity usage by future development and indirect usage of electricity for water and wastewater conveyance would result primarily in emissions of carbon dioxide. Disposal of solid waste would result in emissions of methane from the decomposition of waste at landfills, coupled with CO<sub>2</sub> emission from the handling and transport of solid waste. These sources combine to define the long-term greenhouse gas inventory for typical development projects.

Future housing will be constructed on undeveloped and currently-developed but underutilized properties. GHG emissions will be evaluated during the City's standard environmental review process as required by CEQA using the BPS method promulgated by the SJVAPCD. Applicable measures will be incorporated into future projects, ensuring GHG emissions are reduced to levels that will not be considered cumulatively considerable in the context of global climate change and its resultant impacts. Some projects may be required to identify a GHG emissions inventory using regulatory and industry standard methodologies and measures to reduce emissions by 29 percent from BAU levels. GHG reduction measures identified in the Guidance documentation are categorized bicycle/pedestrian/transit, parking, site design, mixed-use, building component, transportation demand, and miscellaneous, each addressing the various operational sources of GHG emissions that are generated by development. Incorporation of BPS will ensure compliance with the regional CCAP and by extension the targets identified in the state Scoping Plan for reduction of GHG emissions. Impacts will be less than significant.

**8. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A-D) **Less than Significant Impact.** Residential and mixed-use housing development do not cause or contribute substantially to potential hazards to the public or the environment because these uses do not involve the routine use, transport, or disposal of appreciable amounts of hazardous materials or wastes. For purposes of the following analysis, a “significant hazard to the public or the environment” is characterized by the effects of exposure to hazardous materials and/or wastes from a facility or facilities that are subject to operations-specific federal, state, regional, or local regulations and implementation processes (including permitting, accident contingency, and clean-up requirements) based on the amount of



material or waste undergoing use, transport, or disposal and the resulting impacts to human health or ecosystem functions. Residential uses are characterized by the use of common, widely-available hazardous materials including paints and other solvents, cleaners, and pesticides. The remnants of these and other products are disposed of as household hazardous waste (HHW), which also includes batteries, electronic wastes, and other wastes that are prohibited or discouraged from being disposed of at local landfills. Use of common household hazardous materials is not subject to federal or state permitting at the consumer level and it is reasonably foreseeable that upset and accident conditions cannot be met by the use, transport, and disposal of such materials and wastes from future residences. Their use is at such levels as to not have the potential to result in risk of upset or accident that could harm a substantial number of people, including children attending schools in the area, or have a substantial effect on the functions of the local or regional ecosystem.

**Hazardous Sites:** The proposed Inventory Sites are not listed as hazardous waste and substances sites, leaking underground storage tank sites, solid waste disposal sites, hazardous waste facilities subject to corrective action, or sites regulated by the Regional Water Quality Board.<sup>14</sup> There are four cases of leaking underground storage tanks (LUST) located along Oller Street, with two (located at the southern boundary of the city) located near an identified Inventory Site. The Beacon site (located at 1267 Oller Street) included removal of a former UST, soil and groundwater investigations, and site remediation with a closure date of September 29, 1998.<sup>15</sup> In January 2015, the Central Valley Regional Water Quality Control Board (CVRWQCB) reopened the case after an investigation of the Gonzales Mini Mart LUST (located at 1278 Oller Street) found petroleum hydrocarbons in groundwater that could be from the Beacon Site.<sup>16</sup> A site assessment prepared by Horizon Environmental Inc. in July 2015 and determined that the petroleum hydrocarbons found in the groundwater are likely from the Gonzales site and recommends no further action.<sup>17</sup> However, on November 12, 2015, CVRWQCB requested that the originating plume from the Beacon site be determined. A Work Plan for Additional Groundwater Investigation has been submitted to CVRWQCB. The ground water flows to the east, away from identified Inventory Sites. The Gonzales site submitted a Hydrocarbon-Impacted Site Remediation Report in August 2015 and CVRWQCB review determined that the site may be ready for closure.<sup>18</sup>

General Plan Policy S-5.1 requires that the City require any commercial or industrial use to properly store and dispose of materials in a manner which will prevent leakage, potential explosions, fires, or the escape of harmful gases. General Plan Policy S-5.4 requires that hazardous materials procedures be consistent with Fresno County's Hazardous Waste Management Plan. Further, remediation of groundwater contamination from LUSTs is monitored by CVRWQCB.

**Materials and Wastes Transport:** Hazardous materials pass through the City in route to other destinations via rail and the surface street system. The major transportation routes through the City include the surface street system and the Union Pacific Railroad (UPRR) rail line. The City does not have designated truck routes; however, trucks would typically travel along main arterial roadways such as Oller Street (State Route 180), Belmont Avenue, and Derrick Avenue (State Route 33). Inventory Sites are located along all Oller Street, Belmont Avenue, Derrick Avenue, and the UPRR. The UPRR bisects Mendota in a general northwest-southeast direction. While train derailment can occur at any time, it is during an earthquake that a derailment and hazardous materials release would pose the greatest risk of hazards. The City has no direct authority to regulate the transport of hazardous materials on local and regional roadways or railways; however, under upset and accident conditions, it is reasonably foreseeable that the most of the spill would be contained within the right-of-way of a roadway with

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<sup>14</sup> California Environmental Protection Agency. Cortese List Data Resources. <http://www.calepa.ca.gov/SiteCleanup/CorteseList/> [December 15, 2015]

<sup>15</sup> State Water Resources Control Board. Geotracker. Site Maps/Documents. Beacon S/S #3-363 (T0601900011) [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0601900011](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0601900011) [December 15, 2015]

<sup>16</sup> Central Valley Regional Water Quality Control Board. Underground Storage Tank Release, Beacon Station 363, 1267 Oller Street, Mendota, Fresno County, RB Case 5T1000011 [https://geotracker.waterboards.ca.gov/regulators/deliverable\\_documents/5783223032/JAN\\_16\\_BEACON\\_JWH.pdf](https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/5783223032/JAN_16_BEACON_JWH.pdf) [December 15, 2015]

<sup>17</sup> Horizon Environmental, Inc. Additional Site Assessment Report: Former Beacon Station No. 363. [https://geotracker.waterboards.ca.gov/esi/uploads/geo\\_report/8962324678/T0601900011.PDF](https://geotracker.waterboards.ca.gov/esi/uploads/geo_report/8962324678/T0601900011.PDF) [December 15, 2015]

<sup>18</sup> State Water Resources Control Board. Geotracker. Site Maps/Documents. Gonzales Mini Mart (T0601900364) [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0601900364](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0601900364) [December 15, 2015]

minimal chance of hazardous materials or wastes reaching adjacent homes. On the other hand, it is reasonably foreseeable that train derailment would result in extensive impacts to adjacent residents as the train and multiple train cars leave the tracks and violently careen with the adjacent environment. Transportation of hazardous materials and wastes by truck and rail is regulated by the U.S. Department of Transportation (DOT). DOT regulations establish criteria for safe handling procedures. Federal safety standards are also included in the California Administrative Code. The California Health Services Department also regulates the haulers of hazardous waste, but does not regulate all hazardous materials. Although there is some reasonably foreseeable potential for exposure of future residents to hazardous materials and wastes under upset and accident conditions, federal and state regulations are in place with a focus on prevention of accidental releases and measures for appropriate containment and cleanup when accidents occur.

**Facilities:** According to the EPA, there are three small quantity generators (SQGs) of hazardous wastes operating within and adjacent to Mendota. SQGs generate between 100 kilograms and 1,000 kilograms (approximately 220-2,200 pounds) of hazardous waste per month. AES Mendota (located at 400 Guillen Parkway) is a fossil fuel electric power generator and is in compliance with applicant regulations.<sup>19</sup> Pacific Bell (located at 1658 Seventh Street) is a wireless telecommunications carrier.<sup>20</sup> United Health Centers Mendota (located at 121 Barboza Street) is a health care center.<sup>21</sup> Both the federal government and the State of California require all businesses that handle hazardous materials or extremely hazardous materials to submit a business risk management plan to the local Certified Unified Program Agency (CUPA). The CUPA with jurisdiction in Mendota is the Environmental Health Division of the Fresno County Department of Public Health. The business risk management plan must include an inventory of the hazardous materials and emergency response plans and procedures to be used in the event of a significant release of a hazardous material. Implementation of federal and state requirements for the operation of these types of facilities will ensure that exposure to residential uses will be minimized or avoided.

Considering the preceding analysis, the proposed Housing Element will not result in effects from the use, transport, or disposal of hazardous or acutely hazardous materials or wastes, under normal or upset and accident conditions, which could impact human health or the environment with implementation of existing regulations, standards, and General Plan Policy. Impacts will be less than significant.

**E-F) Less than Significant Impact.** There are nine public and private airports within Fresno County.<sup>22</sup> The public airports are Fresno-Yosemite International Airport, Fresno Chandler Downtown Airport, Coalinga Airport, Firebaugh Municipal Airport, William R. Johnston Municipal Airport (Mendota), and Reedley Municipal Airport. The private airports are Harris Ranch Airport, Selma Aerodrome, and Sierra Sky Park Airport. Specific land use policy plans have been developed for Fresno-Yosemite International, Fresno Chandler Downtown, Coalinga, Harris Ranch, and Sierra Sky Park Airports. A single land use policy plan has been prepared for Firebaugh, Mendota, Reedley, and Selma Aerodrome.

Airport safety issues and their connection with land use planning are generally associated with hazards posed by departing and landing aircraft crashes and the effects those crashes could have on uses and people on the ground. Development within the approach and departure zones of an airport or airstrip are subject to the effects of potentially widespread, although rare, aircraft crashes; therefore, the denser the development and population within these zones, the greater the risk of impacts to human health. Aircraft crashes can result in the substantial loss of property and life depending on the size of the aircraft, its velocity, the pitch, yaw, and roll at the moment of impact, and the type of cargo it is carrying. Development within the vicinity of an airport can result in increased potential for impact due to height, glare, and electronic interference that can disrupt flight patterns and pilots operating out of the airport.

<sup>19</sup> United States Environmental Protection Agency. Envirofacts. AES Mendota (EPA Registry ID: 110000524077). [http://oaspub.epa.gov/enviro/multisys2\\_v2.get\\_list?facility\\_uin=110000524077](http://oaspub.epa.gov/enviro/multisys2_v2.get_list?facility_uin=110000524077) [December 15, 2015]

<sup>20</sup> United States Environmental Protection Agency. Envirofacts. Pacific Bell (EPA Registry ID: 110002947731). [http://oaspub.epa.gov/enviro/multisys2\\_v2.get\\_list?facility\\_uin=110000524077](http://oaspub.epa.gov/enviro/multisys2_v2.get_list?facility_uin=110000524077) [December 15, 2015]

<sup>21</sup> United States Environmental Protection Agency. Envirofacts. United Health Centers Mendota (EPA Registry ID: 110002889241). [http://iaspub.epa.gov/enviro/fii\\_query\\_dtl\\_disp\\_program\\_facility](http://iaspub.epa.gov/enviro/fii_query_dtl_disp_program_facility) [December 15, 2015]

<sup>22</sup> Fresno County. General Plan Update Draft Environmental Impact Report. February 2000

The Airport Land Use Commission (ALUC) is responsible for ensuring that development within the vicinity of an airport does not cause undue risk to airport operations or the safety of persons on the ground. The commissioners represent the county, its cities, and the public. Legislation passed in 1982 established a direct link between airport land use plans and the land use plans and regulations adopted by cities and counties, as established in California Public Utilities Code §21676. In accordance with this legislation, the ALUC must review the general and specific plans of local jurisdictions for consistency with the county's airport comprehensive land use plan (CLUP). Primary and Secondary Review Areas must be identified for each facility. Projects proposed within the geographic boundaries of the Primary Review Area are referred to the ALUC for review and evaluation. Within the Secondary Review Area, only those projects involving a structure or other object with a height that would exceed that permitted under adopted land use zoning would be referred to the ALUC for review.

The William R. Johnston Municipal Airport is located in the east-central portion of the city and all identified Inventory Sites are located within two miles of this airport. General Plan Policy S-7.1 calls for the continued compliance with safety policies contained in the Fresno County Airport Land Use Policy Plan (ALUPP). General Plan Policy S-7.2 states that the City should prepare an Airport Master Plan which would identify potential hazards associated with any changes to the airport and vicinity. According to the General Plan EIR, impacts related to potential hazards associated with airport operations would be less than significant with implementation of General Plan Policies. The proposed Housing Element does not propose to re-zone or re-designate any of the identified Inventory Sites. Therefore, impacts associated with future housing on the identified Inventory Sites are within the analysis provided in the General Plan EIR. Implementation of the proposed Housing Element will not result in increased impacts as contemplated in the General Plan EIR; impacts will be less than significant.

**G) No Impact.** The City has adopted an Emergency Operations Plan that serves as an extension of the California Emergency Plan. The purpose of the Emergency Operations Plan is to respond to emergency situations with a coordinated system of emergency service providers and facilities. The Emergency Operations Plan addresses the City's planned response to extraordinary emergency situations associated with natural disasters, technological incidents, terrorist activities, and war-related operations. The Plan is designed to include the City as part of a county- and statewide emergency management system. The Plan also addresses evacuation and movement of people in the event of an emergency. It should be noted that the Emergency Operations Plan is decidedly flexible in order to respond to the inherent chaos associated with disasters in a manner that is coordinated but responsive to the immediate needs of the situation. The proposed Housing Element does not include any land use, circulation, or safety changes that could conflict with implementation of the Emergency Operations Plan or other emergency response programs. No impact will occur.

**H) Less than Significant Impact.** Fresno County is most prominently subject to wildland fires west of Interstate 5 and east of Clovis and Sanger in approach to the Sierra Nevada.<sup>23</sup> Wildland fires can result in loss of property and life when coming in contact with developed areas. Wildland fires can also result in dramatic effects to the wildlands whence they came. Future development within Very High Fire Hazard Severity Zones (VHFHSZ) is required to be constructed pursuant to California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure). Development within the local agency VHFHSZ is considered to be located in the wildlands-urban interface (WUI) and requires special construction in order to protect life and property by increasing the ability of a building to resist intrusion of flames or burning embers projected by a vegetation fire, and conflagration losses. The CBC focuses on the construction and materials used in roofs, attic ventilation, exterior walls, decking, floors and underfloors, and ancillary buildings, structures, and appendages. Implementation of these requirements will ensure that future housing with the WUI is constructed to withstand wildland fires, thereby minimizing any associated impacts.

According to the General Plan EIR, General Plan build out will result in increased urban/wildland interface where developed areas meet undeveloped agricultural land. General Plan Policies S-1.1 and S-4.1.2 through S-4.3 requires that the City plan for adequate facilities, equipment, and personnel to meet fire-fighting demands. General Plan Policy S-4.4 provides specific policy regarding potential wildfire impacts that ensure that development projects are designed to provide a fire buffer and will require on-going fuels management to limit the potential exposure of persons/structures to wildfire hazards. According to the General Plan EIR, impacts will be less than significant with implementation of existing regulations and General Plan Policy.

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<sup>23</sup> California Department of Forestry and Fire. Fire Hazard Severity Zone Map. 2007/2008

**9. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A) **Less than Significant Impact.** The City of Mendota, along with several other cities within Fresno County, are joint permittees under the Phase II Small MS4 General Permit issued by the Central Valley Regional Water Quality Control Board (RWQCB) Water Quality Order 2013-0001-DWQ and National Pollutant Discharge Elimination System (NPDES) General

Permit CAS000004. The Order prohibits polluted storm water and non-storm water discharges into the storm drain system, identifies receiving water limitations on constituent loading, and requires preparation of a Storm Water Quality Management Plan (SWQMP). The SWQMP is required for all MS4 permits to address prohibited discharges from construction, industrial and commercial, municipal operations through structural mechanisms and programs addressing illicit connections and discharges, public outreach and education, and land use planning to be measured against performance and effectiveness indicators during the mandatory annual review.

Housing is a common type of urban development and is addressed in the City waste discharge requirements for construction and operational sources of pollutants that can affect downstream surface water bodies by discharge into the local storm drain system. Discharge of pollutants into water bodies can result in effects on the beneficial uses of the water body. Beneficial uses include water for agricultural uses, special areas for biological resources, cold freshwater habitat, commercial and sport fishing, multitudes of habitats, freshwater replenishment sources, areas of artificial or natural groundwater recharge, water for industrial supply and process, water for domestic uses, waters used for navigation, areas where rare or endangered species could occur, fish spawning grounds, migration, shellfish harvesting, and recreational activities.<sup>24</sup> The resulting impacts due to effects on water quality and associated beneficial uses include disruption of the ecosystem due to the loss of habitat, potential harm or death to sensitive species, and a narrowing of migratory options and species' gene pools. Impacts to humans range from quality of life issues such as the loss of recreational waters to potential health impacts due to contamination of drinking water supplies and contamination of fish and other marine life farmed and sold for food. The proposed Housing Element does not include any policies or programs that would conflict with implementation of the NPDES program such that future residential development could result in exceedance of the waste discharge requirements and thus will not substantially impact downstream water quality. Furthermore, future housing development will be subject to environmental inquiry and potential review pursuant to CEQA. Impacts related to violation of water quality standards and waste discharge requirements will be less than significant with implementation of existing permit regulations.

**B) Less than Significant Impact.** The proposed Housing Element can accommodate projected housing demand over the next eight years, which will require potable water for drinking, food preparation, cleaning, bathing, and landscape irrigation. Future housing will generate demand for water in addition to the demand of existing uses and the incremental increase in demand as growth occurs in the area; therefore, the future housing will contribute to cumulative, long-term increases in demand for groundwater and other water resources. The City is situated above the San Joaquin Valley Groundwater Basin where much of the groundwater supply is generated through recharge of the Basin via the San Joaquin River. No imported water source is available and water supplies are limited to those within the watershed. The dependence on groundwater and the growth in water demand by urban and agricultural users has depleted groundwater resources in the Central Valley. Despite efforts to balance supply and demand, increased pumping during the irrigation season has resulted in seasonal and long-term declines in groundwater levels in some parts of the City. Beyond the potential loss of water for potable and non-potable uses, declines in groundwater can result in effects on the operation of water wells. Water wells are columns in the soil that can be dug by hand, created by driving a pipe through the soil, or drilled to the appropriate depth to extract groundwater where a pump is installed to force water closer to the surface. Declining groundwater levels can cause the water table to descend below a water well's pump intake, rendering the well incapable of drawing water. This problem is exacerbated where multiple wells are in proximity to each other, resulting in a cumulative drawdown of the water table that can result in multiple wells running dry. This can result in temporary water shortages and require the creation of new water wells and abandonment of the existing well, both of which require construction activities that can result in nominal impacts to the environment due to use of construction equipment, penetration of soils, concrete pouring, and worker vehicle trips. Water is essential to the proper function of an ecosystem and human life and activities; thus, water shortages can impact the health and well being of humans and the quality of the environment.

General Plan Policies LU-13.1 through LU.13-7 and LU-12.2 through LU-12.4 require that new development pay its fair share of the costs related to the need for increased water system capacity and new water supply infrastructure. General Plan Policy LU-13.3 promotes water conservation through the utilization of non-potable water for landscape irrigation and other similar

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<sup>24</sup> Central Valley Regional Water Quality Control District. Water Quality Control Plan for the Sacramento and San Joaquin River Basins. 4<sup>th</sup> ed. September 1998

uses. General Plan Policies OSC-9.1 through OSC-9.7 will ensure that groundwater and/or water supplies are preserved, monitored, and kept free of contamination. The General Plan EIR concluded that existing and future water supply will be sufficient to accommodate General Plan build out. The proposed Housing Element update does not include any changes to the land use designations of the Inventory Sites; thus, impacts associated with potential development of the Inventory Sites will remain within the scope of analysis in the General Plan EIR. Future development of the Inventory Sites will be subject to environmental inquiry and possible project-specific environmental review pursuant to CEQA. Considering that the proposed Housing Element is consistent with the analysis documented in the General Plan EIR and will not increase groundwater demand beyond that assessed in the General Plan EIR, the Housing Element will result in equivalent or less than significant impacts related to the decline in groundwater levels when compared to the significant and unavoidable impact determination documented in the General Plan EIR.

**C-E) Less than Significant Impact.** Future development of housing will occur on currently- or previously-developed sites and undeveloped sites. Development on currently- or previously-developed sites is unlikely to substantially change the hydrological conditions of the site that was undoubtedly graded and engineered to convey on-site flows to local storm drains or water quality basins in accordance with the City standard requirements for drainage and flood control, as specified in Municipal Code §16.32.320 and §13.08.260. Development on previously-undeveloped sites may result in more substantial changes to the site topography and drainage conditions as cut and fill activity occurs to balance the site for building construction. The concern with changes to on-site drainage is the potential for flooding, erosion, siltation, pollutant loading, and exceedance of storm drain capacity due to the lack of or improperly-designed conveyance of runoff. The effects of changes in drainage patterns can result in impacts to human health and quality of life and the environment through damage or destruction of structures, sedimentation of downstream water bodies and the resulting impact to aquatic biological resources, decreased water quality with similar impacts to aquatic biological resources, and stormwater backup that can result in similar types of flooding impacts.

General Plan Policies S-2.1 through S-2.10 require that new development adequately dispose of stormwater runoff in detention basins and that multiple projects should drain to single ponds, where feasible. Large basins should also be designed to accommodate multiple uses when not holding water. The utilization of natural drainage systems to manage flood-prone areas will also be encouraged. General Plan Policies LU-16.1 through LU-16.20 require that the City prepare and adopt a Floodplain Management Ordinance in accordance with FEMA and OES guidelines. Impacts due to the effects of changes in drainage patterns will be less than significant with implementation of existing regulations and General Plan Policies.

**F) No Impact.** No other potential impacts related to hydrology and water quality were identified in this analysis. No impact will occur.

**G-H) Less than Significant Impact.** According to the General Plan EIR, the Inventory Sites located east of Sorensen Avenue, north of McCabe Avenue, and west of Derrick Avenue are located within the 100-year flood hazard area. General Plan Policies LU-16.1 through LU-16.20 requires that the City prepare and adopt a Floodplain Management Ordinance in accordance with FEMA and OES guidelines, which according to the General Plan EIR, will protect persons and property from the damaging impacts of flooding through stormwater control, maintaining drainage courses within the 100-year floodplain, floodplain management, prohibiting development on land subject to flooding during a 100-year event. §14.20.010 (Standards of construction) of the Municipal Code provides standards related to construction within a flood zone. All construction materials used must be flood-resistant as specified in FEMA technical bulletin TB 2-93, construction methods must minimize flood damage, and adequate drainage paths around structures on slopes to guide flood waters around and away from structures must be installed. Residential construction within Zone AO must be elevated above the highest adjacent grade to a height equal to or exceeding the specified flood depth or elevated at least two feet above the base flood elevation. Residential development within Zone A must be elevated to or above the base flood elevation. According to the General Plan EIR, implementation of General Plan Policies and existing regulatory standards will reduce impacts to less-than-significant levels.

**I) No Impact.** According to the General Plan EIR, the city of Mendota faces minimal risk of inundation due to the failure of Friant Dam on the San Joaquin River or the Pineflat Dam on the Kings River due to the distance between these dams and Mendota. Therefore, no impact will result.

J) **Less than Significant Impact.** *Seiche* describes a standing wave that is created within a confined or mostly-confined body of water, potentially due to an earthquake or wind resonance. The effect is such that water, often in substantial quantities, sloshes outside the containing boundaries. Seiche can result in localized flooding that may cause property damage or personal injury. This could occur within an open reservoir, lake, or other large waterbody. The Planning Area does not contain any open reservoirs, lakes, or other large bodies of water; therefore, significant impacts resulting from the effects of seiche will not occur.

A *tsunami* is a large wave that generates in the ocean, generally from an earthquake, and builds intense strength and height before impacting a coast. Tsunami can result in significant property damage and loss of life due to the intense, destructive nature of the wave and the often-sudden occurrence with little chance for warning. The Planning Area is not subject to impacts from the effects of a tsunami because it is located over 100 miles inland of the Pacific Ocean and is separated therefrom by California's Coastal Ranges.

A *mudflow* (or debris flow) is a rapidly-moving slurry of water, mud, rock, vegetation, and debris. Larger debris flows are capable of moving trees, large boulders, and even cars.<sup>25</sup> This type of failure is especially dangerous because it can move at speeds in excess of 10 miles per hour, is capable of crushing buildings, and can strike with very little warning. As with soil slips, the development of debris flows is strongly tied to exceptional storm periods of prolonged rainfall. Ground failure occurs during an intense rainfall event, following saturation of the soil by previous rains. Relatively small amounts of debris can cause damage from inundation and/or impact. According to the General Plan EIR, the Planning Area is relatively flat, and risk of hazard due to mudflow is less than significant.

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<sup>25</sup> California Geological Survey, CGS Note 33. Hazards from Mudslides.  
[http://www.conservation.ca.gov/cgs/information/publications/cgs\\_notes/note\\_33/Pages/index.aspx](http://www.conservation.ca.gov/cgs/information/publications/cgs_notes/note_33/Pages/index.aspx) [December 3, 2015]

**10. LAND USE AND PLANNING**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A) No Impact.** Communities form neighborhoods within a broader assemblage of land uses, acting as physically-bounded and typically culturally- and economically-homogenous social networks that often define a person’s local sense of place and help shape an individual’s social and cultural perspective, particularly as a youth. Such communities typically are self-policing groups with internal codes of conduct and social norms that help define community character while ensuring individuals do not unduly upset the fabric and spirit that perpetuate the community in operating as a social unit. A significant impact would occur if proposed Inventory Sites are sufficiently large or configured in such a way so as to create a physical barrier within an established community. The proposed Housing Element identifies Inventory Sites throughout the city of Mendota. The Inventory Sites rely on existing land use designations to accommodate new residential and mixed-use development, and no changes are proposed. The General Plan does not designate any established communities defined by a Specific Plan that would be affected by implementation of the proposed Housing Element; therefore, implementation of the proposed Housing Element will not create any physical barrier within the community. Furthermore, project implementation will not require new infrastructure systems such as roadways or flood control channels not already planned and previously considered in the General Plan EIR. As such, the Housing Element update will not divide or disrupt neighborhoods or any other established community elements. No impact will occur.

**B) No Impact.** The Housing Element update sets forth policies to encourage housing development consistent with adopted land use policies established in the General Plan. No changes in land use or development intensities are proposed. The Housing Element does not include any goals, policies, or programs that would conflict with adopted General Plan goals and policies to mitigate impacts due to effects generated by development within the Planning Area, as specified in the certified General Plan EIR. No impact will occur.

**C) No Impact.** Please see Section 4.F for a discussion of biological resources planning efforts and analysis of potential impacts related to the proposed Housing Element.



## 11. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A-B) **No Impact.** Fresno County has produced an abundance of minerals due to the wide variety of mineral resources that are present in the County.<sup>26</sup> Extracted resources include aggregate products (sand and gravel), fossil fuels (oil and coal), metals (chromite, copper, gold, mercury, and tungsten), and other minerals used in construction or industrial applications (asbestos, high-grade clay, diatomite, granite, gypsum, and limestone). The Fresno County General Plan Background report illustrates the general distribution of minerals throughout the County in Figure 7-7 (Mineral Resource Locations). It should be noted that the California Division of Mines and Geology (CDMG) has not performed a comprehensive survey of all potential mineral resource locations nor classified other locations within the County into Mineral Resource Zones (MRZ). According to the General Plan EIR, the Planning Area is classified as MRZ-1, consisting of areas where “adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.” No Impact will result.

<sup>26</sup> Fresno County. General Plan Update Draft Environmental Impact Report. February 2000

## 12. NOISE

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A) **Less than Significant Impact.** To ensure that noise producers do not adversely affect sensitive receptors, the City of Mendota identifies land use compatibility standards within the General Plan to use for planning and development decisions (see Figure 1). The City has not adopted an ordinance or regulation that otherwise addresses noise compatibility. The standards represent the maximum acceptable noise level as measured at the property boundary, which are used to determine noise impacts. The General Plan Noise Element includes policies, standards, criteria, programs, diagrams, and maps related to protecting public health and welfare from excessive noise exposure. General Plan Goals and Policies together with Municipal Code Chapter 9.05 (Excessive Noise) standards for noise control are incorporated into the land use planning process to reduce noise and land use incompatibilities.

**Figure 1  
State of California Land Use Compatibility Noise Criteria**

Land Use Category	Community Noise Exposure (Ldn or CNEL, dBA)						Interpretation
	55	60	65	70	75	80	
Residential – Low Density Single Family, Duplex, Mobile Homes	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	<p><b>Normally Acceptable</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p> <p><b>Conditionally Acceptable</b> New construction or development should be undertaken only after a detailed analysis of noise reduction requirements and needed noise insulation features included in the design. Conventional construction with closed windows and fresh air supply systems or air conditioning will normally suffice.</p> <p><b>Normally Unacceptable</b> New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.</p> <p><b>Clearly Unacceptable</b> New construction or development should generally not be undertaken</p>
Residential – Multiple Family	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Transient Lodging – Motels, Hotels	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Schools, Libraries, Churches, Hospitals, Nursing Homes	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Auditoriums, Concert Halls, Amphitheaters	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Sports Arena, Outdoor Spectator Sports	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Playgrounds, Neighborhood Parks	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Office Buildings, Business Commercial and Professional	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	
Industrial, Manufacturing, Utilities, Agriculture	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	Light Gray	

Source: State of California, Governor's Office of Planning and Research. 2003. State of California General Plan Guidelines.

## **CONSTRUCTION NOISE**

According to the General Plan EIR, construction activity is temporary in nature and is anticipated to occur during normal daytime working hours. However, construction activities will result in elevated noise levels at sensitive receptors. General Plan Policy N-1.8 requires that the City implement acceptable restrictions for various noise-producing activities. Action N-1.8.1 requires that construction activities be limited to between the hours of 7:00 AM and 7:00 PM and prohibited on federal holidays. Action N-1.8.2 requires that construction equipment and staging areas be located the furthest distance possible from adjacent land uses. According to the General Plan EIR, implementation of General Plan Policies and Action items will reduce impacts to less-than-significant levels. In addition, future development of the proposed Inventory Sites will be subject to environmental evaluation for exemption and potential analysis pursuant to CEQA, and therefore, project-specific impacts to ambient noise due to operation of future development, if any, will be assessed when actual physical changes to the environment are proposed pursuant to the policies of the Housing Element. Considering that the Housing Element does not include any amendments to the adopted General Plan and no significant impacts related to effects resulting from static land use designations were identified in the certified General Plan EIR, impacts resulting from the effects of implementation of the proposed Housing Element will be less than significant.

## **OPERATIONAL NOISE**

The primary contributor to ambient noise in the planning area is traffic, particularly from major roadways such as Oller Street, Belmont Avenue, and Derrick Avenue. General Plan Policies N-1.2 and N-1.4 and association Action measures will reduce potential noise impacts by requiring that the City include noise mitigation measures in the design and use of new development projects and in the design and use of new roadway projects. Action measures N-1.2.2 and N.1.3.2 provide standards for determining impacts and appropriate mitigation. Future housing developments on the proposed Inventory Sites are subject to the policies of the existing General Plan designed to minimize noise impacts to noise-sensitive properties. The following noise policies of the General Plan will be implemented during the City's standard environmental review process during the entitlement process for housing developments. According to the General Plan EIR, General Plan Policies and Action measures may not fully mitigate noise impacts in areas where there is existing development due to constraints in age or placement. Therefore, General Plan EIR concluded that noise impacts due to vehicular traffic will be significant and unavoidable.

The proposed Housing Element update does not include any changes to the land use designations of the Inventory Sites; thus, impacts associated with potential development of the Inventory Sites will remain within the scope of analysis in the General Plan EIR. Therefore, implementation of the proposed Housing Element will not result in increased impacts than were already contemplated in the General Plan EIR. Future Housing Development will be subject to preliminary environmental review pursuant to CEQA and if found not to be exempt, subject to full environmental analysis at which time all environmental issues will be vetted and appropriate mitigation incorporated, if needed, should noise impacts be identified. Potential impacts will be less than significant with implementation of existing standards and regulations.

**B) Less than Significant Impact.** Vibration is sound radiated through the ground. The rumbling sound caused by the vibration of room surfaces is called groundborne noise. The ground motion caused by vibration is measured as particle velocity in inches per second, and in the U.S. is referenced as vibration decibels (VdB).

The background vibration velocity level in residential and educational areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors cause most perceptible indoor vibration. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity level, and 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

The general human response to different levels of groundborne vibration velocity levels is described in Table 8 (Human Reaction to Vibration).

**Table 8  
Human Reaction to Vibration**

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, May 2006

Groundborne vibration can result in impacts ranging from minor annoyances to people to major shaking that damages buildings. The primary source of groundborne vibration within the City would be railroad and heavy construction activities. According to the Caltrans *Transportation- and Construction-Induced Vibration Guidance Manual*, transportation sources are not a significant source of vibration and therefore are not discussed below.

Groundborne vibration generated by construction projects is usually highest during pile-driving, rock-blasting, soil-compacting, jack-hammering, and demolition-related activities. Next to pile-driving, grading activity has the greatest potential for vibration impacts if large bulldozers or large trucks are used. The construction of future potential housing developments could utilize machinery that would generate substantial amounts of ground vibration because multiple-lot housing developments generally require mass grading. Construction of future development is not likely to require rock-blasting considering the built-out character of the area. Table 9 (Common Construction Vibration) summarizes vibration levels from common construction equipment. Impacts to structures can occur from 0.08 PPV to 2.00 PPV depending on the duration of the vibration and the age of the structure. Similarly, human annoyance to vibration can occur from 0.01 PPV to 2.00 PPV depending on the duration.

**Table 9  
Common Construction Vibration**

Equipment	PPV (in/sec at 25 ft.)
Crack-and-Seat Operations	2.400
Vibratory Roller	0.210
Large Bulldozer	0.089
Caisson Drilling	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozer	0.003

Source: California Department of Transportation 2004

Vibration impacts are temporary and rare except in cases where large equipment is used near existing, occupied development.

With regard to railroad operations, noise and vibration impacts would be evaluated on a project-by-project basis pursuant to CEQA and the City’s local implementation procedures. General Plan Policy N-1.7 requires that the City work to reduce noise and minimize the impact of noise from existing and projected future railway operations and activities. As part of the Action measures for this Policy, the City shall discourage the development of vibration-sensitive development within 200 feet of all railroad tracks and other sources of strong vibration.

Vibration is difficult to control, and the best methods for mitigation are avoidance. Typical vibration mitigation includes routing and placement of equipment to maximize distance to receptors and use of alternative equipment, such as use of drilled pile drivers as opposed to impact drivers. Subsurface dampeners can also be utilized to reduce groundborne vibration. Impacts related to exposure to groundborne vibration would be less than significant with implementation of local environmental review

procedures. Less-than-significant impacts will be associated with vibration as no policy changes, developments, or infrastructure improvements are proposed as part of the Housing Element update.

**C) Less than Significant Impact.** Residential land uses typically do not produce excessive noise either individually or cumulatively that could substantially increase existing, ambient noise levels. The future development of the Inventory Sites could increase ambient noise levels due to increased traffic generation in the vicinity of a particular project. Thus, development of the Inventory Sites will partially contribute to the noise volumes identified in the General Plan EIR. General Plan EIR Mitigation Measure N-3 requires the City to review development proposals per CEQA, which includes the analysis of vehicular traffic noise. The proposed Housing Element does not include changes to land uses and intensities designated in the current General Plan and analyzed in the EIR. The Housing Element does not propose any specific development or any land use changes that would invalidate this prior finding or further increase traffic levels beyond those analyzed in the General Plan EIR. Project-specific increases in ambient noise levels due to future development on each Inventory Site will be evaluated as development is proposed over the long term pursuant to existing policies and procedures. With these existing policies and procedures in place, impacts related to increases in ambient noise levels will be less than significant.

**D) Less than Significant Impact.** The proposed Housing Element update does not authorize the development or redevelopment of any particular site but does include policies that could facilitate development of future housing. Temporary increases in local noise levels will be associated with construction activities. The updated Housing Element will not result in any new or more severe temporary noise impacts associated with residential construction, as the Housing Element does not propose land uses or intensities not already designated in the General Plan and analyzed in the EIR. Continued enforcement of the City's noise restrictions will reduce temporary noise impacts to less-than-significant levels.

**E-F) Less than Significant Impact.** The William R. Johnston Municipal Airport is located in the east-central portion of the city and all identified Inventory Sites are located within two miles. General Plan Policies N-1.5 and N-1.6 require that the General Plan be consistent with noise requirements of the airport and that the City work to provide awareness about noise and noise-related impacts generated by the airport. Action N-1.6.1 requires the use of easements, disclosure statements, or other appropriate disclosure measure to ensure that new development is informed of the presence of the airport. According to the General Plan EIR, implementation of General Plan Policies will ensure that impacts are less than significant. Considering that the Housing Element does not include any amendments to the adopted General Plan and no significant impacts related to effects resulting from static land use designations were identified in the certified General Plan EIR, impacts resulting from the effects of implementation of the proposed Housing Element will be less than significant.

### 13. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A) **No Impact.** Adoption and implementation of the Housing Element will not, in and of itself, directly result in population growth. Population growth is a complex interaction of immigration, emigration, births, deaths, land use, and economic factors of which the General Plan and Housing Element are only a part. Regional models of population growth and change, accounting for these complexities, are developed by the California Department of Housing and Community Development (HCD) and the Fresno Council of Governments (COG). The proposed Housing Element update is designed to guide and accommodate the City’s share of the projected regional population growth and associated housing over the next eight years. Pursuant to Government Code 65584, HCD is required to determine the Regional Housing Needs Allocation (RHNA), by income category, for each Council of Governments in the State. The RHNA is based on the California Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. COGs are required to allocate to each locality a share of housing need totaling the RHNA for each income category. The RHNA is based on the California Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. COGs are required to allocate to each locality a share of housing need totaling the RHNA for each income category. The population in Fresno County is projected to increase by 443,229 between 2010 and 2040. As discussed in the project description, housing need in Mendota is projected to grow by 554 units over the next eight years to accommodate the projected population growth. Based on a RHNA allocation of 544 units, the Housing Element update will result in an increase of approximately 2,405 new residents (based on Mendota’s average household size of 4.34 for renter-occupied units).<sup>27</sup> The proposed Housing Element is the direct implementation of State requirements to account for population growth and housing needs. The proposed Housing Element and Inventory Sites are projected to meet the City’s housing demand as identified in the RHNA (544 units). Considering that the Housing Element identifies adequate land and planning mechanisms to accommodate the future housing needs of the growing population derived directly from the population growth estimates for the region, the proposed housing Element could not induce population growth. No impact will occur.

B-C) **No Impact.** The proposed Housing Element update is intended encourage and facilitate housing development and preserve and enhance existing housing stock. The natural recycling of land will not result in the loss of housing units because such redevelopment will result in the development of new housing units. Thus, the availability of residential units in response to increases in population is supported by the Housing Element. Considering residential units will increase naturally as guided

<sup>27</sup> United States Census. American FactFinder. Profile of General Population and Housing Characteristics: 2010 – Mendota, California. <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF> [December 15, 2015]

by the goals and policies of the proposed Housing Element, no impacts related to the displacement of housing or people could occur.



### 14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A) **Less than Significant Impact.** The City of Mendota contracts with the Fresno County Fire Protection District (FCFPD) for fire prevention and protection services. Each permanently staffed station of the FCFPD serves an area of approximately 170 square miles. Station 96 serves the Mendota area and is located at the corner of McCabe Avenue and Derrick Avenue in Mendota. In addition to fire protection, the FCFPD provides emergency medical services to the citizens in its area of responsibility. The analysis in the General Plan EIR indicates that new facilities and stations will be required to maintain adequate levels of service to meet long-term population demand. The effects of constructing and operating a new fire station are typical of any development project, such as pollutant emissions from use of construction equipment and staff vehicle trips, changes in the visual character of the station site in the context of the neighborhood, and increased vehicle trips on local roadways. Fire stations also result in the specific effect of generating periodic increases in noise from use of fire engine and emergency vehicle sirens. Construction and operation of a new fire station will be subject to preliminary environmental review pursuant to CEQA and if found not to be exempt, subject to full environmental analysis at which time all environmental issues will be vetted and appropriate mitigation incorporated, if needed. Potential impacts resulting from the effects of constructing and operating future fire facilities will be less than significant with implementation of existing regulations.

B) **Less than Significant Impact.** The Mendota Police Department provides police protection services to the City. The Fresno County Sheriff's Office provides service in the unincorporated areas of the County. According to the General Plan EIR, build out of the Planning Area will require additional police facilities to house additional equipment and officers will need to be constructed. It should be noted that the County Sheriff's Office provided contract police services at the time the General Plan EIR was certified; however, it is assumed that the Mendota Police Department will exhibit similar facilities needs to meet future demand. The locations of future facilities are not known at this time. Future stations will be required in order to maintain an acceptable level of service. The effects of constructing and operating a new police station are typical of any development project, such as pollutant emissions from use of construction equipment and staff vehicle trips, changes in the visual character of the station site in the context of the neighborhood, and increased vehicle trips on local roadways. Police stations also result in the specific effect of generating periodic increases in noise from use of sirens, although typically sirens will be initiated while on patrol as opposed to directly initiating from the substation. Construction and operation of a new substation will be subject to preliminary environmental review pursuant to CEQA and if found not to be exempt, subject to full environmental analysis at which time all environmental issues will be vetted and appropriate mitigation incorporated, if needed. Potential impacts resulting from the effects of constructing and operating future police facilities will be less than significant with implementation of existing regulations.

C) **Less than Significant Impact.** The Mendota Unified School District is a public school system that provides kindergarten through 12th grade education with three elementary schools, one junior high school, one high school, and one continuation school. The effects of schools that can result in environmental impacts are specific and include peak traffic levels occurring in the morning and early afternoon, playground noise, and field lighting. Furthermore, analyses of school impacts are unique in that any impacts resulting from the effects of schools are considered fully-mitigated through the payment of development impact fees pursuant to the Leroy F. Green School Facilities Act; therefore, pursuant to State law and the payment of development impact fees, impacts will be less than significant.

D) **Less than Significant Impact.** The proposed Housing Element will generate new or relocated residents that will require park and recreation facilities and associated programs, either through expansion of existing facilities or construction of new facilities. Construction or expansion of parks can result in nominal effects such as pollutant emissions from construction activities and operational trip generation potentially resulting in similarly nominal impacts to the environment. The General Plan EIR includes discussion of Land Use and Open Space and Conservation Element Policies LU-10.1 through LU-10.3, OS-1.1 through OS-3.5, and OSC-15.1 that require implementation of standards, funding mechanisms, and other strategies to ensure that new housing compensates for incremental increases in parks and recreation service demand, thus providing adequate, per-capita facilities for future residents. Construction and operation of new or expanded parks and recreation facilities will be subject to preliminary environmental review pursuant to CEQA and if found not to be exempt, subject to full environmental analysis at which time all environmental issues will be vetted and appropriate mitigation incorporated, if needed. Potential impacts resulting from the effects of constructing and operating future parks and recreation facilities will be less than significant with implementation of existing regulations.

E) **Less than Significant Impact.** New or relocated residents generated by the provision of new housing guided by the goals and policies of the proposed Housing Element will generate the incremental need for a variety of public and quasi-public services including libraries, medical clinics, urgent care facilities, hospitals, social service centers, senior centers, and other facilities. Construction and operation of new or expanded public service facilities will be subject to preliminary environmental review pursuant to CEQA and if found not to be exempt, subject to full environmental analysis at which time all environmental issues will be vetted and appropriate mitigation incorporated, if needed. Potential impacts resulting from the effects of constructing and operating future public service facilities will be less than significant with implementation of existing regulations.

**15. RECREATION**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A-B) **Less than Significant Impact.** The proposed Housing Element will generate new or relocated residents that will require park and recreation facilities and associated programs, either through expansion of existing facilities or construction of new facilities. Construction or expansion of parks can result in nominal effects such as pollutant emissions from construction activities and operational trip generation potentially resulting in similarly nominal impacts to the environment. The General Plan EIR includes discussion of Land Use and Open Space and Conservation Element Policies LU-10.1 through LU-10.3, OS-1.1 through OSC-3.5, and OSC-15.1 that require implementation of standards, funding mechanisms, and other strategies to ensure that new housing compensates for incremental increases in parks and recreation service demand, thus providing adequate, per-capita facilities for future residents. Construction and operation of new or expanded parks and recreation facilities will be subject to preliminary environmental review pursuant to CEQA and if found not to be exempt, subject to full environmental analysis at which time all environmental issues will be vetted and appropriate mitigation incorporated, if needed. Potential impacts resulting from the effects of constructing and operating future parks and recreation facilities will be less than significant with implementation of existing regulations.

**16. TRANSPORTATION AND TRAFFIC**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A-B) **Less than Significant Impact.** The City is served by local transportation facilities including streets, railways, and bus routes in addition to non-motorized transportation facilities such as sidewalks, trails, and bikeways. These facilities provide options for travel modes that include passenger vehicles, trains, buses, bicycles, and walking. This facilities and modes of travel comprise the circulation system for the City, and the broader system, designed with the goals of efficiently moving people and goods throughout the region by providing ease of access to multiple modes of travel.

Future housing development will primarily generate passenger vehicle trips that will disperse during the morning as residents drive to commercial, industrial, and institutional facilities for a variety of reasons but primarily for work and school. Some trips may be to transit centers, such that a portion of a resident's trip may include alternative transportation modes, while others may simply walk to their destination or to other transit options. The return leg of a trip is generally anticipated to be the reverse of the initial leg of the trip during the afternoon, albeit with higher likelihood of a portion of the trip being dedicated to accessing shopping, entertainment, or other uses. According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, single-family homes generate 9.52 daily trips per dwelling unit, with 7.6 percent of those trips occurring during morning peak

hours and 10.5 percent occurring during afternoon peak hours.<sup>28</sup> Apartments generate 6.65 daily trips per dwelling unit with 7.7 percent occurring during morning peak hours and 9.3 percent occurring during the afternoon peak hour. The concern regarding transportation facilities and their counterpart modes of travel is excessive use throughout the day or during morning and/or afternoon peak hours and the resulting effects on the performance of the facilities' ability to move people and goods. The direct effects of reduced circulation system performance are annoyance and stress, thereby decreasing the quality of life for the user. Direct failure or accelerated deterioration of circulation system facilities can also occur if the facility was not designed to function under increased loading. A variety of indirect impacts to human health and the environment are attributed specifically to excessive use of vehicles on local and regional roadways including effects related to air pollution and ambient noise.

Three planning efforts guide the long-term improvement of the circulation system at the regional and local levels. The Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) is administered by the Fresno Council of Governments (COG) as a comprehensive assessment of all travel modes in Fresno County and the needs of travel and goods movement through the year 2040.<sup>29</sup> The Congestion Management Process (CMP) is also administered by Fresno COG in lieu of a congestion management program that was opted out of in 1997.<sup>30</sup> The CMP addresses congestion management through a process developed cooperatively throughout the metropolitan region that provides for safe and effective management and operation of existing and future transportation facilities through demand reduction and operations strategies. While the RTP/SCS addresses the broader goals of the transportation network, the CMP focuses on specific, regional facilities requiring funding for maintenance and improvements in order to meet the goals of the RTP/SCS. The CMP relies on local jurisdiction standards in determining the performance of the CMP network and notes that the Cities of Fresno and Clovis have adopted the Level of Service (LOS) D standard, and the County and other cities have adopted the LOS C standard. *Level of Service* is a qualitative expression of the performance of a transportation facility, at an intersection or roadway segment, determined by the ratio of vehicles to the facility capacity or the length of delay a driver must wait to pass through a facility. In terms of the CMP, the volume-to-capacity (V/C) ratio at roadway and highway intersections is used. The COG is currently in the process of updating the CMP. The final effort is the City's General Plan Circulation Element that identifies long-term transportation improvements for local facilities. The General Plan includes goals and policies aimed to develop a roadway system that accommodates existing and future land uses at the City's desired level of service and provides multiple options for travel routes, while maintaining a desired level of traffic flow. The Circulation Element also supports safe delivery of goods, pedestrian and bicycle routes between schools and recreation areas, and adequate parking.

Local and regional planning efforts are designed to reduce the direct and indirect effects of travel so as to minimize or avoid resulting impacts on human health and the environment. The proposed Housing Element is consistent with the growth assumptions used in the development of the RTP/SCS and CMP and does not include any land use changes to the General Plan; therefore, the Housing Element will not conflict with the goals of transportation planning efforts of the City or the COG. Furthermore, according to the General Plan EIR, implementation of General Plan Policies will avoid or reduce impacts of General Plan build out on the performance of the roadway system.

Based on this preceding analysis, future housing development will not impede local or regional efforts to ensure an efficient circulation system. Future Housing Development will be subject to preliminary environmental review pursuant to CEQA and if found not to be exempt, subject to full environmental analysis at which time all environmental issues will be vetted and appropriate mitigation incorporated, if needed, should transportation impacts be identified that are not covered under existing or future development impact fees. Potential impacts resulting from conflicts with local and regional transportation plans and performance requirements will be less than significant with implementation of existing standards and regulations.

**C) No Impact.** The updated Housing Element is focused on achieving local housing objectives and does not authorize any construction or permit increases in residential heights that would result in the need to redirect or otherwise alter air traffic patterns. No impacts will occur.

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<sup>28</sup> Institute of Transportation Engineers. Trip General Manual. 9<sup>th</sup> Ed. 2012

<sup>29</sup> Fresno Council of Governments. Regional Transportation Plan and Sustainable Communities Strategy. June 2014

<sup>30</sup> Fresno Council of Governments. Fresno County Congestion Management Process. October 2009

D) **No Impact.** The Housing Element update does not authorize or contemplate the construction of any roadway and will result in no effects on the design of existing or future streets. No impacts will occur.

E) **Less than Significant Impact.** The project does not involve any road construction or any development activity and thus will not obstruct or restrict emergency access to or through the City. Future housing development facilitated by implementation of Housing Element policies will be subject to City consideration during entitlement review and/or application for building permits. The Fire Department reviews all plans to ensure compliance with all applicable emergency access and safety requirements. Impacts involving emergency access will be less than significant with continued implementation of development review procedures.

F) **No Impact.** The project includes programs and policies in support of the development of new housing units to meet the City's regional fair share of housing, as required by State law. The Housing Element is consistent with regional and local transportation plans that promote a holistic transportation system that embodies all modes of travel; therefore, the Housing Element will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impacts will occur.

**17. UTILITIES AND SERVICE SYSTEMS**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
A) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A) **No Impact.** Future housing will generate wastewater from bathroom and kitchen activities that will be conveyed via the sewer. Wastewater for the City of Mendota is treated at the City of Mendota Wastewater Treatment Facility (WWTF), operated by the City. The Central Valley Regional Water Quality Control Board (RWQCB) issued wastewater treatment requirements for the WWTF in Order 91-192. The facility is subject to the permit requirements that establish pollutant limits for effluent discharges to receiving waters. A violation of the WWTF permit requirements would occur if effluent discharges exceeded adopted limits for one or more pollutants or if the daily maximum permitted treatment volume is exceeded and excess discharge is released into downstream water bodies. The WWTF, located northeast of the William R. Johnston Municipal Airport, was constructed in 1975 and originally designed to treat 0.57 MGD of domestic waste generated within Mendota. In 1991, the permit was increased to 1.24 MGD. The General Plan EIR includes an estimate that average treatment in 2009 was 0.8 MGD. Future housing development, consistent with current General Plan land use policy, will result in typical wastewater discharges and will not require new methods or equipment for treatment that are not currently permitted for the existing treatment facility. Furthermore, residential development is not subject to point-source discharge requirements and proposed Housing Element update does not include any changes to the land use designations of any property that could increase wastewater discharges beyond current or future projections. The Housing Element and future housing development will not affect compliance with RWQCB treatment requirements. No impact will occur.

B, D-E) **No Impact.** The WWTF capacity is 1.24 MGD and expandable to 8.96 MGD over the life of the General Plan. The analysis provided in the General Plan EIR indicates this is sufficient to accommodate General Plan build out. The Housing Element is consistent with the General Plan and regional population projections, and thus, the Housing Element is consistent with the master planning efforts of the WWTF to ensure adequate treatment capacity and technologies to serve existing plus future residents. Similarly, the General Plan indicates the City pumps an average of 4.75 MGD of groundwater expandable up to 8.79 MGD with the addition of two production wells. This is sufficient to meet the long-term water demand of the City. Considering adequate water supply and wastewater treatment capacity has been demonstrated for build out of the General Plan and the Housing Element includes no increase in density or intensity that could increase water demand, new water or wastewater treatment facilities will not be required solely to serve the project. Considering no new facilities will be required to be constructed or supply to be acquired, no impacts will occur.

C) **No Impact.** Current National Pollution Discharge Elimination System (NPDES) regulations focus on low impact development standards in addition to the standard “no net increase in runoff into the storm drain system”. Any incremental increases in urban runoff generated from future housing development will be required to be retained or otherwise stored on site; therefore, no increase in stormwater flows will occur that will require the need to expand or construct any storm drain or flood control facility. No impacts will occur.

F) **Less than Significant Impact.** Mid-Valley Disposal provides solid waste collection services to the City. Approximately 99 percent of the solid waste that is not diverted for recycling is disposed of at the American Avenue Disposal Site and the Avenal Regional Landfill.<sup>31</sup> According to CalRecycle, American Avenue Disposal has a remaining capacity of 29,358,535 cubic yards and is anticipated to remain open until the year 2031.<sup>32</sup> Avenal Regional Landfill has a remaining capacity of 26,000,000 cubic yards and is anticipated to remain open until the year 2020.<sup>33</sup> According to the *Remaining Lifetime Landfill Capacity Data Sheet* prepared by the California Department of Resources Recycling and Recovery (CalRecycle) for Fresno County, landfill capacity in the year 2025 is projected at 11,822,751 tons. Fresno County is projected to generate approximately 583,039 tons of solid waste in the year 2025; therefore, there is sufficient landfill capacity to serve the County and any future housing development over the life of the Housing Element. Impacts will be less than significant.

G) **No Impact.** All new development will be required to comply with State mandates and City regulations regarding reduction/recycling of household waste. None of the proposed housing strategies in the proposed Housing Element update will have any effect upon or result in any conflicts with solid waste disposal regulations, as the scope of these revisions does not increase development capacity. No impact will occur.

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<sup>31</sup> California Department of Resources Recycling and Recovery. Disposal Reporting System: Jurisdiction Profile: Fresno – Mendota. <http://www.calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=ReportYear%3d2014%26ReportName%3dReportEDRSJurisDisposalByFacility%26OriginJurisdictionIDs%3d400> [December 16, 2015]

<sup>32</sup> CalRecycle. Facility/Site Summary Details: American Avenue Disposal Site (10-AA-0009). <http://www.calrecycle.ca.gov/SWFacilities/Directory/10-AA-0009/Detail/> [December 29, 2015]

<sup>33</sup> CalRecycle. Facility/Site Summary Details: Avenal Regional Landfill (16-AA-0004). <http://www.calrecycle.ca.gov/SWFacilities/Directory/16-AA-0004/Detail/> [December 29, 2015]



**18. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A) **Less than Significant Impact.** The results of the preceding analysis indicate that the proposed project will have less-than-significant impacts with respect to sensitive biological and historical resources. The proposed project will have less-than-significant impacts with respect to archaeological and paleontological resources with adherence to existing statutes and regulations. Impacts to scenic vistas and visual character and resources will be less than significant. Considering the project will not authorize any development plan, redevelopment of any existing sites, or construction of new infrastructure, and will not change existing City land use policy regarding locations or intensities of development, it will not result in any effects that would degrade the quality of the environment. The City finds that impacts related to degradation of the environment will be less than significant.

B) **Less than Significant Impact.** Cumulative effects resulting from full implementation of City land use policies were evaluated in the General Plan EIR. The proposed Housing Element update will not change any of these policies and does not propose any specific development or redevelopment project that could contribute to short-term or long-term cumulative impacts that were not addressed sufficiently in the General Plan EIR. The proposed project does not include any changes to land use designations and thus is consistent with the project analyzed in the General Plan EIR. The City hereby finds that the proposed Housing Element’s individual contribution to potentially significant cumulative impacts is not considerable.

C) **Less than Significant Impact.** As supported by the environmental evaluation contained within the 17 preceding environmental topics, the project will not result in substantial adverse effects on human beings. It has been determined through quantitative and qualitative analysis supported by substantial evidence that the proposed Housing Element will have minimal or no adverse impacts on people or the environment. The City hereby finds that direct and indirect impacts to human beings will be less than significant.

## 5 LIST OF PREPARERS

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### ***LEAD AGENCY***

City of Mendota  
Department of Planning and Economic Development  
643 Quince Street  
Mendota, California 93640  
559-655-3291

Matt Flood, Planning and Economic Development Manager  
Jeffrey O'Neal, AICP, City Planner

### ***ENVIRONMENTAL ANALYSTS***

MIG  
1500 Iowa Avenue, Suite 110  
Riverside, California 92507  
951-787-9222

Christopher Brown, Director of Environmental Services  
Olivia Chan, Associate Analyst II  
Amanda North, Technician





# Fresno Multi-Jurisdictional 2015-2023 Housing Element

A Regional Plan for Addressing Housing Needs

Fresno County | Clovis | Coalinga | Fowler | Huron | Kerman | Kingsburg  
Mendota | Parlier | Reedley | San Joaquin | Sanger | Selma

Final Draft  
February 2016

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# **Fresno Multi-Jurisdictional 2015-2023 Housing Element**

*A Regional Plan for Addressing Housing Needs*

Fresno County | Clovis | Coalinga | Fowler | Huron | Kerman | Kingsburg  
Mendota | Parlier | Reedley | San Joaquin | Sanger | Selma

**Final Draft**  
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## Credits

### Participating Jurisdictions

City of Clovis  
City of Coalinga  
City of Fowler  
Fresno County  
City of Huron  
City of Kerman  
City of Kingsburg  
City of Mendota  
City of Parlier  
City of Reedley  
City of Sanger  
City of San Joaquin  
City of Selma

### Fresno Council of Governments Staff

Clark Thompson, Senior Regional Planner

### Consultant Team

#### *Mintier Harnish*

Larry Mintier, FAICP, Principal  
Chelsey Payne, AICP, Project Manager  
Dov Kadin, Planner  
Allison Ferrini, Research Assistant

#### *Veronica Tam Associates*

Veronica Tam, AICP, Principal  
Jessica Suimanjaya, AICP, Planner

#### *MIG*

Laura Stetson, Principal  
Christopher Brown, Director of Environmental  
Services

### Housing Element Technical Committee

Dwight Kroll, Planning & Development Services  
Director, City of Clovis  
Heidi Crabtree, Housing Program Coordinator, City  
of Clovis  
Sean Brewer, Assistant Director of Community  
Development, City of Coalinga  
Mohammad Khorsand, Supervising Planner, Fresno  
County  
Thomas Skinner, Valley Planning Consultants  
Jack Castro, City Manager, City of Huron  
Olivia Pimentel, Planning Technician, City of  
Kerman  
Helen Nazaroff, Executive Secretary, City of  
Kerman  
Darlene Mata, Planning Director, City of Kingsburg  
Vince DiMaggio, City Manager, City of Mendota  
Matt Flood, Planning and Economic Development  
Manager, City of Mendota  
Jeff O'Neal, City Planner, City of Mendota  
Shun Patlan, Community Development Director,  
City of Parlier  
Kevin Fabino, Community Development Director,  
City of Reedley  
Ellen Moore, Assistant Planner, City of Reedley  
Chad McMullen, City Manager, City of San Joaquin  
Keith Woodcock, Planner, City of Sanger  
Roseann Galvan, Administrative Analyst, City of  
Selma  
Bruce O'Neal, Planning Consultant Land Use  
Associates  
Holly Owen, Planning Consultant Land Use  
Associates

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# INTRODUCTION

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California Housing Element law requires every jurisdiction to prepare and adopt a housing element as part of general plans. In California it is typical for each city or county to prepare and maintain its own separate general plan and housing element. However, Fresno County and 12 of the 15 cities in Fresno County, with the help of the Fresno Council of Governments (FCOG), are preparing a Multi-Jurisdictional Housing Element for the fifth round of housing element updates. The Multi-Jurisdictional Housing Element provides an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level. Regional efforts also provide the opportunity for the local governments in the county to work together to accommodate the Regional Housing Needs Allocation (RHNA) assigned to the Fresno County region. In addition, economies of scale can result in significant cost savings to jurisdictions preparing a joint housing element.

The primary objective of the project is to prepare a regional plan addressing housing needs through a single certified housing element for all 13 participating jurisdictions. The Fresno County Multi-Jurisdictional Housing Element represents an innovative approach to meeting State Housing Element law and coordinating resources to address the region's housing needs. The regional housing element approach, while tested in a few counties with fewer jurisdictions, will be a major undertaking for FCOG and the 13 jurisdictions. The following jurisdictions are participating in the effort: Fresno County, Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma.

State Housing Element requirements are framed in the California Government Code, Sections 65580 through 65589, Chapter 1143, Article 10.6. The law requires the State Department of Housing and Community Development (HCD) to administer the law by reviewing housing elements for compliance with State law and by reporting its written findings to the local jurisdiction. Although State law allows local governments to decide when to update their general plans, State Housing Element law mandates that housing elements be updated every eight years. The Multi-Jurisdictional Housing Element will cover the planning period of December 31, 2015 through December 31, 2023, and must be adopted and submitted to HCD for certification by December 31, 2015. The Housing Element must include: 1) an identification and analysis of existing and projected local housing needs; 2) an identification of resources and constraints; and 3) goals, policies, and implementation programs for the rehabilitation, maintenance, improvement, and development of housing for all economic segments of the population.

## HOUSING ELEMENT PURPOSE

This document is the 2015-2023 Housing Element for 13 jurisdictions in Fresno County. The purpose of the housing element is to identify a community’s current (2014) housing needs; state the region’s goals and objectives with regard to housing production, rehabilitation, conservation to meet those needs; and define the policies and programs that the community will implement to achieve the stated goals and objectives.

## GENERAL PLAN CONSISTENCY

The housing element is a required element of the general plan. State law requires that the housing element be consistent with the other elements of the jurisdictions’ general plan. The policies and implementation programs in this housing element are consistent with the policies and implementation programs in the other elements of each jurisdiction’s general plan. However, if during the implementation of this housing element, any inconsistencies are identified, a local government would need to amend its general plan to maintain consistency with other elements of the general plan. [As other elements of the general plan are amended in the future, the local governments must also review the Housing Element and update as necessary to ensure internal consistency is maintained.](#)

## HOUSING ELEMENT ORGANIZATION

The Housing Element is organized into the following major sections:

- **Section 1. Introduction:** An introduction, reviewing the purpose, process, and scope of the Housing Element;
- **Section 2. Housing Needs Assessment:** An analysis of the demographic profile, housing characteristics, and existing and future housing needs;
- **Section 3. Opportunities for Residential Development:** A summary of the land, financial, and organizational resources available to address the identified housing needs and goals. This section also includes an analysis of opportunities for energy conservation in residential development;
- **Section 4. Housing Development Constraints:** An analysis of the potential market, governmental, and environmental constraints in the region; and
- **Section 5. Housing Goals and Policies:** The regional goals and policies that will help meet diverse housing needs.

The Housing Element also includes two Appendices. Appendix 1 includes a summary of public input and a listing of the residential care facilities in Fresno County.

Appendix 2 is organized into separate appendices for each jurisdiction. The appendices are structured as follows:

1. **Implementation Programs and Quantified Objectives:** Details jurisdiction-specific implementation programs to be carried out over the planning period to address the regional housing goals;
2. **Sites Inventory:** Describes the jurisdiction-specific sites available to meet the RHNA;
3. **Constraints:** Identifies potential jurisdiction-specific governmental constraints to the maintenance, preservation, conservation, and development of housing; and
4. **Evaluation of Previous Housing Element:** When applicable, describes the progress implementing the previous housing element's policies and actions.
5. **At Risk:** An analysis of the at-risk units by jurisdiction as well as the preservation options.

## PUBLIC OUTREACH AND ENGAGEMENT

State law requires local governments to make a diligent effort to achieve public participation of all socioeconomic segments of the community in the development of the housing element. ~~The public participation process for this Housing Element involved four major stages:~~ All public comments are included in Appendix 1A. The comments received at the workshops and through the online survey were considered in the preparation of this Housing Element, specifically in the goals, policies, and implementation programs.

### Workshops and Online Survey

On March 4, 2015, the participating jurisdictions held two workshops for key stakeholders and community members interested in housing issues in the county. The City of Selma hosted a workshop at the City Council Chambers located at 1710 Tucker Street in the city of Selma from 10 am to 12 pm. The City of Kerman hosted the second workshop at the Community Center located at 15101 West Kearney Boulevard in the city of Kerman from 2 pm to 4 pm. Participants listened to a short introductory presentation about the Housing Element Update and were asked to provide input on key issues, barriers, and opportunities for creating affordable housing in the county. In total, 33 stakeholders attended the workshops.

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The participating jurisdictions and the Housing Element Update consultants publicized the workshops using email announcements, phone calls, and flyers posted and distributed throughout the county [in both English and Spanish](#). The consultants sent out the first workshop email announcement on February 17, 2015, and a reminder email announcement on March 3, 2015, a day before the workshops. The consultants also called the list of stakeholders the week leading up to the workshop, and distributed workshop flyers throughout the months of February and March 2015. In total 222 stakeholders were contacted and encouraged to attend the workshops. The participating jurisdictions also issued public notices to local newspapers and published the meeting announcement in their local newsletters. [Individual jurisdictions made other efforts to encourage participation, including personal phone calls to stakeholders, utility bill inserts, advertising the meetings on the City's website and in the City's email newsletter, sending press releases to local newspapers, and posting flyers at key locations, including affordable housing developments. Further efforts included posting the workshop information on an electronic reader board for visibility as people enter the city, and making the event a push item on the City's app. See Appendix 1 for a sample of the publicity materials.](#)

On March 17, 2015, the consultants emailed stakeholders a link to the workshop summary found on the project website and a link to [an online survey questionnaire](#) for the individuals who were unable to attend the workshop, but wanted to provide feedback. In total, 13 stakeholders responded to the [questionnaire survey](#).

## Study Sessions

The participating jurisdictions held study sessions with their respective Planning Commission and/or City Council to review the Public Review Draft Housing Element. At each of the study sessions, staff and the consultants presented an overview of the draft Housing Element, facilitated a discussion with the Planning Commission and/or City Council, and requested input before submitting the document to HCD for review.

The participating jurisdictions translated and distributed flyers announcing the study sessions and gave a public notice in newspapers of general circulation. Additionally staff directly contacted local housing advocates, developers, social service providers, and key stakeholders, to notify them of the study sessions.

The following study sessions were held in the county:

- **Fresno County:** June 4, 2015, and July 14, 2015, at 9:00 am at the Hall of Records located at 2281 Tulare Street, Fresno (Planning Commission and Board of Supervisors Study Sessions, respectively)
- **City of Kerman:** June 3, 2015, at 6:30 pm at the Kerman City Hall located at 850 S. Madera Avenue (Planning Commission/City Council Joint Study Session)
- **City of Kingsburg:** June 3, 2015, at 7:00 pm at the City Council Chambers located at 1401 Draper Street (City Council Study Session)
- **City of Coalinga:** June 4, 2015, at 6:00 pm at the City Council Chambers located at 155 W. Durian (Planning Commission/City Council Joint Study Session)
- **City of Mendota:** June 9, 2015, at 5:00 pm at the City Council Chambers located at 643 Quince Street (City Council Study Session)

- **City of San Joaquin:** June 9, 2015, at 6:00 pm at 21991 Colorado Avenue (City Council Study Session)
- **City of Reedley:** June 15, 2015, at 7:00 pm at the City Council Chambers located at 845 G Street (Planning Commission/City Council Joint Study Session)
- **City of Clovis:** June 15, 2015, at 6:00 pm at 1033 5th street (Planning Commission/City Council Joint Study Session)
- **City of Selma:** June 15, 2015, at 5:00 pm at the City Council Chambers located at 1710 Tucker Street (City Council Study Session)
- **City of Fowler:** June 16, 2015, at 7:00 pm at the City Council Chambers located at 128 S. 5<sup>th</sup> Street (City Council Study Session)
- **City of Huron:** June 17, 2015, at 6:00 pm at the City Council Chambers located at 36311 Lassen Avenue (City Council Study Session)
- **City of Parlier:** June 17, 2015, at 6:30 pm at the City Council Chambers located at 1100 E. Parlier Avenue (City Council Study Session)
- **City of Sanger:** July 16, 2015, at 7:00 pm at the City Council Chambers located at 1700 7th Street (City Council Study Session)

## **Written Comments Received**

Fresno COG received written comments on the Draft Housing Element from the Leadership Counsel for Justice and Accountability (dated July 16, 2015). This letter, along with the response from Fresno COG on behalf of the participating jurisdictions, is included in Appendix 1A. The suggestions in the letter were considered and the Draft Housing Element has been revised to address relevant comments, including the following: 1) providing more information on outreach efforts, 2) additional review and analysis of past performance, 3) providing additional specific objectives and timelines for several programs, 4) providing more detailed information on the availability of infrastructure, 5) including additional objectives and timelines for programs to address the housing needs of special needs populations (such as farmworkers), 6) elaborating and expanding on efforts in promoting fair housing, 7) additional analysis of the sites inventory, and 8) a program for lot consolidation.

## **HCD Submittal**

The Fresno Council of Governments, on behalf of the participating jurisdictions, submitted the HCD Review draft Housing Element for review.

## **Public Hearings**

Public hearings will be held before the Planning Commission and City Council of each city and the Planning Commission and Board of Supervisors of Fresno County prior to adoption of the final Housing Element.

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# HOUSING NEEDS ASSESSMENT

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This section provides a comprehensive assessment of housing needs as the basis for developing responsive policies and implementation programs. This section summarizes demographic, employment, and housing characteristics for the jurisdictions in Fresno County. The main source of the information is the pre-approved data package for Fresno County provided by the California Department of Housing and Community Development (HCD), which is noted in the sources for the data tables in this section. The pre-approved data package uses several data sources, including the 2010 U.S. Census, American Community Survey (ACS), and the California Department of Finance (DOF). Other sources of information in this section include the following: the Fresno County Council of Governments (FCOG), the California Employment Development Department (EDD), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Agriculture (USDA), and local economic data (e.g., home sales prices, rents, wages). It is important to note that the ACS data is a multi-year estimate based on sample data and has a large margin of error, especially for smaller cities. Three jurisdictions (Fresno city, Orange Cove, and Firebaugh) did not participate in the multi-jurisdictional housing element, but are still presented in some of the tables and analysis to provide comparisons.



## POPULATION TRENDS AND CHARACTERISTICS

### Population Change

The Department of Finance (DOF) provides population estimates for each jurisdiction, shown in Table 2-1. Analyzing population change can help assess where there may be a need for new housing and services.

Fresno County had a total population of over 960,000 in 2014. More than half the countywide population resides in the city of Fresno. The unincorporated area has the next largest population of 169,500, followed by the city of Clovis with a population of 102,188. The remaining cities have populations of about 25,000 or less.

The countywide average annual growth was 1.3 percent between 2000 and 2014, compared to 0.9 percent statewide. The city with the greatest average annual population change from 2000 to 2014 was Kerman, with a 3.8 percent increase. Clovis and Fowler were second and third with about 3 percent average annual growth.

**Table 2-1 Change in Total Population (2000-2014)**

Jurisdiction	Total Population						2000-2014	
	2000	2010	2011	2012	2013	2014	Total Change	Average Annual Growth
<b>Fresno County</b>	<b>799,407</b>	<b>930,450</b>	<b>936,089</b>	<b>943,493</b>	<b>952,166</b>	<b>964,040</b>	<b>164,633</b>	<b>1.3%</b>
Clovis	68,516	95,631	96,848	98,377	99,983	102,188	33,672	2.9%
Coalinga	15,798	18,087	17,996	16,788	16,729	16,467	669	0.3%
Firebaugh	5,743	7,549	7,591	7,776	7,777	7,809	2,066	2.2%
Fowler	3,979	5,570	5,699	5,742	5,801	5,883	1,904	2.8%
Fresno	427,719	494,665	497,560	503,825	508,453	515,609	87,890	1.3%
Huron	6,310	6,754	6,765	6,770	6,790	6,843	533	0.6%
Kerman	8,548	13,544	13,699	13,908	14,225	14,339	5,791	3.8%
Kingsburg	9,231	11,382	11,465	11,509	11,590	11,685	2,454	1.7%
Mendota	7,890	11,014	11,038	11,141	11,178	11,225	3,335	2.6%
Orange Cove	7,722	9,078	9,163	9,297	9,353	9,410	1,688	1.4%
Parlier	11,145	14,494	14,601	14,791	14,873	15,019	3,874	2.2%
Reedley	20,756	24,194	24,407	24,563	24,965	25,122	4,366	1.4%
Sanger	18,931	24,270	24,391	24,580	24,703	24,908	5,977	2.0%
San Joaquin	3,270	4,001	4,010	4,021	4,029	4,056	786	1.6%
Selma	19,444	23,219	23,307	23,631	23,799	23,977	4,533	1.5%
Unincorporated County	164,405	171,705	167,549	166,774	167,918	169,500	5,095	0.2%

Source: Fresno Pre-Approved Data Package, State of California, Department of Finance, E-4 Population Estimates for Cities, Counties, and the State, 2011-2014, with 2010 Census Benchmark.

## Household and Group Quarters Population

The total population includes the household population and people living in group quarters. A household includes all persons who occupy a housing unit as their usual place of residence. This may include a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

As shown in Table 2-2, the population living in group quarters in most of the jurisdictions was very small. However, the group quarters population in Fresno, Coalinga, and the unincorporated county were much larger. In Coalinga, this group quarters population primarily resides in the Pleasant Valley State Prison and the Coalinga State Hospital. In Fresno, three local detention facilities are located downtown with a fourth located two miles south of downtown.

Although the total population in Coalinga, shown in Table 2-1, appears to be decreasing between 2010 and 2014, this is due to the reduction in the group quarters population (at Pleasant Valley State Prison) as a result of recent changes to State and Federal policies. As shown in Table 2-2, the group quarters population in Coalinga decreased from 6,335 in 2010 to 4,538 in 2014, while the household population slightly increased.

SECTION 2: HOUSING NEEDS ASSESSMENT

Table 2-2 Change in Household Population (2000-2014)

		2000	2010	2014	Change 2000-2014
Clovis	Household Population	67,988	95,243	101,800	33,812
	Group Quarters Population	480	388	388	-92
Coalinga	Household Population	10,448	11,752	11,929	1,481
	Group Quarters Population	5,350	6,335	4,538	-812
Firebaugh	Household Population	5,682	7,536	7,796	2,114
	Group Quarters Population	61	13	13	-48
Fowler	Household Population	3,930	5,523	5,836	1,906
	Group Quarters Population	49	47	47	-2
Fresno	Household Population	419,465	485,798	505,950	86,485
	Group Quarters Population	8,187	8,867	9,659	1,472
Huron	Household Population	6,134	6,754	6,843	709
	Group Quarters Population	172	0	0	-172
Kerman	Household Population	8,520	13,537	14,332	5,812
	Group Quarters Population	31	7	7	-24
Kingsburg	Household Population	9,108	11,300	11,603	2,495
	Group Quarters Population	91	82	82	-9
Mendota	Household Population	7,882	11,014	11,225	3,343
	Group Quarters Population	8	0	0	-8
Orange Cove	Household Population	7,722	9,078	9,410	1,688
	Group Quarters Population	0	0	0	0
Parlier	Household Population	11,043	14,492	15,017	3,974
	Group Quarters Population	102	2	2	-100
Reedley	Household Population	20,361	23,945	24,882	4,521
	Group Quarters Population	395	249	240	-155
Sanger	Household Population	18,791	24,136	24,774	5,983
	Group Quarters Population	140	134	134	-6
San Joaquin	Household Population	3,270	4,001	4,056	786
	Group Quarters Population	0	0	0	0
Selma	Household Population	19,314	23,054	23,812	4,498
	Group Quarters Population	130	165	165	35
Unincorporated	Household Population	161,667	159,429	167,517	5,850
	Group Quarters Population	7,016	1,234	1,983	-5,033
<b>Total</b>	<b>Household Population</b>	<b>781,740</b>	<b>912,927</b>	<b>946,782</b>	<b>165,042</b>
	<b>Group Quarters Population</b>	<b>17,667</b>	<b>17,523</b>	<b>17,258</b>	<b>-409</b>

Source: U.S. Census, 2000 and 2010; DOF E-5 Population and Housing Estimates, 2014.

## Age Characteristics

Although population growth strongly affects total demand for new housing, housing needs are also influenced by age characteristics. Typically, different age groups have distinct lifestyles, family characteristics, and incomes. As people move through each stage of life, their housing needs and preferences also change. Age characteristics are, therefore, important in planning for the changing housing needs of residents.

Table 2-3 shows a breakdown of each jurisdiction's population by age group and the median age. The age groups include school-age children (ages 5-17), college-age students (ages 18-24), young adults (ages 25-44), middle-age adults (ages 45-64), and seniors (ages 65+). A population with a large percentage of seniors may require unique housing, located near health care, transit, and other services. College students may need more affordable homes. Young adults and middle-age adults, which make up the workforce, may need homes located near employment or transit centers.

San Joaquin, Huron, and Parlier have a large proportion of school-age populations and a lower percentage of the workforce populations and seniors. Parlier, Mendota, Huron, and Coalinga have a large percentage of college-age populations. Kingsburg has a significantly high percentage of seniors, followed by Clovis, Fresno County, and Reedley. Huron and San Joaquin have the lowest median age at about 23. Clovis and Kingsburg have the highest median age at about 33, ten years higher.

**Table 2-3 Population by Age Group (2013)**

Jurisdiction	5 to 17 years (School-age Students)	18 to 24 years (College-age Students)	25-44 (Young Adults)	45-64 (Middle-aged Adults)	65 years and over (Seniors)	Median Age
Fresno County	21.1%	11.5%	26.6%	21.8%	10.3%	30.9
Clovis	21.5%	10.6%	25.7%	24.4%	11.2%	33.9
Coalinga	18.2%	13.4%	29.2%	24.7%	7.2%	32.4
Firebaugh	23.0%	17.1%	23.0%	19.8%	5.8%	24.6
Fowler	23.0%	9.4%	26.7%	23.7%	9.8%	32.5
Fresno	28.0%	12.1%	28.0%	20.6%	9.3%	29.6
Huron	26.8%	13.6%	24.1%	15.4%	5.5%	22.9
Kerman	22.4%	9.8%	30.8%	17.9%	8.3%	28.5
Kingsburg	21.1%	11.6%	23.8%	22.9%	13.7%	33.2
Mendota	22.4%	13.8%	31.0%	17.3%	5.2%	26.9
Orange Cove	27.8%	10.6%	27.8%	17.3%	4.8%	25.0
Parlier	25.2%	13.2%	26.9%	17.9%	6.6%	25.5
Reedley	23.3%	11.3%	26.4%	19.7%	10.1%	29.4
Sanger	22.1%	12.1%	26.7%	19.8%	9.6%	29.2
San Joaquin	30.4%	10.8%	25.2%	16.9%	5.1%	22.6
Selma	22.1%	10.7%	29.1%	18.2%	11.2%	30.8

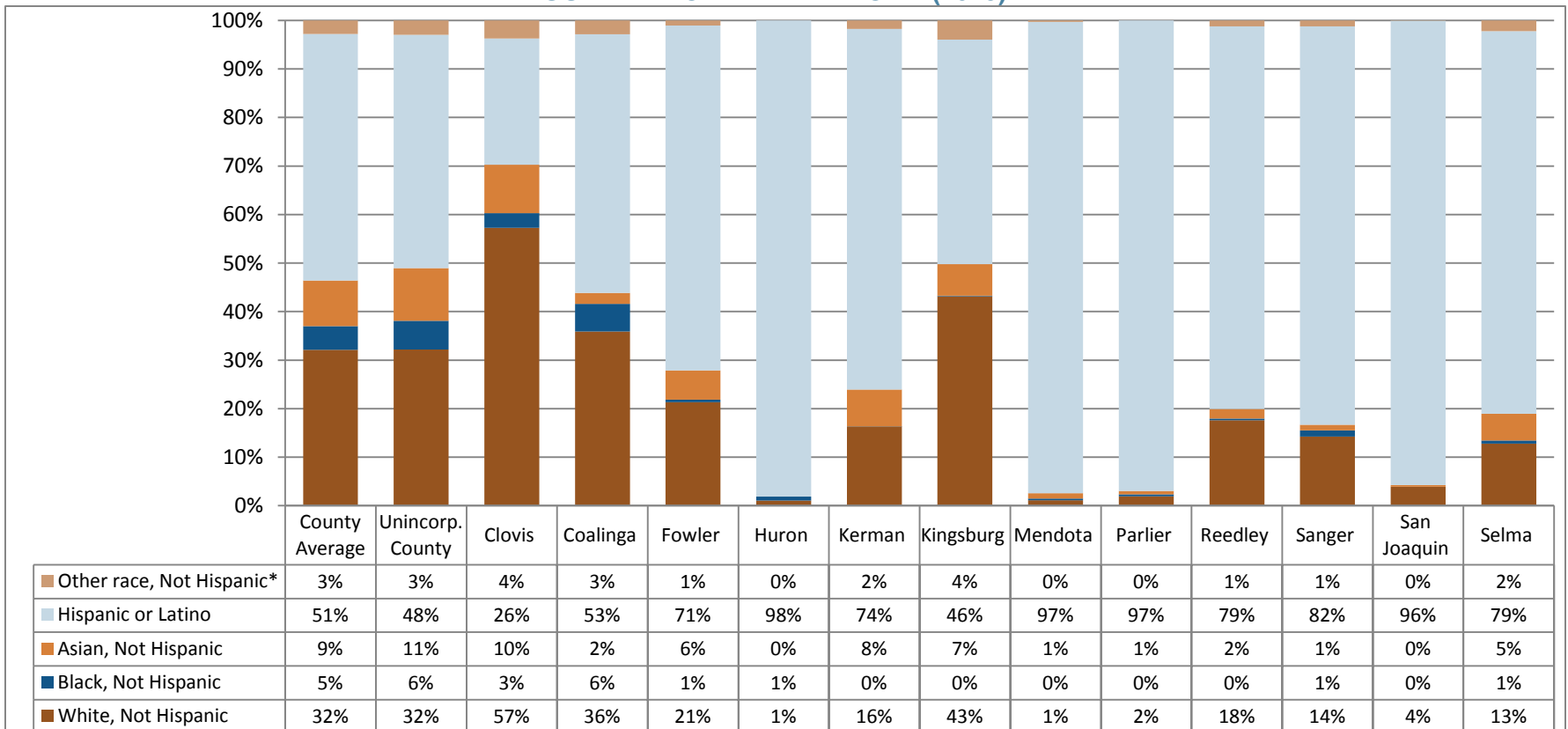
Note: Data not available for the unincorporated county.

Source: American Communities Survey (ACS), 2009-2013.

## Population by Race/Ethnicity

Figure 1 shows race and ethnicity of residents in Fresno County jurisdictions. The majority of the population in most jurisdictions – except for the unincorporated county, Clovis, and Kingsburg – is Hispanic (of any race). Countywide, more than half of the population identified as being of Hispanic or Latino origin. The populations of Huron, Mendota, Parlier, and San Joaquin City are all more than 95 percent Hispanic. Clovis has the lowest percentage at 26 percent. The second largest population group is White, Non-Hispanics, with a high of 57 percent in Clovis. The populations in the unincorporated county, Clovis, Kerman, Kingsburg, Fowler, and Selma are more than 5 percent Asian.

FIGURE 1 RACE AND ETHNICITY (2013)



Note: Other race includes American Indian and Alaskan Native, Native Hawaiian and Pacific Islander, Two or More Races, and Some Other Race.

Source: American Communities Survey, 2009-2013.

## HOUSEHOLD TRENDS AND CHARACTERISTICS

A household refers to the people occupying a home, such as a family, a single person, or unrelated persons living together. This estimate does not include people living in group homes. Families often prefer single family homes to accommodate children, while single persons often occupy smaller apartments or condominiums. Single-person households often include seniors living alone or young adults.

### Historical Growth

Table 2-4 shows the change in the number of households by jurisdiction between 2000 and 2010. Kerman had the most significant average annual growth in the number of households from 2000 to 2010 (4.4 percent) followed by Clovis, Firebaugh, and Fowler with just over 3 percent growth. The unincorporated area had the least amount of growth (0.1 percent) followed by Coalinga (1 percent).

**Table 2-4 Change in Households (2000-2010)**

Jurisdiction	2000	2010	Change 2000-2010	Percent Change 2000-2010	Average Annual Growth 2000-2010
<b>County Total</b>	<b>252,940</b>	<b>289,391</b>	<b>36,451</b>	<b>14.4%</b>	<b>1.4%</b>
Clovis	24,347	33,419	9,072	37.3%	3.2%
Coalinga	3,515	3,896	381	10.8%	1.0%
Firebaugh	1,418	1,920	502	35.4%	3.1%
Fowler	1,242	1,723	481	38.7%	3.3%
Fresno	140,079	158,349	18,270	13.0%	1.2%
Huron	1,378	1,532	154	11.2%	1.1%
Kerman	2,389	3,692	1,303	54.5%	4.4%
Kingsburg	3,226	3,822	596	18.5%	1.7%
Mendota	1,825	2,424	599	32.8%	2.9%
Orange Cove	1,694	2,068	374	22.1%	2.0%
Parlier	2,446	3,297	851	34.8%	3.0%
Reedley	5,761	6,569	808	14.0%	1.3%
Sanger	5,220	6,659	1,439	27.6%	2.5%
San Joaquin	702	882	180	25.6%	2.3%
Selma	5,596	6,416	820	14.7%	1.4%
Unincorporated County	52,102	52,723	621	1.2%	0.1%

Source: Department of Finance Estimates, 2000-2010.

## Household Formation and Composition

Table 2-5 shows the average household size for households in Fresno County. A higher persons-per-household ratio indicates a larger proportion of families, especially large families, and fewer single-person households. The Fresno region has larger households than the statewide average. Countywide, the average household size was 3.16 persons per household in 2010, compared to 2.90 statewide. The two cities with the largest average household size in 2010 were Mendota and Sanger (4.54), followed closely by Huron (4.41), Parlier (4.40), and Orange Cove (4.39). The city with the lowest persons per household ratio was Clovis (2.85), followed by Kingsburg (2.96) and Coalinga (3.02).

**Table 2-5 Persons per Household (2010)**

City	Average Persons Per Household
Fresno County	3.16
Clovis	2.85
Coalinga	3.02
Firebaugh	3.93
Fowler	3.21
Fresno	3.07
Huron	4.41
Kerman	3.67
Kingsburg	2.96
Mendota	4.54
Orange Cove	4.39
Parlier	4.40
Reedley	3.65
Sanger	3.63
San Joaquin	4.54
Selma	3.59
Unincorporated County	3.14

*Source: Fresno Pre-Approved Data Package, Department of Finance E8, 2010.*

## Household Income

Household income is a key factor affecting housing opportunity, determining a household's ability to balance housing costs with other basic necessities. Income levels can vary considerably among households based upon employment, occupation, educational attainment, tenure, household type, location of residence, and race/ethnicity, among other factors.

## Income Definitions and Income Limits

The State and Federal governments classify household income into several categories based upon the relationship to the county area median income (AMI), adjusted for household size. The U.S. Department of Housing and Urban Development (HUD) estimate of AMI is used to set income limits for eligibility in Federal housing programs. The income categories include:

- Extremely low-income households, which earn up to 30 percent AMI;
- Very low-income households, which earn between 31 and 50 percent AMI;
- Low-income households, which earn between 51 and 80 percent AMI; and
- Median-income households, which earn 100 percent AMI.

For all income categories, income limits are defined for various household sizes based on a four-person household as a reference point. Income limits for larger or smaller households are calculated by HUD (See Table 2-6). According to HUD, the AMI for a four-person household in Fresno County was \$48,700 in 2014.

**Table 2-6 HUD Income Limits by Person per Household (2014)**

Fresno County Income Categories	Persons per Household				
	1	2	3	4	5
Extremely Low-Income Household (30%*)	\$11,670	\$15,730	\$19,790	\$23,850	\$27,910
Very Low-Income Household (50%*)	\$19,150	\$21,900	\$24,650	\$27,350	\$29,550
Low-Income Household (80%*)	\$30,650	\$35,000	\$39,400	\$43,750	\$47,250
Median-Income Household (100%*)	\$34,100	\$38,950	\$43,850	\$48,700	\$52,600

\*Percentage of 2014 Estimate of AMI: \$48,700

Source: U.S. Department of Housing and Urban Development (HUD), 2014.

The California Department of Housing and Community Development (HCD) uses the income categories shown in Table 2-7 to determine eligibility for state housing programs. HCD's methodology for calculating AMI is slightly different from HUD's methodology, and therefore the AMI and income limits vary.

**Table 2-7 State of California Income Categories**

Income Category	Percent of County Area Median Income (AMI)
Extremely Low	0-30% AMI
Very Low	31-50% AMI
Low	51-80% AMI
Moderate	81-120% AMI
Above Moderate	120% AMI or greater

Source: Section 50093 of the California Health and Safety Code.



## SECTION 2: HOUSING NEEDS ASSESSMENT

The State income limits for Fresno County are shown in Table 2-8. The State 2014 AMI for a four-person household in Fresno County is \$57,900 (compared to the Federal estimate of \$48,700). A four-person household earning \$46,300 or less would be considered low-income.

**Table 2-8 State (HCD) Income Limits by Person per Household (2014)**

Fresno County Income Categories	Persons per Household							
	1	2	3	4	5	6	7	8
Extremely Low-Income Household (30%*)	\$12,150	\$13,900	\$15,650	\$17,350	\$18,750	\$20,150	\$21,550	\$22,950
Very Low-Income Household (50%*)	\$20,300	\$23,200	\$26,100	\$28,950	\$31,300	\$33,600	\$35,900	\$38,250
Low-Income Household (80%*)	\$32,450	\$37,050	\$41,700	\$46,300	\$50,050	\$53,750	\$57,450	\$61,150
Median-Income Household (100%*)	\$40,550	\$46,300	\$52,100	\$57,900	\$62,550	\$67,150	\$71,800	\$76,450
Moderate-Income Household (120%*)	\$48,650	\$55,600	\$62,550	\$69,500	\$75,050	\$80,600	\$86,200	\$91,750

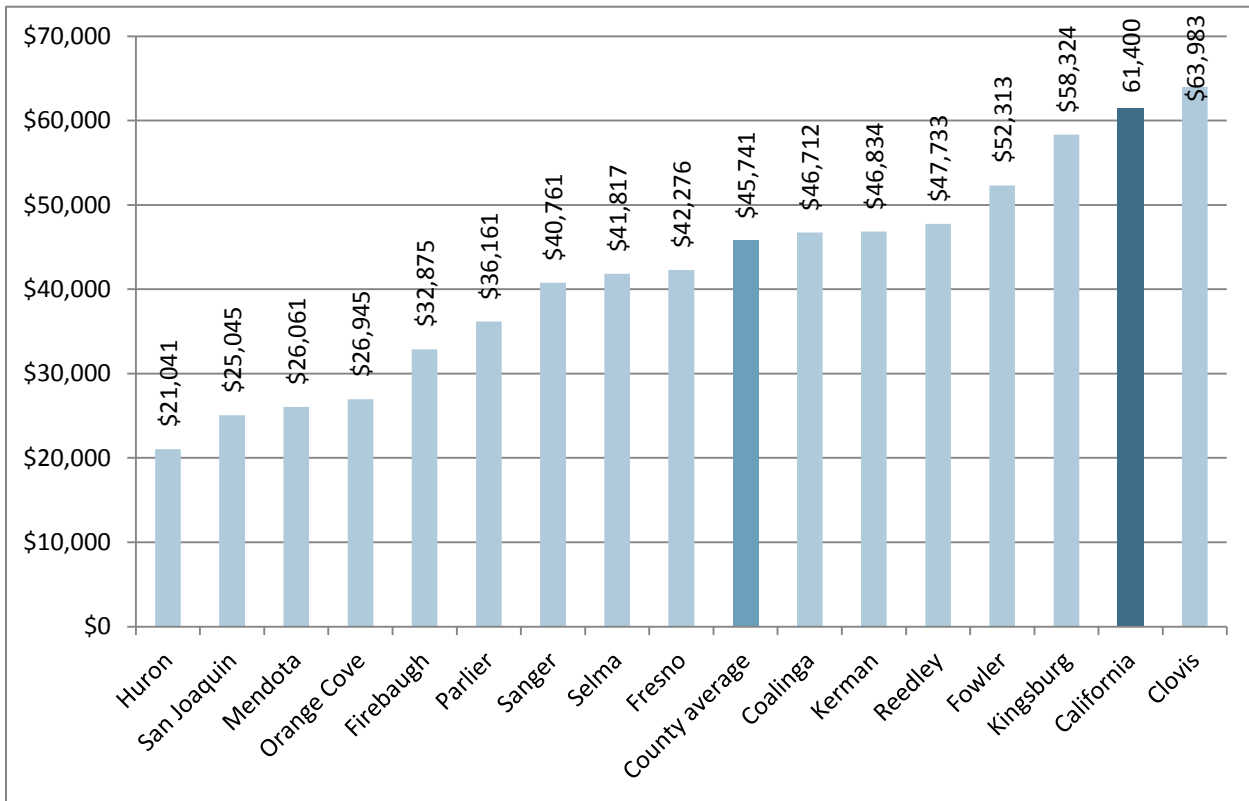
\*Percentage of 2014 Estimate of AMI: \$57,900

Source: California Department of Housing and Community Development (HCD), 2014.

### **Median Household Income**

Figure 2 shows actual median household income for the jurisdictions in Fresno County as reported by the 2008-2012 ACS. This median income is for all households, regardless of household size. The median household income in the United States was \$53,046 in 2012, higher than the Fresno County median of \$45,741. The city with the highest median household income in 2012 was Clovis with \$63,983. The city with the lowest median income was Huron with \$21,041.

FIGURE 2 MEDIAN HOUSEHOLD INCOME (2012)



Note: Data not available for unincorporated area.

Source: American Communities Survey, 2008-2012.

According to the 2012 State of California Analysis of Impediments, Firebaugh, Huron, Orange Cove, Parlier, and San Joaquin all have a higher representation of very low-income households than the countywide average rate of 26.4 percent, as shown in Table 2-9.

Table 2-9 Jurisdictions with Over-Representation of Very Low-Income (VLI) Families (2012)

	Total Families	Estimated VLI Families	Jurisdiction VLI Rate
Fresno Countywide Average	201,585	53,185	26.4%
Firebaugh	1,561	702	45.0%
Huron	1,430	1,012	70.8%
Orange Cove	2,087	1,202	57.6%
Parlier	2,625	1,016	38.7%
San Joaquin	776	393	50.6%

Source: State of California Analysis of Impediments, 2012.

## EMPLOYMENT TRENDS AND CHARACTERISTICS

Fresno’s economy has a significant impact on housing needs. Employment growth typically results in increased housing demand in areas that serve as regional employment centers. Moreover, the type of occupation and associated income levels for new employment also affect housing demand. This section describes the economic and employment patterns in Fresno County and how these patterns influence housing needs.

### Employment and Wage Scale by Industry

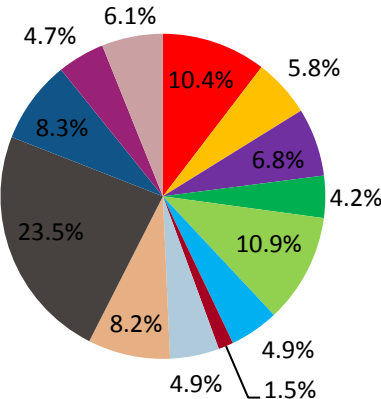
Occupations held by residents determine the income earned by a household and their corresponding ability to afford housing. Higher-paying jobs provide broader housing opportunities for residents, while lower-paying jobs limit housing options. Understanding employment and occupation patterns can provide insight into present housing needs.

Table 2-10 and Figure 2-3 show employment by industry for each jurisdiction. In Fresno County the most common industry is educational services, and health care and social assistance (shown in Figure 2-3 in grey) with 23.5 percent. This industry is also the most common in Clovis, Coalinga, Fowler, Fresno City, Kerman, Kingsburg, Sanger, Selma, and the unincorporated area.

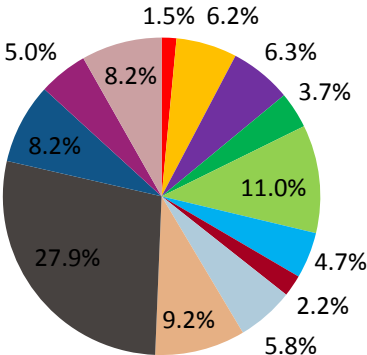
Agriculture, forestry, fishing and hunting, and mining (shown in Figure 2-3 in bright red) holds a significant percentage of employment in Firebaugh, Huron, Mendota, Orange Cove, Parlier, Reedley, and San Joaquin. Huron has the highest percentage at 67.6 percent. These areas are more rural and strongly based in agriculture.

FIGURE 3 EMPLOYMENT BY INDUSTRY (2011)

**Fresno Countywide**

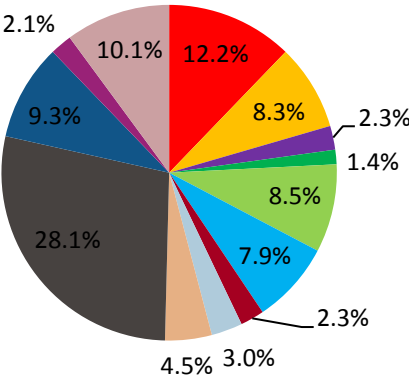


**Clovis**

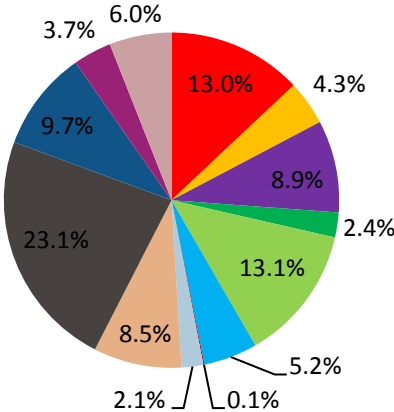


- Agriculture, forestry, fishing and hunting, and mining
- Construction
- Manufacturing
- Wholesale trade
- Retail trade
- Transportation, warehousing, and utilities
- Information
- Finance, insurance, and real estate
- Professional, scientific, and management, and administrative and waste management services
- Educational services, and health care and social assistance
- Arts, entertainment, and recreation, and accommodation and food services
- Other services, except public administration
- Public administration

**Coalinga**

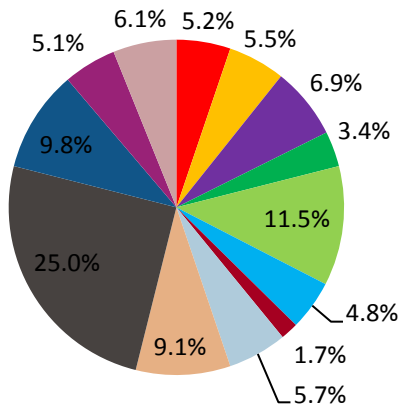


**Fowler**

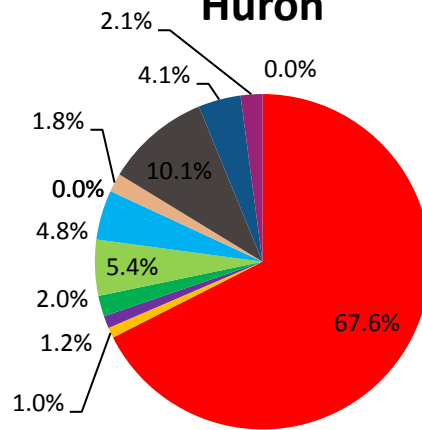


SECTION 2: HOUSING NEEDS ASSESSMENT

**Fresno City**

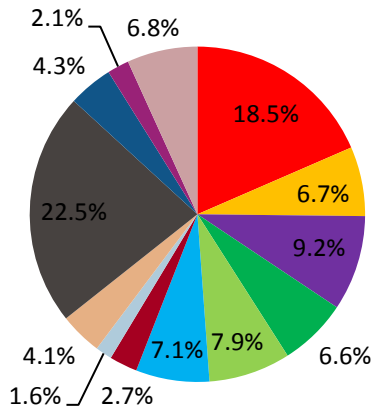


**Huron**

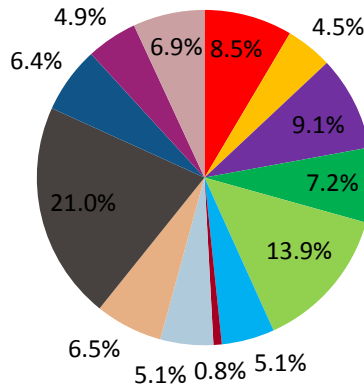


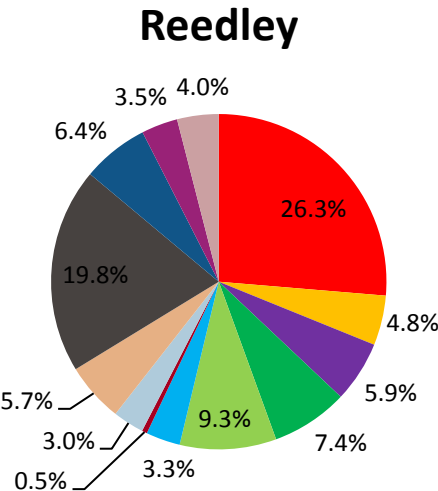
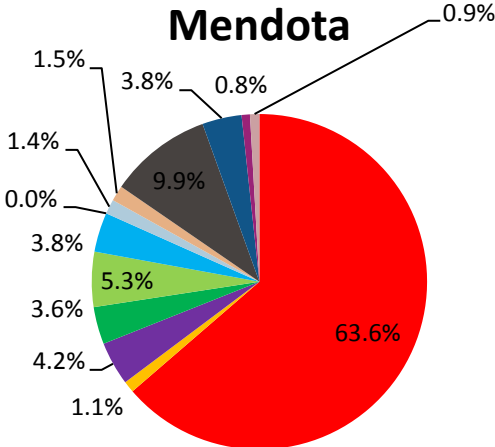
- Agriculture, forestry, fishing and hunting, and mining
- Construction
- Manufacturing
- Wholesale trade
- Retail trade
- Transportation, warehousing, and utilities
- Information
- Finance, insurance, and real estate
- Professional, scientific, and management, and administrative and waste management services
- Educational services, and health care and social assistance
- Arts, entertainment, and recreation, and accommodation and food services
- Other services, except public administration
- Public administration

**Kerman**

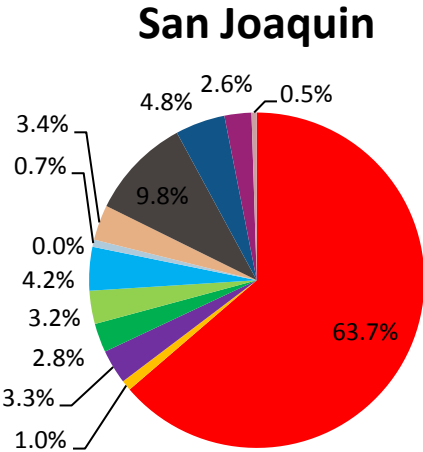
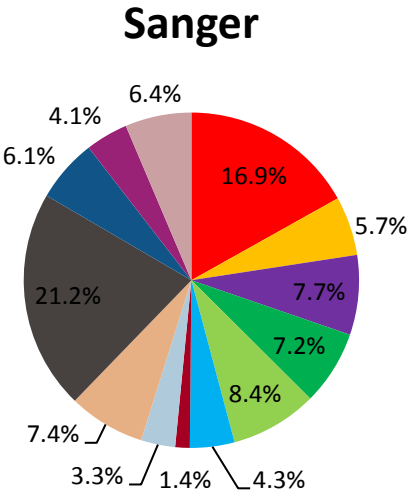


**Kingsburg**

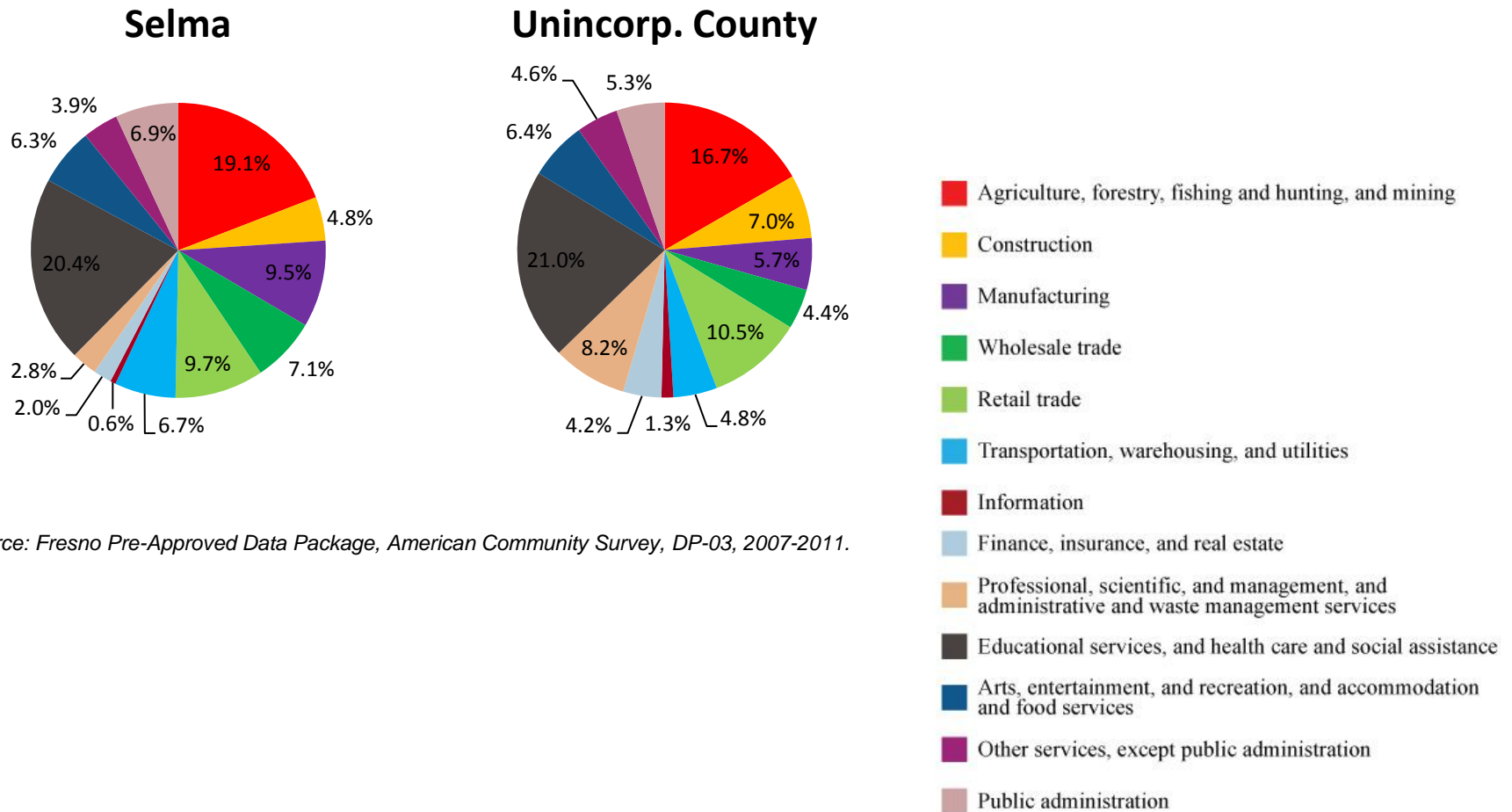




- Agriculture, forestry, fishing and hunting, and mining
- Construction
- Manufacturing
- Wholesale trade
- Retail trade
- Transportation, warehousing, and utilities
- Information
- Finance, insurance, and real estate
- Professional, scientific, and management, and administrative and waste management services
- Educational services, and health care and social assistance
- Arts, entertainment, and recreation, and accommodation and food services
- Other services, except public administration
- Public administration



SECTION 2: HOUSING NEEDS ASSESSMENT



Source: Fresno Pre-Approved Data Package, American Community Survey, DP-03, 2007-2011.

Table 2-10 Employment by Industry (2011)

		Civilian employed population 16 years and over	Agriculture, forestry, fishing and hunting, and mining	Construction	Manufacturing	Wholesale trade	Retail trade	Transportation, warehousing, and utilities	Information	Finance, insurance, and real estate	Professional, scientific, and management, and administrative and waste management services	Educational services, and health care and social assistance	Arts, entertainment, and recreation, and accommodation and food services	Other services, except public administration	Public administration
Fresno County	#	364,567	37,966	21,075	24,667	15,142	39,650	17,782	5,580	17,876	29,900	85,576	30,253	16,995	22,105
	%	100%	10.4%	5.8%	6.8%	4.2%	10.9%	4.9%	1.5%	4.9%	8.2%	23.5%	8.3%	4.7%	6.1%
Clovis	#	42,024	643	2,593	2,662	1,575	4,638	1,978	919	2,422	3,875	11,721	3,428	2,107	3,463
	%	100%	1.5%	6.2%	6.3%	3.7%	11.0%	4.7%	2.2%	5.8%	9.2%	27.9%	8.2%	5.0%	8.2%
Coalinga	#	5,697	697	473	131	80	485	448	129	169	259	1,600	527	122	577
	%	100%	12.2%	8.3%	2.3%	1.4%	8.5%	7.9%	2.3%	3.0%	4.5%	28.1%	9.3%	2.1%	10.1%
Firebaugh	#	2,785	1,021	150	232	115	293	184	0	166	99	293	92	88	52
	%	100%	36.7%	5.4%	8.3%	4.1%	10.5%	6.6%	0.0%	6.0%	3.6%	10.5%	3.3%	3.2%	1.9%
Fowler	#	2,382	309	102	211	58	311	124	2	51	203	551	231	87	142
	%	100%	13.0%	4.3%	8.9%	2.4%	13.1%	5.2%	0.1%	2.1%	8.5%	23.1%	9.7%	3.7%	6.0%
Fresno	#	192,677	10,096	10,607	13,347	6,616	22,245	9,290	3,274	11,067	17,515	48,122	18,913	9,768	11,817
	%	100%	5.2%	5.5%	6.9%	3.4%	11.5%	4.8%	1.7%	5.7%	9.1%	25.0%	9.8%	5.1%	6.1%
Huron	#	1,957	1,323	19	23	40	105	94	0	0	35	197	80	41	0
	%	100%	67.6%	1.0%	1.2%	2.0%	5.4%	4.8%	0.0%	0.0%	1.8%	10.1%	4.1%	2.1%	0.0%
Kerman	#	5,358	993	361	491	351	422	381	147	85	217	1,206	228	110	366
	%	100%	18.5%	6.7%	9.2%	6.6%	7.9%	7.1%	2.7%	1.6%	4.1%	22.5%	4.3%	2.1%	6.8%
Kingsburg	#	4,992	426	227	456	361	694	253	42	253	323	1,049	319	246	343
	%	100%	8.5%	4.5%	9.1%	7.2%	13.9%	5.1%	0.8%	5.1%	6.5%	21.0%	6.4%	4.9%	6.9%



SECTION 2: HOUSING NEEDS ASSESSMENT

Table 2-10 Employment by Industry (2011)

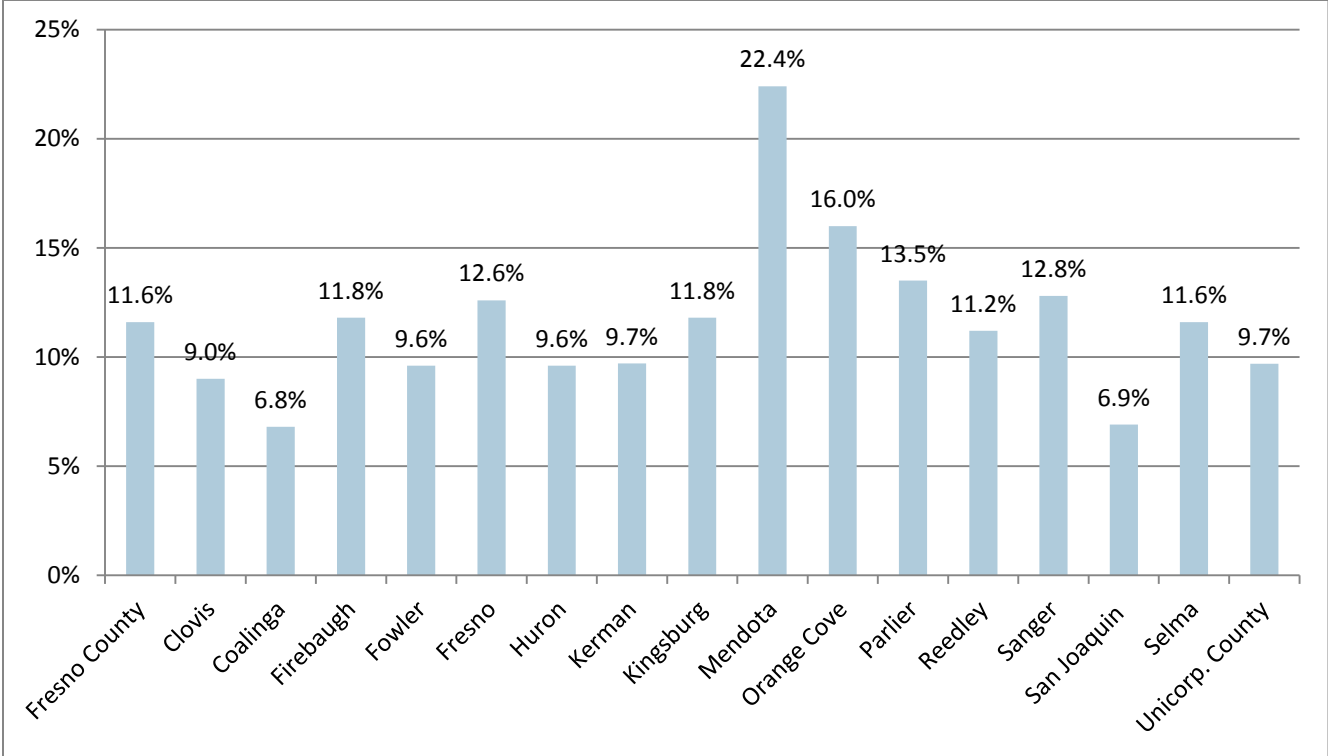
		Civilian employed population 16 years and over	Agriculture, forestry, fishing and hunting, and mining	Construction	Manufacturing	Wholesale trade	Retail trade	Transportation, warehousing, and utilities	Information	Finance, insurance, and real estate	Professional, scientific, and management, and administrative and waste management services	Educational services, and health care and social assistance	Arts, entertainment, and recreation, and accommodation and food services	Other services, except public administration	Public administration
Mendota	#	3,591	2,285	39	151	128	191	136	0	52	55	354	137	29	34
	%	100%	63.6%	1.1%	4.2%	3.6%	5.3%	3.8%	0.0%	1.4%	1.5%	9.9%	3.8%	0.8%	0.9%
Orange Cove	#	2,920	1,068	255	163	294	232	115	0	16	155	221	154	200	47
	%	100%	36.6%	8.7%	5.6%	10.1%	7.9%	3.9%	0.0%	0.5%	5.3%	7.6%	5.3%	6.8%	1.6%
Parlier	#	5,368	1,600	202	842	585	530	234	0	60	287	636	163	101	128
	%	100%	29.8%	3.8%	15.7%	10.9%	9.9%	4.4%	0.0%	1.1%	5.3%	11.8%	3.0%	1.9%	2.4%
Reedley	#	9,548	2,509	457	567	710	890	315	48	291	546	1,887	612	335	381
	%	100%	26.3%	4.8%	5.9%	7.4%	9.3%	3.3%	0.5%	3.0%	5.7%	19.8%	6.4%	3.5%	4.0%
Sanger	#	9,817	1,660	555	760	702	826	419	134	327	723	2,085	597	398	631
	%	100%	16.9%	5.7%	7.7%	7.2%	8.4%	4.3%	1.4%	3.3%	7.4%	21.2%	6.1%	4.1%	6.4%
San Joaquin	#	1,085	691	11	36	30	35	46	0	8	37	106	52	28	5
	%	100%	63.7%	1.0%	3.3%	2.8%	3.2%	4.2%	0.0%	0.7%	3.4%	9.8%	4.8%	2.6%	0.5%
Selma	#	9,326	1,780	452	886	666	903	628	58	191	260	1,907	588	365	642
	%	100%	19.1%	4.8%	9.5%	7.1%	9.7%	6.7%	0.6%	2.0%	2.8%	20.4%	6.3%	3.9%	6.9%
Unincorp. county	#	65,040	10865	4572	3,709	2,831	6,850	3,137	827	2,718	5,311	13,641	4,132	2,970	3,477
	%	100%	16.7%	7.0%	5.7%	4.4%	10.5%	4.8%	1.3%	4.2%	8.2%	21.0%	6.4%	4.6%	5.3%

Source: Fresno Pre-Approved Data Package, American Communities Survey, DP-03, 2007-2011.

### Unemployment

According to the California Employment Development Department (EDD), in 2014 the statewide unemployment rate was 7.5 percent. The unemployment rate in Fresno County was significantly higher than the statewide rate at 11.6 percent. The unemployment rate in Fresno County was significantly higher than the statewide rate at 11.6 percent. Figure 4 shows unemployment in Fresno County by jurisdiction. The city with the highest unemployment rate was Mendota (22.4 percent), followed by Orange Cove (16.0 percent). Coalinga had the lowest unemployment rate (6.8 percent), followed by San Joaquin (6.9 percent).

FIGURE 4 UNEMPLOYMENT RATE (2014)



Source: California Employment Development Department, 2014.

## Labor Force Trends

Table 2-11 shows employment projections by industry sector in Fresno County from 2012 to 2022. According to EDD data, industry employment in Fresno County is expected to grow by 57,600 jobs between 2012 and 2022, to an estimated 426,900 by 2022. Total nonfarm employment is projected to gain approximately 52,400 jobs by 2022. The health care and social assistance; professional and business services; and trade, transportation, and utilities industry sectors are expected to account for more than 50 percent of all nonfarm job growth. The number of jobs in the health care and social assistance industry is expected to increase by 33.1 percent. Professional and business services employment is projected to grow by 31.4 percent.

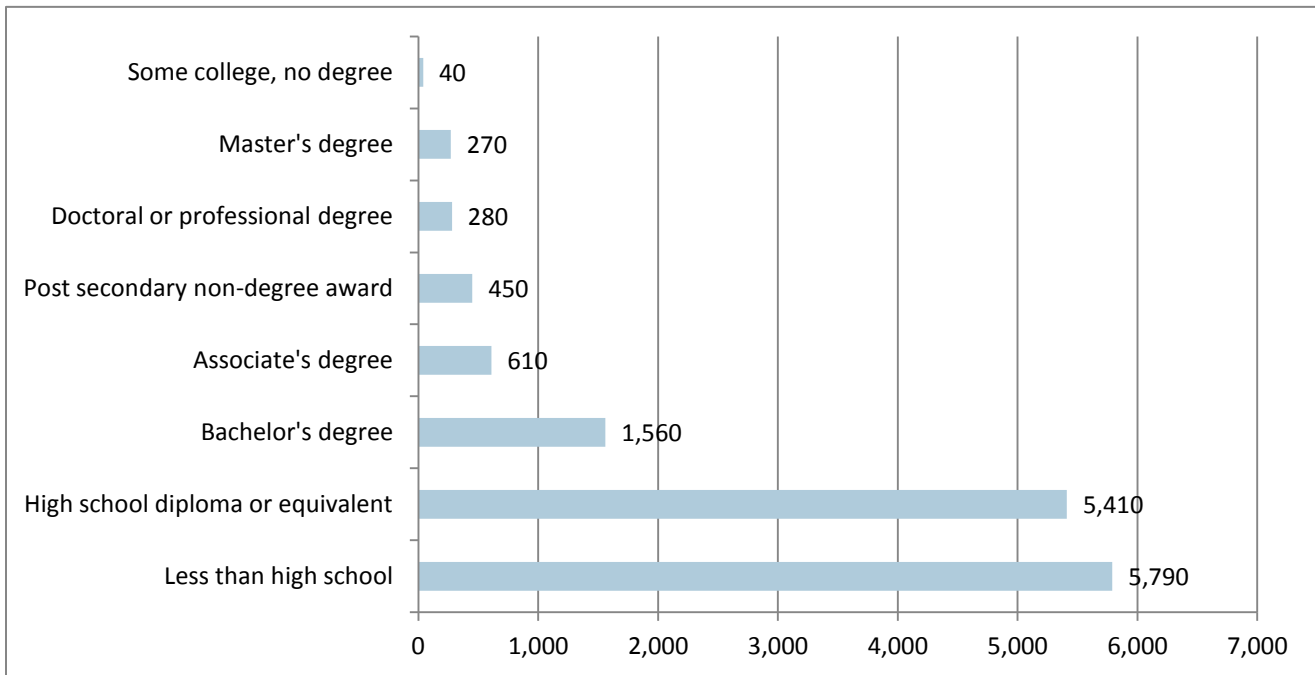
**Table 2-11 Fresno County Job Growth by Industry Sector (2012-2020)**

Industry Title	Estimated Employment 2012	Projected Employment 2022	Numeric Change 2012-2022	Percent Change 2012-2022
<b>Total Employment</b>	<b>369,300</b>	<b>426,900</b>	<b>57,600</b>	<b>15.6%</b>
Mining and Logging	300	200	-100	-33.3%
Construction	12,200	16,800	4,600	37.7%
Manufacturing	23,600	27,000	3,400	14.4%
Trade, Transportation, and Utilities	58,100	64,900	6,800	11.7%
Information	3,800	3,500	-300	-7.9%
Financial Activities	12,800	15,300	2,500	19.5%
Professional and Business Services	28,000	36,800	8,800	31.4%
Educational Services (Private)	5,200	6,300	1,100	21.2%
Health Care and Social Assistance	45,900	61,100	15,200	33.1%
Leisure and Hospitality	28,000	34,200	6,200	22.1%
Other Services (excludes Private Household Workers)	10,600	11,300	700	6.6%
Federal Government	10,200	9,500	-700	-6.9%
State and Local Government	53,900	58,100	4,200	7.8%
<b>Type of Employment</b>				
<i>Total Nonfarm</i>	<i>292,600</i>	<i>345,000</i>	<i>52,400</i>	<i>17.9%</i>
<i>Total Farm</i>	<i>48,900</i>	<i>53,700</i>	<i>4,800</i>	<i>9.8%</i>
<i>Self Employment</i>	<i>25,200</i>	<i>26,000</i>	<i>800</i>	<i>3.2%</i>
<i>Unpaid Family Workers</i>	<i>1,200</i>	<i>1,100</i>	<i>-100</i>	<i>-8.3%</i>
<i>Private Household Workers</i>	<i>1,400</i>	<i>1,100</i>	<i>-300</i>	<i>-21.4%</i>

Source: California Employment Development Department, 2012-2022 Fresno Industry Employment Projections, published February 2015.

Figure 5 shows the average annual job openings by entry level education. According to California EDD, most expected job openings between 2010 and 2020 will require a high school diploma or less. Registered nurses are the only occupation among the top ten occupations with the largest number of job openings that has an entry education level higher than a high school diploma. Thirteen of the top 20 occupations on the list of fastest growing jobs are in a construction related field due to the expected recovery in the construction industry over the projection period. Occupations requiring less education tend to be lower earning.

**FIGURE 5 FRESNO COUNTY AVERAGE ANNUAL JOB OPENINGS BY ENTRY LEVEL EDUCATION (2010-2020)**



Source: California Employment Development Department, 2010-2020 Fresno County Projection Highlights. February 2013.

## POPULATION AND EMPLOYMENT PROJECTIONS

Tables 2-12 and 2-14 show population and employment forecasts used for the Fresno COG Regional Transportation Plan/Sustainable Communities Strategy, which are from the San Joaquin Valley Demographic Forecasts: 2010 to 2050 prepared March 2012. The forecast was part of a San Joaquin Valley demographic study commissioned by the eight metropolitan planning organizations (MPOs) of the valley, in an effort to obtain recently-prepared projections.

### Population Forecast

Based on the forecast shown in Table 2-12, countywide population will grow to an estimated 1,373,700 persons by the year 2040. This assumes an average annual growth rate of 1.8 percent between 2010 and 2040. In the past, County population has increased at rates of 2.4 percent a year from 1970 to 1990, and 1.7 percent a year from 1990 to 2010. During the next three decades (2010-2040) 443,229, or 48 percent, more people are expected to reside in Fresno County.

**Table 2-12 Fresno County Population Forecast (2008-2040)**

Year	Population
2008	912,521
2020	1,082,097
2035	1,300,597
2040	1,373,679

Source: San Joaquin Valley Demographic Forecasts: 2010 to 2050, March 2012.

Fresno County's share of California's population is expected to steadily increase, as shown in Table 2-13. From 1970 to 2010, the County share of the State's population grew from 2.1 percent to 2.5 percent. By 2040, that share is expected to increase to 2.9 percent.

**Table 2-13 Population of Fresno County and California (1970-2040)**

Year	Fresno County Population	California Population	Fresno County Share of California Population
1970	413,053	19,053,100	2.2%
1980	514,621	23,667,900	2.2%
1990	667,490	29,760,000	2.2%
2000	799,407	33,871,648	2.4%
2010	930,450	37,253,956	2.5%
2020	1,082,097	40,643,643	2.7%
2030	1,227,649	44,279,354	2.8%
2040	1,373,679	47,690,186	2.9%

Source: San Joaquin Valley Demographic Forecasts: 2010 to 2050, March 2012.

## Employment Forecast

Table 2-14 shows the employment forecast for Fresno County by 2040. The Fresno County employment level will increase during the period, 2010-2040 despite the recession that began in 2007. However the unemployment rate will continue to be higher than the California average.

**Table 2-14 Fresno County Employment Forecast (2008-2040)**

Year	Employment
2008	345,816
2020	363,581
2035	427,727
2040	449,111

*Source: San Joaquin Valley Demographic Forecasts: 2010 to 2050, March 2012.*

## HOUSING INVENTORY AND MARKET CONDITIONS

This section describes the housing characteristics and conditions that affect housing needs in Fresno County. Important housing stock characteristics include housing type, tenure, vacancy rates, age, condition, cost, and affordability.

### Housing Stock Profile

Table 2-15 shows estimates from the California Department of Finance (DOF) of the number of housing units by type for each jurisdiction based on reported building and demolition permits. DOF reported that Fresno County had 315,531 housing units in 2010. Of the total units, 69.5 percent were single family, 25.8 percent were multifamily, and 4.7 percent were mobile homes. The unincorporated area had the highest percentage of single family homes in 2010 (over 82 percent). Huron had the highest percentage of multifamily units (over 56 percent). Coalinga had a large percentage of mobile homes (11.6 percent), followed by the unincorporated area (11.3 percent).

Although the countywide proportion of multifamily units decreased in Fresno County, in several jurisdictions the proportion of multifamily units increased. For example, in smaller cities such as San Joaquin, Parlier, Orange Cove, Mendota, Huron, and Firebaugh, multifamily units as a proportion of all units increased by more than 30 percent between 2000 and 2010. These six jurisdictions also have the lowest median household incomes in the county.

Parlier, in particular, had the most multifamily units constructed during the period for any of the smaller cities (389), and also the highest percentage of multifamily construction at nearly 48 percent of all new construction. The three larger surrounding cities of Reedley, Selma, and Sanger, which together total about 75,000 residents, had a combined total of 435 multifamily units constructed during the period.

SECTION 2: HOUSING NEEDS ASSESSMENT

Table 2-15 Housing Stock (2000-2010)

Jurisdiction	2000			2010		
	Single Family Units	Multifamily Units	Mobile Homes	Single Family Units	Multifamily Units	Mobile Homes
Fresno County	185,433	71,992	13,342	219,271	81,555	14,705
	68.5%	26.6%	4.9%	69.5%	25.8%	4.7%
Clovis	16,886	7,463	916	25,572	8,774	960
	66.8%	29.5%	3.6%	72.4%	24.9%	2.7%
Coalinga	2,567	829	318	2,874	967	503
	69.1%	22.3%	8.6%	66.2%	22.3%	11.6%
Firebaugh	1,165	330	86	1,443	578	75
	73.7%	20.9%	5.4%	68.8%	27.6%	3.6%
Fowler	918	313	46	1,349	370	123
	71.9%	24.5%	3.6%	73.2%	20.1%	6.7%
Fresno	92,640	52,489	3,924	108,889	57,651	4,748
	62.2%	35.2%	2.6%	63.6%	33.7%	2.8%
Huron	674	673	68	599	899	104
	47.6%	47.6%	4.8%	37.4%	56.1%	6.5%
Kerman	1,759	586	116	2,922	804	182
	71.5%	23.8%	4.7%	74.8%	20.6%	4.7%
Kingsburg	2,552	661	164	3,018	853	198
	75.6%	19.6%	4.9%	74.2%	21.0%	4.9%
Mendota	1,263	543	72	1,643	858	55
	67.3%	28.9%	3.8%	64.3%	33.6%	2.2%
Orange Cove	1,278	463	26	1,466	765	0
	72.3%	26.2%	1.5%	65.7%	34.3%	0.0%
Parlier	2,042	588	14	2,464	977	53
	77.2%	22.2%	0.5%	70.5%	28.0%	1.5%
Reedley	4,352	1,429	191	5,083	1,521	263
	72.9%	23.9%	3.2%	74.0%	22.1%	3.8%
Sanger	4,006	1,251	163	5,456	1,548	100
	73.9%	23.1%	3.0%	76.8%	21.8%	1.4%
San Joaquin	497	178	60	628	249	57
	67.6%	24.2%	8.2%	67.2%	26.7%	6.1%
Selma	4,395	998	422	5,379	1,044	390
	75.6%	17.2%	7.3%	79.0%	15.3%	5.7%
Unincorporated County	48,439	3,198	6,756	50,486	3,697	6,894
	83.0%	5.5%	11.6%	82.7%	6.1%	11.3%

Source: Fresno Pre-Approved Data Package, Department of Finance, E8, 2000-2010.

A large proportion of the multifamily development that has occurred after the boom of the 1980s was subsidized through a variety of public housing and tax credit programs targeted to low-income residents (i.e., non-market rate affordable housing). As summarized in Table 2-16, about 87 percent of the units developed during the 1980s were strictly market rate, compared to an estimated 69 percent in the 1990s and 65 percent between 2000 and 2013. When subsidized affordable units are excluded, the production of multifamily units after the mid-1980s has been even more limited.

**Table 2-16 Affordable vs. Market-Rate Multifamily Housing (1980-2013)**

Period	Market-Rate Multifamily Housing	Affordable Multifamily Housing	Mixed Market-Rate and Affordable Multifamily Housing
1980s	87%	7%	6%
1990s	69%	22%	9%
2000-2013	65%	23%	13%

Source: CoStar Group and Economic and Planning Systems, [http://www.valleyblueprint.org/files/SJV%20Infill%20Development%20Analysis\\_Final%20Report\\_9-11-14.pdf](http://www.valleyblueprint.org/files/SJV%20Infill%20Development%20Analysis_Final%20Report_9-11-14.pdf), 2014.

## Housing Tenure

Housing tenure (owner vs. renter) influences several aspects of the local housing market. Residential mobility is influenced by tenure, with ownership housing turning over at a much lower rate than rental housing. For example, in Fresno County the median year that owners moved into their current unit was 2001 whereas the median year that renters moved into their current unit was after 2010 (2011-2013 ACS). Table 2-17 shows tenure by jurisdiction in 2010. Most jurisdictions have more owner-occupied units than renter-occupied units. The unincorporated county has the highest percentage of owner units at 67.1 percent, followed by Kingsburg at 66.4 percent. Huron has the lowest percentage of owner units at 32.2 percent.

According to the California Housing Partnership Corporation report in August 2014, while the county population increased by a moderate 5.4 percent between 2006 and 2012, the percentage of households in the rental market increased by 13.6 percent<sup>1</sup>, exacerbated by displacement caused by the foreclosure crisis. This indicates that more households are looking to rent, which can raise rental prices unless a significant number of rental units are added to the housing stock. Another trend in the region is the use of single family homes as rentals.

<sup>1</sup> California Housing Partnership Analysis of 2006 1-year American Communities Survey and 2012 1-year American Communities Survey



Table 2-17 Housing Tenure (2010)

	Total Households	Renter-occupied Units		Owner-occupied Units	
		Households	Percent	Households	Percent
Fresno County <u>Average Total</u>	289,391	130,700	45.2%	158,691	54.8%
Clovis	33,419	12,615	37.7%	20,804	62.3%
Coalinga	3,896	1,900	48.8%	1,996	51.2%
Fowler	1,723	621	36.0%	1,102	64.0%
Huron	1,532	1,039	67.8%	493	32.2%
Kerman	3,692	1,527	41.4%	2,165	58.6%
Kingsburg	3,822	1,286	33.6%	2,536	66.4%
Mendota	2,424	1,368	56.4%	1,056	43.6%
Parlier	3,297	1,773	53.8%	1,524	46.2%
Reedley	6,569	2,688	40.9%	3,881	59.1%
San Joaquin	882	476	54.0%	406	46.0%
Sanger	6,659	2,786	41.8%	3,873	58.2%
Selma	6,416	2,591	40.4%	3,825	59.6%
Unincorporated County	52,723	17,351	32.9%	35,372	67.1%

Source: U.S. Census, 2010.

## Vacancy Rate

Table 2-18 shows housing units and vacancies in unincorporated Fresno County and the cities according to the 2000 and 2010 U.S. Census. The vacancy rate indicates the match between the demand and supply of housing. Vacancy rates of 5.0 percent to 6.0 percent for rental housing and 1.5 percent to 2.0 percent for ownership housing are generally considered optimum. A higher vacancy rate may indicate an excess supply of units, a softer market, and result in lower housing prices. A lower vacancy rate may indicate a shortage of housing and high competition for available housing, which generally leads to higher housing prices and diminished affordability.

As Table 2-18 shows, the vacancy rate increased in all communities between 2000 and 2010 except in Firebaugh and Parlier. In 2000 the unincorporated area and the city of Firebaugh had the highest vacancy rate at 10.65 and 10.31 percent, respectively. The vacancy rate in the unincorporated area was still the highest in 2010, increasing to 13.68 percent. Coalinga had the second highest vacancy rate in 2010.

Table 2-18 Housing Stock and Vacancy Rate (2000-2010)

City	2000			2010		
	Total Housing Units	Vacant Units	Vacancy Rate	Total Housing Units	Vacant Units	Vacancy Rate
Clovis	25,265	903	3.57%	35,306	1,887	5.34%
Coalinga	3,714	333	8.97%	4,344	448	10.31%
Firebaugh	1,581	163	10.31%	2,096	176	8.40%
Fowler	1,277	35	2.74%	1,842	119	6.46%
Fresno	149,053	8,946	6.00%	171,288	12,939	7.55%
Huron	1,415	36	2.54%	1,602	70	4.37%
Kerman	2,461	73	2.97%	3,908	216	5.53%
Kingsburg	3,377	132	3.91%	4,069	247	6.07%
Mendota	1,878	53	2.82%	2,556	132	5.16%
Orange Cove	1,767	73	4.13%	2,231	163	7.31%
Parlier	2,644	198	7.49%	3,494	197	5.64%
Reedley	5,972	211	3.53%	6,867	298	4.34%
Sanger	5,420	200	3.69%	7,104	445	6.26%
San Joaquin	735	33	4.49%	934	52	5.57%
Selma	5,815	219	3.77%	6,813	397	5.83%
Unincorporated County	58,393	6,219	10.65%	61,077	8,354	13.68%

Source: Fresno Pre-Approved Data Package, Department of Finance, E8, 2000-2010.

## Housing Conditions

Housing conditions are an important indicator of quality of life in Fresno County communities. Housing ages and deteriorates over time. If not regularly maintained, structures can deteriorate and discourage reinvestment, depress neighborhood property values, and even become health hazards. Maintaining and improving housing quality is an important goal for communities.

Housing age can be an indicator of the need for housing rehabilitation. Generally, housing older than 30 years (i.e., built before 1980), while still needing rehabilitation, will not require rehabilitation as substantial as what would be required for housing units older than 50 years old (i.e., built before 1960). Housing units older than 50 years are more likely to require complete rehabilitation of housing systems such as roofing, plumbing, and electrical.

Table 2-19 shows the age of the housing stock in Fresno County. In all jurisdictions more than half of the housing stock is over 30 years old. In Fowler almost 60 percent of the housing stock is over 30 years old. In the unincorporated county almost 70 percent is over 30 years. These units may require repairs or improvements. The city with the highest percentage of new housing is Clovis, followed by Parlier. Less than 30 percent of the housing stock in all jurisdictions, except unincorporated Fresno, is over 50 years old. Coalinga, Firebaugh, Fowler, Fresno, and Selma have the highest percentage (at a little more than 25 percent).

Table 2-19 Age of Housing Stock (2012)

	Total	Built 2010 or later	Built 2000 to 2009	Built 1990 to 1999	Built 1980 to 1989	Built 1970 to 1979	Built 1960 to 1969	Built 1950 to 1959	Built 1940 to 1949	Built 1939 or earlier	Percent built before 1980	Percent built before 1960
Fresno County	315,544	1,435	48,518	46,361	46,817	61,244	35,550	37,744	18,320	19,555	54.6%	24.0%
Clovis	35,426	235	9,882	7,229	5,680	7,413	2,704	1,319	571	393	35.0%	6.4%
Coalinga	4,493	-	612	552	907	633	556	457	282	494	53.9%	27.4%
Firebaugh	2,191	9	360	379	244	471	156	474	59	39	54.7%	26.1%
Fowler	1,636	-	301	180	190	323	216	120	136	170	59.0%	26.0%
Fresno	171,841	743	23,048	25,015	26,823	33,873	18,760	21,887	10,870	10,822	56.0%	25.4%
Huron	1,698	-	357	403	290	228	82	133	15	190	38.2%	19.9%
Kerman	3,863	-	1,425	598	360	680	556	94	119	31	38.3%	6.3%
Kingsburg	3,897	-	633	814	734	537	336	244	335	264	44.0%	21.6%
Mendota	2,945	55	645	282	490	508	546	220	92	107	50.0%	14.2%
Orange Cove	2,284	29	760	244	132	191	454	159	74	241	49.0%	20.8%
Parlier	3,698	14	911	774	678	295	363	236	293	134	35.7%	17.9%
Reedley	6,616	49	985	1,194	1,194	1,016	624	683	344	527	48.3%	23.5%
Sanger	7,022	58	1,816	594	1,119	1,065	849	515	573	433	48.9%	21.7%
San Joaquin	1,017	-	80	325	123	246	65	94	63	21	48.1%	17.5%
Selma	6,815	107	1,065	1,486	723	1,109	570	805	284	666	50.4%	25.8%
Unincorporated County	60,102	136	5,638	6,292	7,130	12,656	8,713	10,304	4,210	5,023	68.1%	32.5%

Source: American Communities Survey, 2008-2012.

Most jurisdictions have not completed housing conditions surveys in recent years due to limited financial resources for conducting the survey or for providing rehabilitation assistance. However, staff from the local jurisdictions provided rough estimates of the number of housing units needing rehabilitation or replacement based on code enforcement cases and local knowledge of the communities. Based on these general estimates, an average of 12 percent of the units in the participating cities are considered to be in need of rehabilitation, and three percent are estimated to be in need of replacement. In the unincorporated areas, an estimated 25 percent of the housing units are considered to be substandard. Units needing replacement in the unincorporated areas are estimated at six percent. Overall, an estimated 24,000 units are in need of rehabilitation and 5,600 units are in need of replacement.

### **Fair Housing**

Fair housing means that all people regardless of their special characteristics have equal access to housing opportunities. The Federal Fair Housing Act 42 U.S.C. 3604(f) (1) and the State Fair Employment and Housing Act (FEHA) (Government Code Section 12955 et seq.) enforce fair housing for the protected classes. Between various Federal and State laws, the protected classes include race, color, religion, sex, national origin, familial status, physical/mental disability, sexual orientation, marital status, ancestry, age, source of income, gender identity/expression, genetic condition, or any other arbitrary factor.

According to the 2012 State of California Analysis of Impediments, between 2005 and 2010 there were 82 complaints filed with the California Department of Fair Employment and Housing (DFEH) that originated in Fresno County, with 32 percent of complaints based on disability, 32 percent based on race, and 12 percent based on familial status. Less than 20 percent of the complaints were based on sex, national origin, or retaliation; 42 (or 51 percent) complaints were closed due to lack of merit; and 29 (or 35 percent) complaints were settled. According to the same report, there were 18 complaints filed to HUD that originated in Fresno County. The majority of complaints were based on disability discrimination (67 percent), followed by race (22 percent), “other” (6 percent), and national origin (6 percent). Of the HUD complaints originating from Fresno County, 44 percent were settled and 39 percent were closed due to lack of merit.

### **Overpayment (Cost Burden)**

State and Federal housing law defines overpayment (also known as cost burden) as a household paying more than 30 percent of gross income for housing expenses. As shown in Table 2-20, Huron has the highest percentage of total households overpaying for housing (61.3 percent), followed by Mendota (57.4 percent), Parlier (55.8 percent), and San Joaquin (55.5 percent).

Housing overpayment is especially problematic for lower-income households that have limited resources for other living expenses. A higher percentage of lower-income households are overpaying for housing. Fresno has the highest percentage of lower-income households overpaying for housing (74.4 percent), followed by Clovis (73.8 percent), Sanger (72.7 percent), and Fresno County (71.6 percent).

Generally, renters are more affected than owners. This is true in most jurisdictions except for Huron, Kerman, and San Joaquin. Reedley has the highest percentage of overpaying renters (68.3 percent), followed by Firebaugh (68.0 percent), Fresno (65.3 percent), and Huron (64.0 percent). Over 65 percent of lower-income renters are overpaying for housing in all jurisdictions; Reedley has the highest rate of lower-income renters overpaying (81.6 percent).

SECTION 2: HOUSING NEEDS ASSESSMENT

Table 2-20 Overpayment by Tenure (2011)

	Income Group	Owner Households			Renter Households			Total Households		
		Households	Overpaying	Percent	Households	Overpaying	Percent	Households	Overpaying	Percent
Fresno County	Lower income	51,174	31,766	62.1%	85,669	66,280	77.4%	136,843	98,046	71.6%
	Total	142,895	56,371	39.4%	114,830	71,452	62.2%	257,724	127,823	49.6%
Clovis	Lower income	4,613	3,077	66.7%	6,860	5,394	78.6%	11,472	8,472	73.8%
	Total	19,140	7,581	39.6%	10,773	6,160	57.2%	29,913	13,741	45.9%
Coalinga	Lower income	817	442	54.1%	1,186	771	65.1%	2,003	1,214	60.6%
	Total	2,029	815	40.2%	1,802	827	45.9%	3,831	1,642	42.9%
Firebaugh	Lower income	515	336	65.1%	729	509	69.9%	1,244	845	67.9%
	Total	935	388	41.5%	812	552	68.0%	1,747	940	53.8%
Fowler	Lower income	248	121	48.9%	464	334	72.0%	712	455	63.9%
	Total	823	259	31.5%	678	344	50.7%	1,501	603	40.2%
Fresno	Lower income	25,702	16,029	62.4%	54,720	43,798	80.0%	80,422	59,827	74.4%
	Total	69,781	28,464	40.8%	72,180	47,103	65.3%	141,961	75,567	53.2%
Huron	Lower income	134	118	88.1%	1,066	724	67.9%	1,199	842	70.2%
	Total	275	138	50.2%	1,144	732	64.0%	1,419	870	61.3%
Kerman	Lower income	815	538	65.9%	970	631	65.1%	1,785	1,169	65.5%
	Total	1,881	809	43.0%	1,312	676	51.5%	3,192	1,485	46.5%
Kingsburg	Lower income	551	322	58.5%	953	695	73.0%	1,504	1,018	67.7%
	Total	2,035	594	29.2%	1,343	730	54.4%	3,378	1,324	39.2%
Mendota	Lower income	705	479	67.9%	1,229	852	69.3%	1,935	1,331	68.8%
	Total	1,070	555	51.9%	1,382	852	61.7%	2,452	1,407	57.4%

Table 2-20 Overpayment by Tenure (2011)

	Income Group	Owner Households			Renter Households			Total Households		
		Households	Overpaying	Percent	Households	Overpaying	Percent	Households	Overpaying	Percent
Orange Cove	Lower income	554	301	54.2%	959	666	69.4%	1,514	967	63.9%
	Total	840	329	39.2%	1,077	666	61.8%	1,917	995	51.9%
Parlier	Lower income	823	538	65.4%	1,401	1,018	72.6%	2,224	1,556	70.0%
	Total	1,377	687	49.9%	1,750	1,058	60.5%	3,127	1,745	55.8%
Reedley	Lower income	1,253	747	59.6%	1,700	1,388	81.6%	2,954	2,135	72.3%
	Total	3,403	1,084	31.9%	2,136	1,459	68.3%	5,539	2,543	45.9%
Sanger	Lower income	1,562	1,111	71.1%	1,923	1,424	74.0%	3,485	2,535	72.7%
	Total	3,313	1,545	46.6%	2,635	1,589	60.3%	5,948	3,134	52.7%
San Joaquin	Lower income	308	247	80.3%	383	176	46.0%	691	423	61.3%
	Total	407	272	66.9%	410	181	44.2%	816	453	55.5%
Selma	Lower income	1,554	883	56.8%	1,851	1,405	75.9%	3,405	2,288	67.2%
	Total	3,464	1,447	41.8%	2,347	1,476	62.9%	5,810	2,923	50.3%
Unincorporated County	Lower income	11,019	6,476	58.8%	9,275	6,494	70.0%	20,294	12,970	63.9%
	Total	32,122	11,404	35.5%	13,049	7,047	54.0%	45,171	18,451	40.8%

Source: Fresno Pre-Approved Data Package, American Communities Survey, B25106, 2007-2011.



## Overcrowding

State HCD defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens). Units with more than 1.5 persons per room are considered severely overcrowded. A typical home might have a total of five rooms (three bedrooms, living room, and dining room). If more than five people were living in the home, it would be considered overcrowded. Overcrowding is strongly related to household size, particularly for large households, and the availability of suitably-sized housing. Overcrowding in households typically results from either a lack of affordable housing (which forces more than one household to live together) and/or a lack of available housing units of adequate size. Overcrowding increases health and safety concerns and stresses the condition of the housing stock and infrastructure. Overcrowding impacts both owners and renters; however, renters are generally more significantly impacted.

While family size and tenure are critical determinants in overcrowding, household income also plays a strong role in the incidence of overcrowding. Generally, overcrowding levels tend to decrease as income rises, especially for renters (particularly for small and large families).

Table 2-21 shows overcrowding by tenure for each jurisdiction in Fresno County. For comparison, the statewide overcrowding rate is 4.1 percent, or about one in 24. Fresno has a significantly high incidence of overcrowding (10.1 percent, or one in ten), more than twice the statewide rate. Huron, Orange Cove, Mendota, and San Joaquin have the highest rate of overcrowding; over a fifth of the units in each of these cities are overcrowded. Statewide, 1.0 percent of units are severely overcrowded compared to 3.2 percent in Fresno County. Clovis and Kingsburg have the lowest rates of overcrowding.

In Fresno County and statewide, overcrowding is typically more of a problem in rental units than owner units. The statewide rate for renter overcrowding is 12.3 percent, compared to 15.7 percent in Fresno County. Only in Kingsburg and San Joaquin is the incidence of overcrowding higher for owners than it is for renters.

Table 2-21 Overcrowding by Tenure (2011)

	Owner-Occupied				Renter-Occupied				Total			
	Overcrowded		Severely Overcrowded		Overcrowded		Severely Overcrowded		Overcrowded		Severely Overcrowded	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Fresno County	8,332	5.4%	1,852	1.2%	20,644	15.7%	7,211	5.5%	28,976	10.1%	9,063	3.2%
Clovis	459	2.2%	46	0.2%	967	7.9%	170	1.4%	1,426	4.3%	216	0.7%
Coalinga	90	4.0%	31	1.4%	375	18.5%	105	5.2%	465	10.9%	136	3.2%
Firebaugh	108	10.4%	58	5.6%	222	25.3%	10	1.1%	330	17.2%	68	3.6%
Fowler	91	10.3%	36	4.1%	111	15.0%	8	1.1%	202	12.4%	44	2.7%
Fresno	4,123	5.4%	1,030	1.3%	12,173	15.0%	4,980	6.1%	16,296	10.3%	6,010	3.8%
Huron	38	11.7%	23	7.1%	396	32.4%	134	11.0%	434	28.0%	157	10.1%
Kerman	181	8.8%	0	0.0%	316	20.8%	157	10.3%	497	13.8%	157	4.4%
Kingsburg	145	6.7%	5	0.2%	75	5.1%	16	1.1%	220	6.0%	21	0.6%
Mendota	130	10.8%	0	0.0%	463	29.9%	207	13.4%	593	21.5%	207	7.5%
Orange Cove	159	17.3%	26	2.8%	357	28.0%	105	8.2%	516	23.5%	131	6.0%
Parlier	164	10.7%	27	1.8%	482	24.5%	105	5.3%	646	18.4%	132	3.8%
Reedley	333	8.9%	88	2.4%	749	30.8%	168	6.9%	1,082	17.6%	256	4.2%
Sanger	306	8.4%	21	0.6%	547	18.6%	260	8.9%	853	13.0%	281	4.3%
San Joaquin	96	21.4%	12	2.7%	94	20.1%	16	3.4%	190	20.8%	28	3.1%
Selma	407	10.8%	99	2.6%	659	25.3%	120	4.6%	1,066	16.7%	219	3.4%
Unincorporated County	1,502	4.3%	350	1.0%	2,658	15.8%	650	3.9%	4,160	8.1%	1,000	1.9%

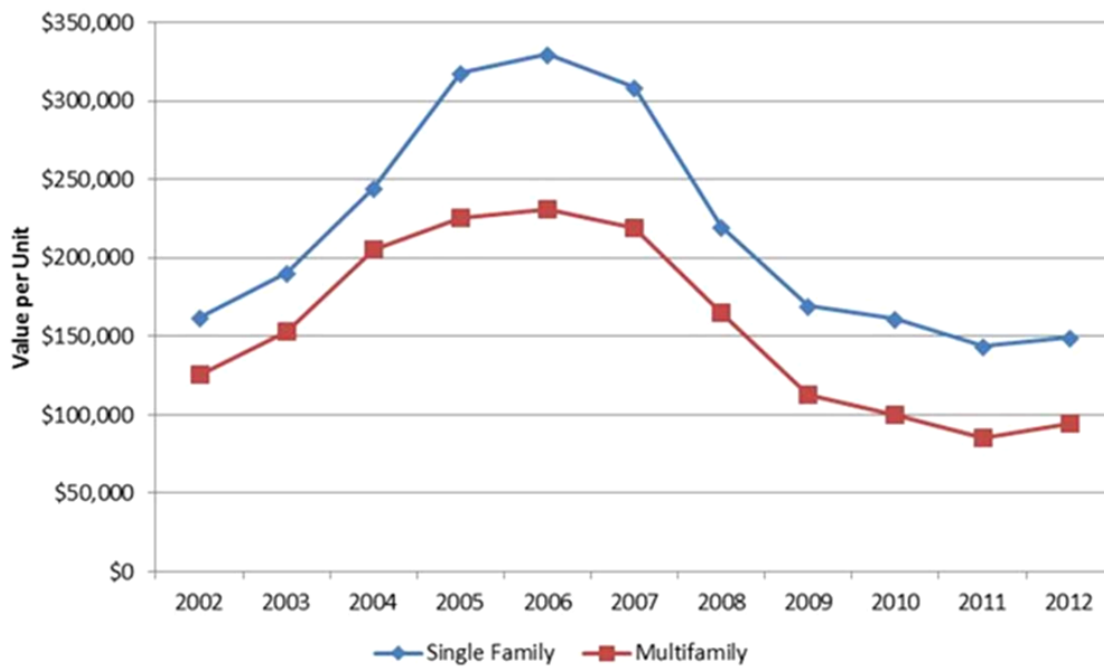
Source: Fresno Pre-Approved Data Package, American Communities Survey, Table B25014, 2007-2011.

## HOUSING COST AND AFFORDABILITY

### Home Price Trends

Housing values in Fresno County were hard hit by the 2008 housing market crash. The average single family home value peaked in 2006 at about \$325,000 and was at its lowest in 2011 at less than \$150,000. Similarly, the average condominium/townhome value, a small part of the market, peaked at about \$230,000 in 2006 and then sank to about \$90,000 in 2011. However, the market began to rebound in 2012 and more recent data suggests that this trend will continue, indicating that the market has weathered a cyclical low point.

**FIGURE 6 RESIDENTIAL SALE VALUE TREND (IN 2014 DOLLARS)  
FRESNO COUNTY**



Source: San Joaquin Valley Infill Viability Analysis; Research And Development Corporation (RAND); Department of Finance; and Economic and Planning Systems (EPS), 2014.

Table 2-22 shows the number of home sales and median price for each jurisdiction in Fresno County in 2014. According to DQNews, in 2014, 10,411 homes were sold countywide with a median price of \$209,000. This is a 13 percent increase from the 2013 countywide median price. More homes were sold in 2014 in the city of Fresno than in all other jurisdictions combined. Clovis had the highest median sale price of \$285,000, and San Joaquin had the lowest at \$72,000; however, the median in San Joaquin is based on a very small number of home sales.

**Table 2-22 Home Sales Recorded in 2014**

	2014 Sale Counts	2014	2013	Percent Change Year to Year
Fresno County	10,411	\$209,000	\$185,000	13.0%
Clovis	2,038	\$285,000	\$258,000	10.5%
Coalinga	137	\$140,000	\$110,000	27.3%
Firebaugh	37	\$118,000	\$100,000	18.0%
Fowler	75	\$237,000	\$216,000	9.7%
Fresno	6,431	\$190,000	\$173,000	9.8%
Huron	10	\$126,000	\$89,500	40.8%
Kerman	97	\$184,500	\$152,500	21.0%
Kingsburg	148	\$215,250	\$185,000	16.4%
Mendota	29	\$110,000	\$98,750	11.4%
Orange Cove	42	\$100,000	\$69,500	43.9%
Parlier	67	\$135,000	\$121,250	11.3%
Reedley	222	\$175,000	\$150,000	16.7%
San Joaquin	7	\$72,000	\$100,000	-28.0%
Sanger	343	\$195,000	\$165,000	18.2%
Selma	207	\$160,000	\$147,000	8.8%

Note: Data not available for unincorporated county.

Source: DQ NEWS, <http://www.dqnews.com/Charts/Annual-Charts/CA-City-Charts/ZIPCAR14.aspx>, 2015

In terms of single-family production housing, there are a variety of new home communities with a range of product types available throughout the county, according to the San Joaquin Valley Infill Viability Analysis from 2014. Homes range in size from 1,360 square feet to 3,490 square feet. Lots vary from 1,800 square feet to 16,000 square feet. Home prices start at about \$185,000 and go to \$630,000, with per-square-foot prices ranging from \$110 to \$200. Small-lot projects accounted for about 20 percent of sales during the first quarter of 2014. By comparison, about 60 percent of sales were in communities with more typical lot sizes, ranging from about 4,500 square feet to 7,500 square feet. Available data indicate that the small-lot products sell for less overall, but achieve higher prices on a per-square-foot basis than homes on typical lots.

## Rental Trends

Close to half of Fresno County households are renters. Although renters in general tend to live in multifamily units, about 42 percent of renter households in Fresno County live in single family homes compared to 37 percent statewide and about 34 percent nationally. Given that very few developers build single family units for rent, many single family units originally built as for-sale products have been converted to rental property over time. As a result of the foreclosure crisis, Fresno has a relatively large investor market where individuals (or partnerships) buy single family homes (or hold rather than sell when they move) for income property.

The median rent in Fresno County is well below the state average, especially when compared to urban areas where new rental products (e.g., multifamily apartments) are being developed. For example, based on data from Zillow.com, which has collected data on asking rents for most counties in the state for over four years, rents in Fresno County are about 70 percent of the state average and have remained relatively constant in real terms since 2010. Fresno County rents are about half those in Los Angeles County, a county that has experienced significant growth in apartment development.

**Table 2-23 Residential Rental Rate Comparison (2010-2014)**

Jurisdiction	Rental Rate	Year					Growth 2010-2014	
		2010	2011	2012	2013	2014	\$ Change	Percent Change
Fresno County	Average Rent	\$1,154	\$1,166	\$1,178	\$1,187	\$1,200	\$46	4%
	Average Rent/Sq. Ft.	\$0.76	\$0.78	\$0.76	\$0.77	\$0.78	\$0.02	3%
California	Average Rent	\$1,559	\$1,540	\$1,604	\$1,633	\$1,650	\$91	6%
	Average Rent/Sq. Ft.	\$1.07	\$1.05	\$1.07	\$1.08	\$1.10	\$0.03	4%
Fresno County as a Percent of California	Average Rent	74%	76%	73%	73%	73%	N/A	-2%
	Average Rent/Sq. Ft.	71%	74%	71%	71%	71%	N/A	0%
Los Angeles	Average Rent	\$2,115	\$2,121	\$2,139	\$2,211	\$2,239	\$125	6%
	Average Rent/Sq. Ft.	\$1.49	\$1.49	\$1.51	\$1.55	\$1.58	\$0.09	6%
Fresno County as a Percent of Los Angeles	Average Rent	55%	55%	55%	54%	54%	N/A	-2%
	Average Rent/Sq. Ft.	51%	52%	51%	49%	49%	N/A	-3%

Source: Zillow.com, Economic and Planning Systems, [http://www.valleyblueprint.org/files/SJV%20Infill%20Development%20Analysis\\_Final%20Report\\_9-11-14.pdf](http://www.valleyblueprint.org/files/SJV%20Infill%20Development%20Analysis_Final%20Report_9-11-14.pdf), 2014.

The few market-rate projects that have been built in Fresno County (predominately in Fresno or Clovis) appear to target niche markets or premium locations, such as student housing for Fresno State, highly-amenitized complexes oriented towards seniors, and/or located in the Clovis Unified School District. It is also worth noting that institutional developers (e.g., REITS and other publicly-traded development companies) do not appear to be active in the Fresno multifamily market (although they are in a single family development market).

## Ability to Pay

Table 2-24 summarizes 2014 HCD-defined household income limits for very low-, low-, and moderate-income households in Fresno County by the number of persons in the household. The table also includes the maximum affordable monthly rents and maximum affordable purchase prices for homes. Households earning the 2014 area median income for a family of four in Fresno County (\$57,900) could afford to spend up to \$1,448 per month on rent without overpaying. A three-person household would be classified as low-income if its annual income was less than \$31,250. This household could afford a \$695 maximum monthly rent.

For renters this is a straightforward calculation, but home ownership costs are less transparent. An affordable price depends on several factors, including the down payment, the level of other long-term obligations (such as a car loan), and interest rates. In practice the interaction of these factors as well as insurance, and taxes allows some households to qualify for homes priced at more than three times their annual income, while other households may be limited to purchasing homes no more than two times their annual incomes. Interest rates, insurance, and taxes are held constant in Table 2-24 in order to determine maximum affordable rent and purchase price for households in each income category. It is important to note that this table is used for illustrative purposes only.

Housing is generally very affordable in Fresno County. The median home sale price countywide would be affordable to a four-person household earning the median income of \$57,900, as shown in Table 2-24. Even low- and very-low-income households can afford the median priced home in many communities in the county. For example, a very low-income four-person household making \$28,950 per year could afford an estimated maximum purchase price of \$116,936. Based on the median home sale prices reported in Table 2-22, a household earning this income could afford the median home sale price in Mendota, Orange Cove, and San Joaquin.

Table 2-24 Fresno County Ability to Pay (2014)

<b>Extremely Low-Income Households at 30% of 2014 Area Median Income (AMI)</b>						
Number of Persons	1	2	3	4	5	6
Income Level	\$12,150	\$13,900	\$15,650	\$17,350	\$18,750	\$20,150
Max. Monthly Gross Rent <sup>1</sup>	\$304	\$348	\$391	\$434	\$469	\$504
Max. Purchase Price <sup>2</sup>	\$49,077	\$56,146	\$63,214	\$70,081	\$75,736	\$81,391
<b>Very Low-Income Households at 50% of 2014 AMI</b>						
Number of Persons	1	2	3	4	5	6
Income Level	\$20,250	\$23,150	\$26,050	\$28,950	\$31,250	\$33,600
Max. Monthly Gross Rent <sup>1</sup>	\$506	\$579	\$651	\$724	\$781	\$840
Max. Purchase Price <sup>2</sup>	\$81,795	\$93,509	\$105,223	\$116,936	\$126,227	\$135,719
<b>Low-Income Households at 70% of 2014 AMI For Sale and 60% of 2014 AMI for Rental</b>						
Number of Persons	1	2	3	4	5	6
Income Level for Sale (70% AMI)	\$28,350	\$32,400	\$36,500	\$40,550	\$43,750	\$47,000
Income Level for Rental (60% AMI)	\$24,300	\$27,800	\$31,250	\$34,750	\$37,500	\$40,300
Max. Monthly Gross Rent <sup>1</sup>	\$608	\$695	\$781	\$869	\$938	\$1,008
Max. Purchase Price <sup>2</sup>	\$114,513	\$130,872	\$147,433	\$163,792	\$176,717	\$189,845
<b>Median-Income Households at 100% of 2014 AMI</b>						
Number of Persons	1	2	3	4	5	6
Income Level	\$40,550	\$46,300	\$52,100	\$57,900	\$62,550	\$67,150
Max. Monthly Gross Rent <sup>1</sup>	\$1,014	\$1,158	\$1,303	\$1,448	\$1,564	\$1,679
Max. Purchase Price <sup>2</sup>	\$163,792	\$187,018	\$210,445	\$233,873	\$252,656	\$271,236
<b>Moderate-Income Households at 110% of 2014 AMI</b>						
Number of Persons	1	2	3	4	5	6
Income Level	\$44,600	\$50,950	\$57,300	\$63,700	\$68,800	\$73,900
Max. Monthly Gross Rent/Payments <sup>1</sup>	\$1,301	\$1,486	\$1,671	\$1,858	\$2,007	\$2,155
Max. Purchase Price <sup>2</sup>	\$210,176	\$240,100	\$270,024	\$300,184	\$324,218	\$348,251

<sup>1</sup> Assumes that 30 percent (35 percent for moderate) of income is available for either: monthly rent, including utilities; or mortgage payment, taxes, mortgage insurance, and homeowners insurance.

<sup>2</sup> Assumes 96.5 percent loan at 4.5 percent annual interest rate and 30-year term; assumes taxes, mortgage insurance, and homeowners' insurance account for 21 percent of total monthly payments.

<sup>3</sup> 2014 State Area Median Income for Fresno County is \$57,900.

Source: California Department of Housing and Community Development, 2014, <http://www.hcd.ca.gov/hpd/hrc/rep/state/inc2k14.pdf>; Mintier Harnish, 2014.

Table 2-25 shows HUD-defined fair market rent levels (FMR) for Fresno County for 2014. In general the FMR for an area is the amount needed to pay the gross rent (shelter rent plus utilities) of privately-owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities. The rents are drawn from the distribution of rents of all units that are occupied by recent movers. Adjustments are made to exclude public housing units, newly built units, and substandard units.

As shown in Table 2-24, a three-person household classified as low-income with an annual income of \$31,250 (60 percent of AMI) could afford to pay \$781 monthly gross rent (including utilities). As shown in Table 2-25, the 2014 FMR for a two-bedroom unit in Fresno County is \$827. Therefore, a low-income three-person household at the middle of the income range could not afford to rent a two-bedroom unit at the FMR level. A moderate-income three-person household with an income of \$57,300 could afford to pay \$1,671 in rent without overpaying. This is enough to pay the FMR for a four-bedroom apartment.

**Table 2-25 HUD Fair Market Rent by Bedroom<sup>1</sup> (2014)**

Bedrooms in Unit	2014 FMR
Studio	\$630
1 Bedroom	\$655
2 Bedrooms	\$827
3 Bedrooms	\$1,162
4 Bedrooms	\$1,356

<sup>1</sup> 50<sup>th</sup> percentile of market rents for Fiscal Year 2014 for Fresno MSA (Fresno County) and "Exception Rents."

Source: U.S. Department of Housing and Urban Development (HUD), 2014.

## SPECIAL NEEDS

Within the general population there are several groups of people who have special housing needs. These needs can make it difficult for members of these groups to locate suitable housing. The following subsections discuss these special housing needs of six groups identified in State Housing Element Law (Government Code, Section 65583(a)(7): elderly, persons with disabilities (including developmental disabilities), large households, farmworkers, families with single-headed households, and families and persons in need of emergency shelter. This section also describes the needs of extremely low-income households. Where possible, estimates of the population or number of households in Fresno County belonging to each group are shown.



## Elderly Persons

Seniors are defined as persons 65 years and older, and senior households are those households headed by a person 65 years and older. Seniors have special housing needs based on factors such as age, health, self-care capacity, economic status, family arrangement, and homeownership. Particular needs for the elderly include smaller and more efficient housing, barrier-free and accessible housing, and a wide variety of housing with health care and/or personal services. Various programs can help meet the needs of seniors including, but not limited to, congregate care, supportive services, rental subsidies, shared housing, and housing rehabilitation assistance. For the elderly with disabilities, housing with features that accommodate disabilities can help ensure continued independent living. Elderly with mobility/self-care limitation also benefit from transportation alternatives. Senior housing with these accommodations can allow more independent living.

In 2012, 11.5 percent of the population statewide was over the age of 65. Each jurisdiction in Fresno County has a lower rate, except Kingsburg with 13.7 percent. San Joaquin and Huron are the lowest, with less than 5 percent of the population over 65.

**Table 2-26 Percent of the Population 65 and Over (2012)**

	<b>Total Population</b>	<b>Seniors</b>	<b>Percent Seniors</b>
Fresno County	939,605	96,779	10.3%
Clovis	97,100	10,875	11.2%
Coalinga	16,609	1,196	7.2%
Firebaugh	7,773	451	5.8%
Fowler	5,785	567	9.8%
Fresno City	500,819	46,576	9.3%
Huron	6,760	372	5.5%
Kerman	13,856	1,150	8.3%
Kingsburg	11,507	1,576	13.7%
Mendota	11,237	584	5.2%
Orange Cove	9,349	449	4.8%
Parlier	14,599	964	6.6%
Reedley	24,562	2,481	10.1%
Sanger	24,393	2,342	9.6%
San Joaquin	3,991	204	5.1%
Selma	23,538	2,636	11.2%
Unincorporated County*	167,727	24,357	14.5%

Note: The American Communities Survey provides an estimate of the percentage of the senior population. The estimated number of seniors was calculated using that percentage and the total estimated population.

\*The unincorporated area number of seniors is the total number of estimated seniors in the county less all the seniors in each jurisdiction.

Source: American Communities Survey, 2009-2013.

Table 2-27 shows elderly householders by tenure. Senior households have a high homeownership rate. In Fresno County 72.8 percent of senior householders were living in owner-occupied units in 2011, compared to 54.2 percent of all households.

**Table 2-27 Elderly Households by Tenure (2011)**

		All Households			Senior Households		
		Total Households	Owner-Occupied	Renter-Occupied	Total Households	Owner-Occupied	Renter-Occupied
Fresno County	Number	287,082	155,585	131,497	55,251	40,245	15,006
	Percent	100%	54.2%	45.8%	100%	72.8%	27.2%
Clovis	Number	32,915	20,598	12,317	5,944	4,188	1,756
	Percent	100%	62.6%	37.4%	100%	70.5%	29.5%
Coalinga	Number	4,259	2,237	2,022	509	382	127
	Percent	100%	52.5%	47.5%	100%	75.0%	25.0%
Firebaugh	Number	1,914	1,035	879	306	231	75
	Percent	100%	54.1%	45.9%	100%	75.5%	24.5%
Fowler	Number	1,625	884	741	275	203	72
	Percent	100%	54.4%	45.6%	100%	73.8%	26.2%
Fresno	Number	157,649	76,355	81,294	28,062	18,652	9,410
	Percent	100%	48.4%	51.6%	100%	66.5%	33.5%
Huron	Number	1,548	325	1,223	151	85	66
	Percent	100%	21.0%	79.0%	100%	56.3%	43.7%
Kerman	Number	3,589	2,068	1,521	593	442	151
	Percent	100%	57.6%	42.4%	100%	74.5%	25.5%
Kingsburg	Number	3,646	2,178	1,468	862	595	267
	Percent	100%	59.7%	40.3%	100%	69.0%	31.0%
Mendota	Number	2,753	1,204	1,549	424	344	80
	Percent	100%	43.7%	56.3%	100%	81.1%	18.9%
Orange Cove	Number	2,195	920	1,275	203	125	78
	Percent	100%	41.9%	58.1%	100%	61.6%	38.4%
Parlier	Number	3,508	1,538	1,970	406	251	155
	Percent	100%	43.8%	56.2%	100%	61.8%	38.2%
Reedley	Number	6,165	3,737	2,428	1,245	931	314
	Percent	100%	60.6%	39.4%	100%	74.8%	25.2%
Sanger	Number	6,559	3,626	2,933	1,272	809	463
	Percent	100%	55.3%	44.7%	100%	63.6%	36.4%
San Joaquin	Number	915	448	467	99	44	55
	Percent	100%	49.0%	51.0%	100%	44.4%	55.6%
Selma	Number	6,393	3,785	2,608	1,239	1,048	191
	Percent	100%	59.2%	40.8%	100%	84.6%	15.4%
Unincorp. County	Number	51,449	34,647	16,802	13,661	11,915	1,746
	Percent	100%	67.3%	32.7%	100%	87.2%	12.8%

Source: Fresno Pre-Approved Data Package, American Communities Survey, 5 Year (B25007), 2011.

**SECTION 2: HOUSING NEEDS ASSESSMENT**

As shown in Table 2-28, the population 65 years and over has the highest rate of disabilities. Countywide, an estimated 41.7 percent of seniors have a disability.

**Table 2-28 Seniors with Disabilities (2013)**

	Population 65 years and over		
	Total	With a Disability	Percent with a Disability
Fresno County	94,864	39,557	41.7%
Clovis	10,635	4,017	37.8%
Coalinga	1,099	509	46.3%
Firebaugh	452	179	39.6%
Fowler	519	255	49.1%
Fresno	45,279	19,841	43.8%
Huron	369	133	36.0%
Kerman	1,156	548	47.4%
Kingsburg	1,503	505	33.6%
Mendota	588	336	57.1%
Orange Cove	447	176	39.4%
Parlier	959	354	36.9%
Reedley	2,331	815	35.0%
Sanger	2,248	1,065	47.4%
San Joaquin	205	40	19.5%
Selma	2,554	855	33.5%
Unincorporated County	24,520	9,929	40.5%

*Source: American Communities Survey, 2009-2013.*

Currently, the Fresno Housing Authority owns and manages three senior housing complexes with 134 senior housing units. While nearly all of the 5,000 housing units managed by the Housing Authority are available to seniors, these three residential communities are designated specifically for those over the age of 62. The communities are located in the cities of Firebaugh (30 units), Kerman (Kearney Palms I–80 units, and Kearney Palms II–20 units), and Sanger (the Elderberry at Bethel–74 units, and Wedgewood Commons–30 units). The Housing Authority is also currently building a 45-unit senior apartment complex in Kingsburg called Marion Villas Apartments. The project is expected to be completed in 2015. The rent at these complexes is based on an amount no greater than 30 percent of the resident’s adjusted gross income. All senior units offer amenities and are maintained and upgraded by the Fresno Housing Authority regularly in order to ensure an attractive and safe setting. In addition, the Fresno Housing Authority provides numerous programs for residents at these complexes.

The Fresno County Senior Resource Center operates a program, Adult Protective Services, which assists both disabled adults and seniors with all requests for assistance. The Fresno County Human Services System, Department of Adult Services also provides housing and basic needs assistance to elderly persons. Low-income elderly persons also are eligible to apply to the Housing Authority's Housing Choice Voucher Program. The Fresno/Madera Area Agency on Aging (FMAAA) provides connections to programs, services, and resources elderly residents can use to maintain and improve their quality of life as they age. The Agency provides housing assistance by compiling a list of apartments that cater to elderly needs. The Agency also offers a hot meal, served Monday through Friday. The FMAAA serves over 300,000 congregate meals and approximately 600,000 home-delivered meals annually throughout the Fresno and Madera area.

For seniors and other persons requiring a supportive housing setting, there are 120 licensed care facilities in Fresno County with 753 beds. The majority of these facilities are located in the city of Fresno. However, there are also 11 facilities in Clovis, four in Reedley, three in Sanger, two in Selma, and one in Parlier. These facilities are listed in Appendix 1B.

## Large Households

HUD defines a large household as one with five or more members. Large families may have specific needs that differ from other households due to income and housing stock constraints. The most critical housing need of large households is access to larger housing units with more bedrooms than a standard three-bedroom dwelling. As a result large households may be overcrowded in smaller units. In general, housing for large households should provide safe outdoor play areas for children and should be located to provide convenient access to schools and child care facilities.

Table 2-29 shows large households by tenure. In Fresno County 18.8 percent of the households are large. The jurisdictions with the highest percentage of large households are Orange Cove and Parlier (both with 35.9 percent), Mendota (35.5 percent), and Firebaugh (34.7 percent). The city of Fresno has the lowest rate with 17.0 percent, still higher than the statewide rate of 14.3 percent.

In Fresno County a higher percentage of large households are renters. In Huron 74.2 percent of large households are renters. However, this is not the case in all jurisdictions. In Kingsburg two-thirds of large households are owners.

SECTION 2: HOUSING NEEDS ASSESSMENT

Table 2-29 Large Households by Tenure (2011)

		Total Households	Large Households		
			Total	Owner	Renter
Fresno County	Number	287,082	54,106	26,245	27,861
	Percent	100.0%	18.8%	48.5%	51.5%
Clovis	Number	32,915	4,450	2,860	1,590
	Percent	100.0%	13.5%	64.3%	35.7%
Coalinga	Number	4,259	859	367	492
	Percent	100.0%	20.2%	42.7%	57.3%
Firebaugh	Number	1,914	665	343	322
	Percent	100.0%	34.7%	51.6%	48.4%
Fowler	Number	1,625	445	209	236
	Percent	100.0%	27.4%	47.0%	53.0%
Fresno	Number	157,649	26,879	11,808	15,071
	Percent	100.0%	17.0%	43.9%	56.1%
Huron	Number	1,548	516	133	383
	Percent	100.0%	33.3%	25.8%	74.2%
Kerman	Number	3,589	1,056	629	427
	Percent	100.0%	29.4%	59.6%	40.4%
Kingsburg	Number	3,646	746	497	249
	Percent	100.0%	20.5%	66.6%	33.4%
Mendota	Number	2,753	978	415	563
	Percent	100.0%	35.5%	42.4%	57.6%
Orange Cove	Number	2,195	788	361	427
	Percent	100.0%	35.9%	45.8%	54.2%
Parlier	Number	3,508	1,259	536	723
	Percent	100.0%	35.9%	42.6%	57.4%
Reedley	Number	6,165	2,105	1,178	927
	Percent	100.0%	34.1%	56.0%	44.0%
Sanger	Number	6,559	1,867	985	882
	Percent	100.0%	28.5%	52.8%	47.2%
San Joaquin	Number	915	311	152	159
	Percent	100.0%	34.0%	48.9%	51.1%
Selma	Number	6,393	1,724	863	861
	Percent	100.0%	27.0%	50.1%	49.9%
Unincorporated County	Number	51,449	9,458	4,909	4,549
	Percent	100.0%	18.4%	51.9%	48.1%

Source: Fresno Pre-Approved Data Package, American Communities Survey, B25009, 2007-2011.

## Single Female-Headed Households

According to the U.S. Census Bureau, a single-headed household contains a household head and at least one dependent, which could include a related or unrelated child, or an elderly parent. Female-headed households have special housing needs because they are often either single parents or single elderly adults living on low- or poverty-level incomes. Single-parent households with children often require special consideration and assistance as a result of their greater need for affordable housing, accessible day care, health care, and a variety of other supportive services. Moreover, because of their relatively lower household incomes, single-parent households are more likely to experience difficulties in finding affordable, decent, and safe housing.

Table 2-30 shows the number of female-headed households in Fresno County. As shown in the table, 9.9 percent of households countywide were single females. This is higher than the statewide rate of 6.8 percent. In Huron, more than 16 percent of householders were single females. The unincorporated area had the lowest percentage of single-female headed households.

**Table 2-30 Single Female-Headed Households (2010)**

	<b>Total Households</b>	<b>Single Female-Headed Households with Own Children Under Age 18</b>	<b>Percent</b>
Fresno County	289,391	28,575	9.9%
Clovis	33,419	2,549	7.6%
Coalinga	3,896	465	11.9%
Fowler	1,723	160	9.3%
Fresno City	158,349	18,424	11.6%
Huron	1,532	247	16.1%
Kerman	3,692	377	10.2%
Kingsburg	3,822	287	7.5%
Mendota	2,424	300	12.4%
Mendota	2,424	300	12.4%
Orange Cove	2,068	298	14.4%
Parlier	3,297	421	12.8%
Reedley	6,569	522	7.9%
San Joaquin	882	124	14.1%
Sanger	6,659	729	10.9%
Selma	6,416	639	10.0%
Unincorp. County	52,219	2,733	5.2%

Source: U.S. Census, 2010.

**SECTION 2: HOUSING NEEDS ASSESSMENT**

Female-headed single-parent households often experience a high rate of poverty. Countywide 40.1 percent of the female single-parent households were living under the poverty level compared to 14.5 percent of all households (See Table 2-31). In Mendota 77.7 percent of female-headed households were living in poverty, followed by San Joaquin and Orange Cove with 68.2 percent and Huron with 65.3 percent. The poverty rate for all households is also high in these areas. Reedley has the lowest percentage of female-headed households in poverty (22.8 percent), but it is still higher than the rate for all families. Statewide 10.7 percent of families and 25.5 percent of female-headed households were in poverty.

**Table 2-31 Female-Headed Households in Poverty (2011)**

	Total Households in Poverty		Female-Headed Households in Poverty	
	Number	Percent	Number	Percent
Fresno County	41,637	14.5%	19,206	40.1%
Clovis	2,221	6.7%	1,035	23.3%
Coalinga	585	13.7%	368	45.4%
Firebaugh	503	26.3%	204	56.4%
Fowler	245	15.1%	87	39.4%
Fresno	24,387	15.5%	12,188	41.60%
Huron	658	42.5%	437	65.3%
Kerman	604	16.8%	260	39.6%
Kingsburg	364	10.0%	213	36.1%
Mendota	1,000	36.3%	580	77.7%
Orange Cove	747	34.0%	398	68.2%
Parlier	896	25.5%	355	45.8%
Reedley	1,084	17.6%	158	22.8%
Sanger	747	61.2%	348	28.5%
San Joaquin	78	30.2%	176	68.2%
Selma	575	55.7%	395	38.2%
Unincorporated County	1,106	20.0%	2,004	36.3%

*Source: Fresno Pre-Approved Data Package, American Communities Survey, B17012, 2007-2011.*

Single-parent households can benefit from most affordable housing programs, including Housing Choice Vouchers, Homebuyer Assistance Program (HAP), and Housing Rehabilitation Program (HARP) in the county. The County offers the California Work Opportunity and Responsibility to Kids (CalWORKs) Program to help eligible needy families who have children under the age of 19 with cash assistance, Medi-Cal, and employment services. Assistance programs offered by organizations like First Five Fresno County and PG&E can also assist these households with securing affordable childcare and housing.

## Persons with Disabilities

Persons with disabilities typically have special housing needs because of their physical and/or developmental capabilities, fixed or limited incomes, and higher health costs associated with their disabilities. A disability is defined broadly by the Census Bureau as a physical, mental, or emotional condition that lasts over a long period of time and makes it difficult to live independently. The Census Bureau defines five disabilities: hearing, vision, cognitive, ambulatory, self-care, or independent living disabilities.

Persons with disabilities have different housing needs depending on the nature and severity of the disability. Physically disabled persons generally require modifications to their housing units, such as wheelchair ramps, elevators or lifts, wide doorways, accessible cabinetry, and modified fixtures and appliances. Special design and other considerations for persons with disabilities include single-level units, availability of services, group living opportunities, and proximity to transit. While regulations adopted by the State require all ground floor units of new apartment complexes with five or more units to be accessible to persons with disabilities, single family units have no accessibility requirements. If a disability prevents a person from operating a vehicle, then proximity to services and access to public transportation are particularly important. If a disability prevents an individual from working or limits income, then the cost of housing and the costs of modifications are likely to be even more challenging. Those with severe physical or mental disabilities may also require supportive housing, nursing facilities, or care facilities. In addition, many disabled people rely solely on Supplemental Security Income (SSI), which is insufficient for market rate housing.

Severely mentally-disabled persons are especially in need of assistance. Mentally-disabled individuals are those with psychiatric disabilities that impair their ability to function in the community to varying degrees. The National Institute for Mental Health estimates that in 2010, 45.9 million adults age 18 and older (20 percent) suffered from mental illness. If this ratio holds true for Fresno County, an estimated 189,579 residents have some form of mental disability that requires special housing accommodations, medical treatment, and/or supportive services.

According to the 2009-2013 ACS, 12 percent of the population countywide age five and over is living with disabilities. This is slightly higher than the statewide rate of 10 percent. The population 65 years and over has the highest rate of disabilities. Table 2-32 provides information on the nature of these disabilities. The total disabilities number shown for all age groups exceeds the number of persons with disabilities because a person can have more than one disability. Among school age children the most frequent disability was cognitive. For persons age 18 to 64 years, the most frequent disabilities were ambulatory, cognitive, and independent living. Finally, for seniors ambulatory disabilities were the most frequent. The unincorporated area had the highest rate of disabilities for the total population with 13 percent. San Joaquin had the lowest rate at 4 percent.



Table 2-32 Disability by Type (2013)

	Fresno County	Clovis	Coalinga	Firebaugh	Fowler	Fresno	Huron	Kerman	Kingsburg	Mendota	Orange Cove	Parlier	Reedley	Sanger	San Joaquin	Selma	Unincorporated County
<b>Total population</b>	<b>927,913</b>	<b>96,652</b>	<b>14,087</b>	<b>7,773</b>	<b>5,730</b>	<b>496,343</b>	<b>6,760</b>	<b>13,852</b>	<b>11,387</b>	<b>11,237</b>	<b>9,349</b>	<b>14,599</b>	<b>24,337</b>	<b>24,184</b>	<b>3,991</b>	<b>23,399</b>	164,233
With a disability	107,708	10,367	1,421	669	552	61,252	470	1,267	1,195	796	641	1,127	2,258	2,319	174	2,231	20,969
Percent with a disability	12%	11%	10%	9%	10%	12%	7%	9%	10%	7%	7%	8%	9%	10%	4%	10%	13%
<b>Population under 5 years</b>	<b>79,480</b>	<b>6,608</b>	<b>1,203</b>	<b>756</b>	<b>430</b>	<b>44,631</b>	<b>989</b>	<b>1,486</b>	<b>802</b>	<b>1,157</b>	<b>1,178</b>	<b>1,502</b>	<b>2,259</b>	<b>2,417</b>	<b>461</b>	<b>2,008</b>	<b>11,593</b>
With a disability	551	35	0	24	0	246	38	0	17	10	0	0	6	46	0	30	99
Percent with a disability	1%	1%	0%	3%	0%	1%	4%	0%	2%	1%	0%	0%	0%	2%	0%	1%	1%
<i>With a hearing difficulty</i>	327	35	0	24	0	154	38	0	0	0	0	0	0	0	0	30	46
<i>With a vision difficulty</i>	248	0	0	0	0	97	19	0	17	10	0	0	6	46	0	0	53
<b>Population 5 to 17 years</b>	<b>197,682</b>	<b>20,807</b>	<b>3,015</b>	<b>1,921</b>	<b>1,330</b>	<b>104,625</b>	<b>1,813</b>	<b>3,103</b>	<b>2,425</b>	<b>2,519</b>	<b>2,512</b>	<b>3,692</b>	<b>5,724</b>	<b>5,373</b>	<b>1,214</b>	<b>5,204</b>	<b>32,405</b>
With a disability	9,358	900	137	39	8	5,871	45	116	57	40	31	92	278	135	17	48	1,544
Percent with a disability	5%	4%	5%	2%	1%	6%	2%	4%	2%	2%	1%	2%	5%	3%	1%	1%	5%
<i>With a hearing difficulty</i>	1,905	193	31	0	0	1,287	8	25	0	0	0	0	79	10	8	0	264
<i>With a vision difficulty</i>	1,945	235	65	0	0	1,197	0	13	10	21	25	47	0	33	4	0	295
<i>With a cognitive difficulty</i>	6,154	614	41	39	8	3,955	37	45	47	9	0	64	154	72	5	48	1,016
<i>With an ambulatory difficulty</i>	1,258	246	0	0	0	684	15	12	22	10	0	8	45	26	0	0	190
<i>With a self-care difficulty</i>	1,830	341	10	0	0	953	15	21	33	0	6	8	26	34	0	6	377
<b>Population 18 to 64 years</b>	<b>555,887</b>	<b>58,602</b>	<b>8,770</b>	<b>4,644</b>	<b>3,451</b>	<b>301,808</b>	<b>3,589</b>	<b>8,107</b>	<b>6,657</b>	<b>6,973</b>	<b>5,212</b>	<b>8,446</b>	<b>14,023</b>	<b>14,146</b>	<b>2,111</b>	<b>13,633</b>	<b>95,715</b>
With a disability	58,242	5,415	775	427	289	35,294	254	603	616	410	434	681	1,159	1,073	117	1,298	9,397
Percent with a disability	10%	9%	9%	9%	8%	12%	7%	7%	9%	6%	8%	8%	8%	8%	6%	10%	10%
<i>With a hearing difficulty</i>	11,871	994	140	45	82	6,831	66	109	84	93	43	126	243	155	11	337	2,512
<i>With a vision difficulty</i>	13,426	1,101	92	37	43	8,778	128	160	51	213	103	178	257	214	19	341	1,711
<i>With a cognitive difficulty</i>	24,479	1,973	160	160	117	16,053	88	175	297	66	204	241	450	338	34	454	3,669
<i>With an ambulatory difficulty</i>	29,550	3,091	591	148	124	17,712	73	304	339	140	241	408	423	606	71	757	4,522
<i>With a self-care difficulty</i>	11,460	1,285	214	72	47	6,954	35	113	99	31	200	110	200	202	6	213	1,679
<i>With an independent living difficulty</i>	22,224	2,103	263	194	94	14,177	35	244	315	74	211	262	409	348	22	456	3,017
<b>Population 65 years and over</b>	<b>94,864</b>	<b>10,635</b>	<b>1,099</b>	<b>452</b>	<b>519</b>	<b>45,279</b>	<b>369</b>	<b>1,156</b>	<b>1,503</b>	<b>588</b>	<b>447</b>	<b>959</b>	<b>2,331</b>	<b>2,248</b>	<b>205</b>	<b>2,554</b>	<b>24,520</b>
With a disability	39,557	4,017	509	179	255	19,841	133	548	505	336	176	354	815	1,065	40	855	9,929
Percent with a disability	42%	38%	46%	40%	49%	44%	36%	47%	34%	57%	39%	37%	35%	47%	20%	33%	40%
<i>With a hearing difficulty</i>	17,494	2,105	263	102	67	8,594	56	254	191	150	43	67	373	528	13	278	4,410
<i>With a vision difficulty</i>	8,290	773	126	12	64	4,588	53	83	32	88	76	39	121	302	0	177	1,756
<i>With a cognitive difficulty</i>	11,666	1,053	165	20	140	6,375	27	145	112	155	60	136	244	357	15	254	2,408
<i>With an ambulatory difficulty</i>	26,322	2,481	325	112	196	13,615	109	413	334	236	111	263	487	611	25	715	6,289
<i>With a self-care difficulty</i>	10,443	1,043	112	61	70	5,800	21	168	133	91	104	89	179	297	0	282	1,993
<i>With an independent living difficulty</i>	18,818	1,786	175	87	128	10,177	43	311	222	141	118	212	448	594	13	434	3,929

Source: American Community Survey, 2009-2013.

## Developmental Disabilities

SB 812, which took effect January 2011, amended State housing element law to require an evaluation of the special housing needs of persons with developmental disabilities. A "developmental disability" is defined as a disability that originates before an individual becomes 18 years old, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This includes mental retardation, cerebral palsy, epilepsy, and autism. Many developmentally disabled persons are able to live and work normally. However, more severely disabled individuals require a group living environment with supervision, or an institutional environment with medical attention and physical therapy. Because developmental disabilities exist before adulthood, the first housing issue for the developmentally disabled is the transition from living with a parent/guardian as a child to an appropriate level of independence as an adult.

Table 2-33 shows the number of people in Fresno county jurisdictions receiving assistance in December 2014. The majority of these (more than 2,000 persons) lived in their own home and the rest lived in independent living or supportive living (about 200 persons), community care facilities (about 130 persons), foster or family homes (less than 140 persons), or an intermediate care facility (about 50 persons). The most common type of disability was intellectual: approximately 75 percent of clients. Approximately 20 percent had epilepsy and/or autism. The least common was cerebral palsy, with an estimated 15 percent. Clients may have more than one disability.

**Table 2-33 Clients in Fresno County with Developmental Disabilities by Age (2014)**

Jurisdiction	00-17 Years	18+ Years	Total
Clovis	232	398	630
Coalinga	34	36	70
Fowler	21	22	43
Huron	15	18	33
Kerman	74	75	149
Kingsburg	42	40	82
Mendota	27-37	27-37	54+
Parlier	83	41	124
Reedley	141	113	254
Sanger	120	162	282
San Joaquin	12	11	23
Selma	101	88	189
Unincorporated	280-410	315-435	595+

*Source: Department of Developmental Services, 2014.*

This is only a count of those developmentally disabled people receiving services from the Department of Developmental Services as of December 2014. It is likely that the actual count is higher.

## ***Licensed Care Facilities***

For persons requiring a supportive housing setting, Fresno County has 120 licensed care facilities with 753 beds. The majority of these facilities are located in the city of Fresno. However, there are also 11 facilities in Clovis, four in Reedley, three in Sanger, two in Selma, and one in Parlier. These facilities are listed in Appendix 1B.

## **Homeless**

Most families become homeless because they are unable to afford housing in a particular community. Nationwide about half of those experiencing homelessness over the course of a year are single adults. Most enter and exit the system fairly quickly. The remainder live in the homeless assistance system, or in a combination of shelters, hospitals, the streets, jails, and prisons. There are also single homeless people who are not adults, including runaway and “throwaway” youth (children whose parents will not allow them to live at home).

There are various reasons that contribute to one becoming homeless. These may be any combination of factors such as loss of employment, inability to find a job, lack of marketable work skills, or high housing costs. For some the loss of housing due to chronic health problems, physical disabilities, mental health disabilities, or drug and alcohol addictions, and an inability to access support services and long-term care may result in homelessness. Although each category has different needs, the most urgent need is for emergency shelter and case management (i.e., help with accessing needed services). Emergency shelters have minimal supportive services for homeless persons and are limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay.

For many, supportive housing, transitional housing, long-term rental assistance, and/or greater availability of low-income rental units are also needed. Supportive housing has no limit on length of stay and is linked to onsite or offsite services that assist residents in retaining housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Transitional housing is usually in buildings configured as rental housing developments, but operated with State programs that require the unit to be cycled to other eligible program recipients after some pre-determined amount of time. Transitional housing programs provide extended shelter and supportive services for homeless individuals and/or families with the goal of helping them live independently and transition into permanent housing. Some programs require that the individual/family be transitioning from a short-term emergency shelter. Transitional housing may be configured for specialized groups within the homeless population such as people with substance abuse problems, the mentally ill, domestic violence victims, veterans, or people with HIV/AIDS. In many cases transitional housing programs will provide services up to two years or more. The supportive services may be provided directly by the organization managing the housing or by other public or private agencies in a coordinated effort with the housing provider.

In 2001 Fresno County and Madera County, formed the Fresno-Madera Continuum of Care (FMCoC). This community-based collaborative is the best available source for homelessness information and services for homeless individuals and families. The Continuum of Care services and resources include:

- Homeless Prevention
- Outreach, Intake, and Assessment
- Emergency Shelter
- Transitional Housing
- Supportive Services
- Permanent Housing
- Permanent Supportive Housing

The best estimate is the Homeless Census and Survey collected by FMCoC. In January 2014 the FMCoC published its Homeless Census and Survey report, which estimated Fresno County's homeless population at 2,597, of which 714 were considered sheltered and living in emergency shelters.

**Table 2-34 Total Unsheltered and Sheltered Homeless Count: Fresno County (2014)**

Population	2014 PIT Count
Unsheltered Homeless	1,883
Sheltered Homeless	714
<b>Total</b>	<b>2,597</b>

*Source: Fresno/Madera Continuum of Care, 2014.*

The California Department of Education defines homeless children as individuals who lack a fixed, regular, and adequate nighttime residence. This definition also includes:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Children who may be living in motels, hotels, trailer parks, shelters, or awaiting foster care placement
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

According to the Fresno Bee there were 6,738 homeless students in Fresno County in 2013, representing 3.4% of students in public schools. This figure is up from 5,960 students, or 3.1 percent, in 2012. The Fresno Unified School District, the state's fourth largest school district, had the county's highest number of homeless students at 3,729, a small increase from 2012 when 3,086 students were homeless.

**SECTION 2: HOUSING NEEDS ASSESSMENT**

It is difficult to accurately estimate the homeless in each jurisdiction. Due to limited resources, the PIT count did not count every rural community. Instead, the FMCoC separated the rural communities into three categories based on population. One representative community from each category (shown in bold in Table 2-35) was counted and that count was used for the other jurisdictions in each category. The high-population community, Reedley, had 16 persons counted. The medium-population community, Mendota, had eight persons counted. The low-population community, Firebaugh, had six persons counted.

**Table 2-35 High-, Medium-, and Low-Population Rural Communities (2014)**

<b>Low Population</b>	<b>2014 Population</b>	<b>2014 Estimated Homeless</b>
San Joaquin	4,029	6
Fowler	5,801	6
Huron	6,790	6
<b>Firebaugh</b>	<b>7,777</b>	<b>6</b>
Orange Cove	9,353	6
<b>Medium Population</b>	<b>2014 Population</b>	<b>2014 Estimated Homeless</b>
<b>Mendota</b>	<b>11,178</b>	<b>8</b>
Kingsburg	11,590	8
Kerman	14,225	8
Parlier	14,873	8
Coalinga	16,729	8
<b>High Population</b>	<b>2014 Population</b>	<b>2014 Estimated Homeless</b>
Selma	23,799	16
<b>Reedley</b>	<b>24,965</b>	<b>16</b>
Sanger	24,703	16
Clovis	98,632	16
Unincorporated County	166,774	67

Note: population was provided by the FMCoC and may differ from other estimates.

Source: Fresno/Madera Continuum of Care, 2014.

The 2013 Housing Inventory Narrative Report gives information on available shelters. Table 2-36 shows sheltered homeless persons residing in emergency shelters, transitional housing, and safe havens within Fresno County. Safe haven refers to a form of supportive housing that serves hard-to-reach homeless persons with severe mental illnesses that are on the streets and have been unwilling or unable to participate in supportive services. A total of 504 persons were sheltered in the Fresno area in 2013, the majority (72.5 percent) in transitional housing.

**Table 2-36 Sheltered Count of Homeless Persons (2013), Fresno County**

	<b>Number of Persons</b>
Emergency Shelter	115
Transitional Housing	367
Safe Haven	22
<b>Total Sheltered</b>	<b>504</b>

*Source: Fresno/Madera Continuum of Care, 2013.*

According to the FMCoC, there are several emergency shelters for homeless individuals. The majority of those shelters are located in the city of Fresno. Table 2-37 shows the number of beds and units available on the night of February 24, 2013, dedicated to serving homeless persons, per HUD's definition. There were a total of 1,466 beds available in Fresno County. Typically, the county's smaller cities and communities form alliances with agencies and organizations in the city of Fresno, and encourage homeless persons to seek assistance in the city of Fresno where services are most available.

**Table 2-37 Bed Inventory by Program Type (2013), Fresno County**

<b>Facility Type</b>	<b>Number of Beds</b>
Emergency Shelter	271
Transitional Housing	505
Safe Haven	24
Permanent Supportive Housing	666
Rapid Re-Housing	0
<b>Total</b>	<b>1,466</b>

*Source: Fresno/Madera Continuum of Care, 2013.*

Appendix 1B lists all emergency shelters, transitional housing, safe havens, permanent supportive housing, and rapid re-housing projects within Fresno County. However, most of these are located in the city of Fresno. There is one 18-bed transitional housing project located in the city of Clovis and one 17-bed transitional housing project in the unincorporated county. Both are run by the Marjaree Mason Center and are targeted towards single females with children and victims of domestic violence.

Additional organizations providing assistance, services, and housing in the county include Catholic Social Services, Emergency Housing Center (Plaza Terrace), Evangel Home, Inc., United Way, Fresno Rescue Mission, and Marjaree Mason Center. To assist people with getting in contact with a variety of services that can help them in their time of need, United Way of Fresno County offers a free 2-1-1 information and referral line. The database provides persons in need with linkages to over 500 government, community-based, faith-based, and private and public agencies with over 1,500 programs/services in the database.

## SECTION 2: HOUSING NEEDS ASSESSMENT

As discussed in Section 4, Housing Development Constraints, State law (Senate Bill 2) requires all jurisdictions in California to provide zoning for emergency shelters and transitional and supportive housing. The appendices provide information on compliance for jurisdictions in Fresno County.

### Farmworkers

Farmworkers have a difficult time locating affordable housing in Fresno County. Due to a combination of limited English language skills and very low household incomes, the ability to obtain housing loans for home purchase is extremely limited. For the same reasons, rentals are also difficult to obtain. Housing needs include permanent family housing as well as accommodations for migrant single men, such as dormitory-style housing, especially during peak labor activity in May through October.

A growing number of migrant workers do not leave California during the non-farm season, but instead stay in the area and perform non-farm work such as construction and odd jobs. Housing needs of this migrant but non-farmworker population are partially addressed by year-round housing units, but additional migrant units are needed.

Migrant and other seasonal farmworkers usually do not have a fixed physical address and work intermittently in various agricultural and non-agricultural occupations during a single year, with only casual employer-employee links. Many workers and/or their families live in rural, often remote areas and are reluctant to voice their housing needs and concerns to local government or housing authorities.

Farmworkers have the lowest family income and the highest poverty rate of any occupation surveyed by the Census Bureau and, therefore, cannot afford to pay for adequate housing. According to California Employment Development Department, the median wage for farmworkers was \$9.02/hour in 2014 or approximately \$18,750 per year for full-time work, which is considered extremely low-income. Many farmworkers are forced to pay market rate for their housing, since most farm owners do not provide housing for their workers, and many publicly-owned or managed housing complexes are restricted to families. Because market rate housing may be more than they can afford, many workers are forced to share a housing unit with several other workers, causing a severely overcrowded living situation. Migrant and seasonal farmworkers face a number of housing challenges, but primarily substandard housing conditions.

The nature of agricultural work also affects the specific housing needs of farmworkers. For instance, farmworkers employed on a year-round basis generally live with their families and need permanent affordable housing much like other lower-income households. Migrant farmworkers who follow seasonal harvests generally need temporary housing only for the workers themselves.

[Determining the number of farmworkers in a region is difficult due to the variability of the definitions used by government agencies and other characteristics of the farming industry, such seasonal workers who migrate from place to place. The estimated number of farmworkers in Fresno County ranges from 37,966 \(ACS, 2012\) to 94,039 \(UC Giannini Foundation of Agricultural Economics, 2012\).](#)

The U.S. SDA Census of Agriculture (2012) reported 2,897 farms with a total of 58,624 workers in Fresno County (Table 2-38). The majority of the farmworkers were seasonal, working fewer than 150 days per year.

**Table 2-38 Farmworkers in Fresno County by Days Worked (2012)**

<b>150 Days or More (Year-Round)</b>		
Total Farms	Farms	1,669
	Workers	17,751
Large Farms (10 or more workers per farm)	Farms	37
	Workers	1,389
<b>Fewer than 150 Days (Seasonal)</b>		
Total Farms	Farms	2,046
	Workers	40,873

*Source: USDA Census of Agriculture, 2012.*

Another source is the American Community Survey (ACS). The ACS is a national survey that uses a series of monthly samples to produce annual estimates for the same area surveyed. The 2007-2008-2011-2012 ACS (Table 2-39) provides information on agriculture, forestry, fishing and hunting, and mining employment by jurisdiction. Although not all of these workers are farmworkers, it can provide an estimate. This category makes up a significant percentage of employment in Firebaugh, Huron, Mendota, Orange Cove, Parlier, Reedley, and San Joaquin. Huron has the highest percentage at 67.6 percent. Given the seasonal and transient nature of the farmworker community, the American Community Survey data is likely an underestimate of the actual farmworker population.



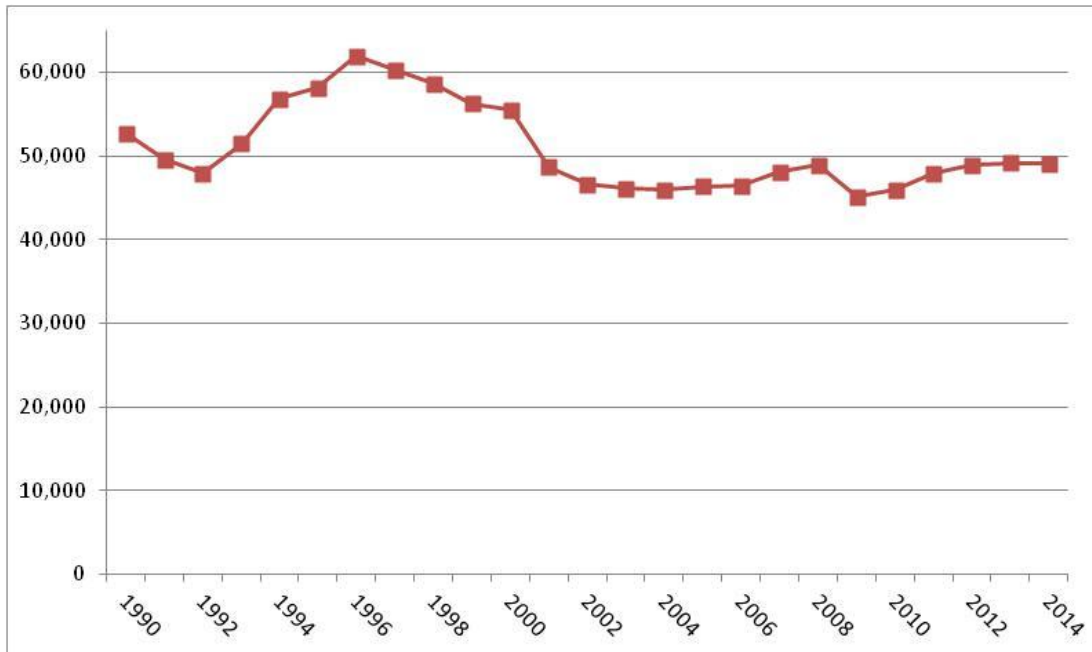
**Table 2-39 Estimated Farmworkers According to American Community Survey (2011-2012)**

	Total Employment	Agriculture, forestry, fishing and hunting, and mining	
	Number	Number	Percent
Fresno County	364,567	37,966	10.4%
Clovis	42,024	643	1.5%
Coalinga	5,697	697	12.2%
Firebaugh	2,785	1,021	36.7%
Fowler	2,382	309	13.0%
Fresno	192,677	10,096	5.2%
Huron	1,957	1,323	67.6%
Kerman	5,358	993	18.5%
Kingsburg	4,992	426	8.5%
Mendota	3,591	2,285	63.6%
Orange Cove	2,920	1,068	36.6%
Parlier	5,368	1,600	29.8%
Reedley	9,548	2,509	26.3%
Sanger	9,817	1,660	16.9%
San Joaquin	1,085	691	63.7%
Selma	9,326	1,780	19.1%
Unincorporated County	65,040	10,865	16.7%

Source: Fresno Pre-Approved Data Package, American Communities Survey, DP-03, ~~2007~~2008-2011-2012.

The California Employment Development Department (EDD) estimates the total farm labor employment in 2012 was 48,900 (annual average). Figure 7 below demonstrates the fluctuation in EDD estimates of hired farmworkers from 1990 to 2014. In 1990 the estimated annual average farm labor was 52,700 and peaked at 62,000 in 1996, and decreased to a low of 45,100 in 2008. EDD Industry Employment Data is based on the Current Employment Statistics (CES) survey. The CES survey is administered to a sample of California employers to gather information including monthly employment, hours, and earnings.

**FIGURE 7 FARM EMPLOYMENT**  
**FRESNO COUNTY**



*Source: CA Employment Development Department (EDD) Labor Market Information, 2015.*

[An additional source on farmworker data is a report released by the UC Giannini Foundation of Agriculture Economics conducted by UC Davis and EDD. The report estimates that 94,039 farmworkers were employed in Fresno County in 2012.](#)

The Fresno Housing Authority manages 194 units of seasonal farmworker housing for migrant farmworkers. This includes 130 housing units in Parlier owned by the State of California, Office of Migrant Services and 64 units in Firebaugh. These units are open about six months of the year, from April through October, to serve agricultural workers during planting and harvesting seasons when most workers are needed.

The Housing Authority also owns, manages, and maintains three year-round housing complexes, exclusively for farm laborers, including 60 units in Mendota, 30 units in Orange Cove, and 40 units in Parlier. Both the seasonal and year-round units are restricted to legal U.S. residents who earn at least \$5,752.50 annually from agriculturally-related work. The cost of managing and maintaining the complexes is subsidized by the State of California, Office of Migrant Services, and the U.S. Department of Agriculture-Rural Development. In addition, some private farmworker housing units are available, such as Willow Family Apartments in Clovis, which has 30 units set aside for farmworkers.

A four-county pilot program established in 2000 known as Agricultural Industries Transportation Services (AITS) provided safe, reliable transportation to agricultural workers. This program has evolved into CalVans. Sponsored by California Vanpool Authority, CalVans supplies qualified drivers with late-model vans to drive themselves and others to work or school. The Agency pays for the gas, maintenance, repairs, and a \$10 million insurance policy. These agriculture vanpool programs serve a wide range of California counties, including Fresno County. It offers a cost-effective commute rate with passengers paying (on average) a little over \$2 per ride. Farmworkers travel distances ranging from a few miles to over 70 miles one-way to work. This program provides workers opportunities to live in one residence throughout the season regardless of where they are needed to work in the fields or packing plants. The program allows the county to determine where to best place farmworker housing based on land availability, zoning, services, and other criteria, rather than where farmworkers might be working most often.

### **Extremely Low-Income Households**

Extremely low-income households are defined as those households with incomes under 30 percent of the county's median income. Extremely low-income households typically consist of minimum wage workers, seniors on fixed incomes, the disabled, and farmworkers. This group of households has specific housing needs that require greater government subsidies and assistance, housing with supportive services, single room occupancy (SRO) and/or shared housing, and/or rental subsidies or vouchers. This income group is likely to live in overcrowded and substandard housing conditions. In recent years rising rents, higher income and credit standards imposed by landlords, and insufficient government assistance has exacerbated the problem. Without adequate assistance this group has a high risk of homelessness.

For a family of four in Fresno County, a household making under \$18,750 in 2014 would be considered an extremely low-income household. The minimum wage in California is currently \$9.00, but will rise to \$10.00 by January 2016, well above the current Federal minimum wage of \$7.25 an hour. With a minimum wage of \$10.00, workers would receive an annual salary of \$20,000, which by today's income limits would be very low-income.

As shown in Table 2-40, an estimated 11.9 percent of households in Fresno County in 2011 were considered extremely low-income. Some jurisdictions have very high rates of extremely low-income households, including Huron (30.6 percent), Orange Cove (27.1 percent), Mendota (21.2 percent), and San Joaquin (20.2 percent). Clovis has the lowest percentage of extremely low-income households (6.5 percent). Typically, extremely low-income households are renters. Countywide, 79.7 percent of extremely low-income households rent, and only 20.3 percent own their homes.

Table 2-40 Extremely Low-Income Households by Tenure (2011)

Jurisdiction	Extremely low-income Owner Households		Extremely low-income Renter Households		Extremely Low-income as Percent of Total Households
	Number	Percent	Number	Percent	
Fresno County	6,930	20.3%	27,145	79.7%	11.9%
Clovis	715	34.0%	1,385	66.0%	6.5%
Coalinga	50	15.9%	265	84.1%	9.6%
Firebaugh	65	24.5%	200	75.5%	13.6%
Fowler	60	28.6%	150	71.4%	12.5%
Fresno	3,120	14.4%	18,515	85.6%	13.8%
Huron	35	7.4%	435	92.6%	30.6%
Kerman	80	27.6%	210	72.4%	8.5%
Kingsburg	135	30.0%	315	70.0%	12.8%
Mendota	140	25.7%	405	74.3%	21.2%
Orange Cove	160	27.4%	425	72.6%	27.1%
Parlier	105	20.8%	400	79.2%	15.2%
Reedley	180	28.3%	455	71.7%	10.0%
Sanger	215	31.6%	465	68.4%	10.4%
San Joaquin	25	13.9%	155	86.1%	20.2%
Selma	120	19.2%	505	80.8%	10.0%
Unincorporated County	1,725	37.6%	2,860	62.4%	8.7%

Source: Comprehensive Housing Affordability Strategy (CHAS), 2007-2011.

Not surprisingly, extremely low-income households face a higher incidence of housing problems. The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than one person per room, and cost burden greater than 30 percent. As shown in Table 2-41, extremely low-income households have a higher incidence of housing problems than total households, except in San Joaquin.

SECTION 2: HOUSING NEEDS ASSESSMENT

Table 2-41 Housing Problems for Extremely Low-Income Households (2011)

Jurisdiction	Income	Households	Household has 1 or more of 4 Housing Problems	Percent with 1 or more Housing Problems	Percent of Households Overpaying <sup>1</sup>
Fresno County	Extremely Low-Income	34,075	28,250	82.9%	87.0%
	Total	285,340	136,420	47.8%	49.6%
Clovis	Extremely Low-Income	2,100	1,695	80.7%	91.0%
	Total	32,540	13,785	42.4%	45.9%
Coalinga	Extremely Low-Income	315	200	63.5%	68.8%
	Total	3,290	1,345	40.9%	42.9%
Firebaugh	Extremely Low-Income	265	155	58.5%	79.0%
	Total	1,955	970	49.6%	53.8%
Fowler	Extremely Low-Income	210	180	85.7%	90.4%
	Total	1,675	750	44.8%	40.2%
Fresno	Extremely Low-Income	21,635	18,010	83.2%	88.2%
	Total	156,725	79,720	50.9%	53.2%
Huron	Extremely Low-Income	470	410	87.2%	81.8%
	Total	1,535	945	61.6%	61.3%
Kerman	Extremely Low-Income	290	290	100.0%	90.2%
	Total	3,425	1,755	51.2%	46.5%
Kingsburg	Extremely Low-Income	450	420	93.3%	85.1%
	Total	3,510	1,440	41.0%	39.2%
Mendota	Extremely Low-Income	545	445	81.7%	88.1%
	Total	2,575	1,620	62.9%	57.4%
Orange Cove	Extremely Low-Income	585	480	82.1%	86.8%
	Total	2,160	1,250	57.9%	51.9%
Parlier	Extremely Low-Income	505	400	79.2%	81.1%
	Total	3,315	1,945	58.7%	55.8%
Reedley	Extremely Low-Income	635	550	86.6%	86.2%
	Total	6,325	2,900	45.8%	45.9%
Sanger	Extremely Low-Income	680	85	12.5%	88.6%
	Total	6,540	550	8.4%	52.7%
San Joaquin	Extremely Low-Income	180	85	47.2%	54.6%
	Total	890	550	61.8%	55.5%
Selma	Extremely Low-Income	625	615	98.4%	87.1%
	Total	6,225	3,250	52.2%	50.3%
Unincorporated County	Extremely Low-Income	4,585	4,230	92.3%	83.3%
	Total	52,655	23,645	44.9%	40.8%

<sup>1</sup>Includes both ownership and renter households. Overpaying is defined as households paying in excess of 30 percent of income towards housing cost.

Note: The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than one person per room, and cost burden greater than 30%.

Source: Comprehensive Housing Affordability Strategy (CHAS), 2007-2011.

## INVENTORY OF AFFORDABLE RENTAL HOUSING AND AT-RISK STATUS

The expiration of housing subsidies may be the greatest near-term threat to California's affordable housing stock for low-income families and individuals. Rental housing financed 30 years ago with Federal low interest mortgages are now, or soon will be, eligible for termination of their subsidy programs. Owners may then choose to convert the apartments to market-rate housing. Also, HUD Section 8 rent supplements to specific rental developments may expire in the near future. In addition, State and local subsidies or use restrictions are usually of a limited duration.

State law requires that housing elements include an inventory of all publicly-assisted multifamily rental housing projects within the local jurisdiction that are at risk of conversion to uses other than low-income residential within 10 years from the Housing Element adoption deadline (i.e., by December 31, 2025).

In total, there are an estimated 4,612 assisted housing units in the participating jurisdictions in Fresno County. Of these 4,612 units, 444 are at-risk of converting to market rate within the next 10 years.

Appendix 2 includes an analysis of the at-risk units by jurisdiction.

### **Preservation Options for At-Risk Properties**

State law requires that housing elements include a comparison of the costs to replace the at-risk units through new construction or to preserve the at-risk units. Preserving at-risk units can be accomplished by facilitating a transfer of ownership to a qualified affordable housing organization, purchasing the affordability covenants, and/or providing rental assistance to tenants.

### ***Acquisition and Rehabilitation***

One method of ensuring long-term affordability of low-income units is to transfer ownership to a qualified nonprofit or for-profit affordable housing organization. This transfer would make the project eligible for re-financing using affordable housing financing programs, such as low-income housing tax credits and tax-exempt mortgage revenue bonds. These financing programs would ensure affordability for at least 55 years. Generally, rehabilitation accompanies a transfer of ownership.

Actual acquisition costs depend on several variables such as condition, size, location, existing financing, and availability of financing (government and market). A recently acquired 81-unit affordable housing development in Coalinga (Tara Glenn) cost a total of \$9,495,277 to acquire and rehabilitate. The hard cost of the rehabilitation was an estimated \$35,000 per unit. This equals roughly \$117,225 per unit.

Based on this cost estimate, the total cost to acquire and rehabilitate all 444 at-risk units in the participating jurisdictions is roughly \$52 million.

### ***Replacement (New Construction)***

Another strategy is to replace the units by constructing new affordable units. This includes purchasing land and then constructing affordable units. This is generally the most expensive option. A recently built 81-unit multifamily development in Coalinga cost about \$13.8 million, or \$170,370 per unit.

At this cost per unit, it would cost an estimated \$76 million to replace all 444 at-risk units.

### ***Rent Subsidy***

Rent subsidies can also be used to preserve affordability of housing, although there are limited funding sources to subsidize rents. The amount of a rent subsidy would be equal to the difference between the HUD defined fair market rent (FMR) for a unit and the cost that would be affordable to a lower-income household based on HUD income limits. The exact amount is difficult to estimate because the rents are based on a tenant's income and, therefore, would depend on the size and income level of the household. Following are some general examples of expected subsidies:

An extremely low-income person can only afford up to \$304 per month and the fair-market rental rate in the county for a 1-bedroom unit is \$655 per month. The subsidy needed to preserve a unit at an affordable rent for extremely low-income households would be an estimated \$351 per month, or \$4,212 per year. For 30 years, the subsidy would be about \$126,360 for one household. Subsidizing all 44 units at an extremely low-income rent for 30 years would cost an estimated \$56 million.

A very low-income family of three can afford \$651 a month and the fair-market rent in the county for a 2-bedroom unit is \$827. The subsidy needed to preserve a unit at an affordable rent for very low-income households would be an estimated \$176 per month or \$2,112 per year. For 30 years, the subsidy would be about \$63,360 for one household. Subsidizing all 444 units at a very low-income rent for 30 years would cost an estimated \$46 million.

A lower-income family of four could afford up to \$869 per month, and the fair market rent for a three-bedroom unit is \$1,162. The subsidy needed to preserve a unit at an affordable rent for lower-income households would be an estimated \$293 per month, or \$3,516 per year. For 30 years, the subsidy would be about \$105,480 for one household. Subsidizing all 444 units at a low-income rent for 30 years would cost an estimated \$28 million.

### **Qualified Entities**

California Government Code Section 65863.10 requires that owners of Federally-assisted properties provide notice of intent to convert their properties to market rate at one year prior to, and again at six months prior to the expiration of their contract, opt-outs, or prepayment. Owners must provide notices of intent to public agencies, including HCD, the local public housing authority, and to all impacted tenant households. The six-month notice must include specific information on the owner's plans, timetables, and reasons for termination.

Under Government Code Section 65863.11, owners of Federally-assisted projects must provide a Notice of Opportunity to Submit an Offer to Purchase to Qualified Entities, non-profit or for-profit organizations that agree to preserve the long-term affordability if they should acquire at-risk projects, at least one year before the sale or expiration of use restrictions. Qualified entities have first right of refusal for acquiring at-risk units. Qualified entities are non-profit or for-profit organizations with the legal and managerial capacity to acquire and manage at-risk properties that agree to maintain the long-term affordability of projects. Table 2-42 contains a list of qualified entities for Fresno County that could potentially acquire and manage properties if any were to be at risk of converting to market rate in the future.

**Table 2-42 Qualified Entities (2014)**

Organization	Phone Number
ACLC, Inc	(209) 466-6811
Affordable Homes	(805) 773-9628
Christian Church Homes of Northern California, Inc.	(510) 632-6714
Community Housing Developers, Inc.	(408) 279-7677
Fresno Co. Economic Opportunities Commission	(559) 485-3733
Fresno Housing Authority	(559) 443-8475
Housing Assistance Corp	(559) 445-8940
ROEM Development Corporation	(408) 984-5600
Self-Help Enterprises	(559) 651-1000
The East Los Angeles Community Union (TELACU)	(323) 721-1655

Source: California Department of Housing and Community Development, 2014.



**SECTION 2: HOUSING NEEDS ASSESSMENT**

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# HOUSING DEVELOPMENT CONSTRAINTS

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Actual or potential constraints to the provision of housing affect the development of new housing and the maintenance of existing units for all income levels. State housing element law requires cities and counties to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Since local governmental actions can restrict the development and increase the cost of housing, State law requires the housing element to “address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing” (Government Code Section 65583(c)(3)). The housing element must also analyze potential and actual constraints upon the development, maintenance, and improvement of housing for persons with disabilities.

Non-governmental constraints are not specific to each community and are described in this section at the regional level. Governmental constraints, on the other hand, are specific to each local government and are described only generally in this section. The appendices contain a more detailed governmental constraints analysis for each local government.

## GOVERNMENTAL CONSTRAINTS

Local governments have little or no influence upon the national economy or the Federal monetary policies that influence it. Yet, these two factors have some of the most significant impacts on the overall cost of housing. The local housing market, however, can be encouraged and assisted locally. One purpose of the housing element is to require local governments to evaluate their past performance in this regard. By reviewing local conditions and regulations that may impact the housing market, the local government can prepare for future growth through actions that protect public health and safety without unduly adding to the cost of housing production.

It is in the public interest for a local government agency to accommodate development while protecting the general welfare of the community, through a regulatory framework/environment. At the same time, government regulations can potentially constrain the supply of housing available in a community if the regulations limit the opportunities to develop housing, impose requirements that unnecessarily increase the cost to develop housing, or make the development process so arduous as to discourage housing developers.

### Land Use Controls

Land use controls provided in the general plan and the zoning ordinance influence housing production in several ways. The permitted and conditionally permitted uses in each district guide new development and

## SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

provide both developers and the public with an understanding of how vacant land will develop in the future. This includes the density of development that will occur within a particular zone, the compatibility of planned uses in a given area, and the range and type of buildings and uses that will be located throughout the city or the county.

### ***General Plan***

Each city and county in California must prepare a comprehensive, long-term general plan to guide growth and development. The land use element of the general plan must contain land use designations, which establish the basic allowed land uses and density of development for the different ranges and areas within the jurisdiction. Under State law, the zoning districts must be consistent with the general plan land use designations. The general plan land uses must provide suitable locations and densities to accommodate each jurisdiction's regional housing needs allocation (RHNA) and implement the policies of the housing element. Appendix 2 provides a description of each jurisdiction's general plan land use designations.

### ***Zoning Ordinance***

Land use controls provided in the zoning ordinance influence housing production in several ways. The permitted and conditionally permitted uses in each district guide new development and provide both developers and the public with an understanding of how vacant land will develop in the future. This includes the density of development that will occur within a particular zone, the compatibility of planned uses in a given area, and the range and type of buildings and uses that will be located throughout the jurisdiction.

Local governments regulate the type, location, and scale of residential development primarily through the zoning ordinance. The zoning ordinance implements the general plan. It contains development standards for each zoning district consistent with the land use designations of the general plan. Appendix 2 provides a description of each jurisdiction's zoning districts and development standards.

### **Residential Development Standards**

Each jurisdiction's zoning ordinance contains development standards for each zoning district. These standards vary by jurisdiction, but typically include density, parking requirements, lot coverage, height limits, lot size requirements, setbacks, and open space requirements. The Housing Element must analyze whether development standards impede the ability to achieve maximum allowable densities.

### ***Parking***

Parking requirements do not constrain the development of housing directly. However, parking requirements may reduce the amount of available lot areas for residential development. Most of the participating jurisdictions require two parking spaces per single family dwelling unit. Several, but not all jurisdictions have reduced parking standards for multifamily and elderly housing.

## ***Open Space and Park Requirements***

Open space and park requirements can decrease the affordability of housing by increasing developer fees and/or decreasing the amount of land available on a proposed site for constructing units. All jurisdictions require that park space is set aside in new subdivisions, or that developers pay a fee in lieu of providing parks.

## **Density Bonus**

A density bonus allows a parcel to accommodate additional residential units beyond the maximum for which the parcel is zoned. California density bonus law (Government Code Section 65915) establishes the following minimum affordability requirements to qualify for a density bonus:

- The project is eligible for a 20 percent density bonus if at least 5 percent of the units are affordable to very low-income households, or 10 percent of the units are affordable to low-income households; and
- The project is eligible to receive a 5 percent density bonus if 10 percent of for-purchase units are affordable to moderate-income households.

A project can receive additional density based on a sliding scale. A developer can receive the maximum density bonus of 35 percent when the project provides either 11 percent very low-income units, 20 percent low-income units, or 40 percent moderate-income units.

Density bonus law also requires cities and counties to grant a certain number of incentives depending on the percentage of affordable units developed. Incentives include reductions in zoning standards, reductions in development standards, reductions in design requirements, and other reductions in costs for developers. Projects that satisfy the minimum affordable criteria for a density bonus are entitled to one incentive from the local government. Depending on the amount of affordable housing provided, the number of incentives can increase to a maximum of three incentives from the local government. If a project uses less than 50 percent of the permitted density bonus, the local government must provide an additional incentive.

Additionally, density bonus law provides density bonuses to projects that donate land for residential use. The donated land must satisfy all of the following requirements:

- The land must have general plan designations and zoning districts that allow for the construction of very low-income affordable units as a minimum of 10 percent of the units in the residential development;
- The land must be a minimum of one acre in size or large enough to allow development of at least 40 units; and
- The land must be served by public facilities and infrastructure.

**SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS**

Density bonus law also imposes statewide parking standards that a jurisdiction must grant upon request from a developer of an affordable housing project that qualifies for a density bonus. These parking standards are summarized in Table 4-1. These numbers are the total number of parking spaces including guest parking and handicapped parking. The developer may request these parking standards even if they do not request the density bonus.

**Table 4-1 Statewide Density Bonus Parking Standards**

<b>Number of Bedrooms</b>	<b>Required On-Site Parking</b>
0 to 1 bedroom	1 space
2 to 3 bedrooms	2 spaces
4 or more bedrooms	2.5 spaces

*Source: Government Code Section 65915*

Appendix 2 provides a description of whether or not individual jurisdictions comply with State density bonus law.

**Growth Control**

Growth control ordinances or policies are designed to limit the amount or timing of residential development. Since growth control policies, by definition, constrain the production of housing, local governments must analyze whether or not local growth control policies limit the ability to meet the Regional Housing Needs Allocation (RHNA). Most jurisdictions have not adopted growth control policies. Appendix 2 describes which jurisdictions have other growth control policies or ordinances.

While not a form of growth control, all jurisdictions in Fresno County are subject to the City-County memorandum of understanding (MOU), which establishes procedures for annexation of land to cities. The City/County Memorandum of Understanding encourages urban development to take place within cities and unincorporated communities where urban services and facilities are available or planned to be made available in an effort to preserve agricultural land. The MOU standards for annexation require that a minimum of 50 percent of annexation areas have an approved tentative subdivision map or site plan. Therefore, Cities must wait for private developers to request an annexation, before initiating an annexation. In cities that are mostly built out within their current city limits, the MOU limits the cities’ ability to accommodate future housing needs. While cities can take certain steps to “prezone” land in advance of annexation, the annexation of the land into the city limits is not entirely within the cities’ control.

**Airport Land Use Compatibility**

State law requires each local agency having jurisdiction over land uses within an Airport Influence Area (AIA) to either: (1) modify its general plan, zoning ordinance, or other applicable land use regulation(s) to be consistent with the Airport Land Use Compatibility Plan (ALUCP); or (2) overrule all or part of the ALUCP within 180 days of adoption of the ALUCP. If a city or county fails to take either action, the

agency is required to submit all land use development proposals to the Airport Land Use Commission (ALUC) for consistency review until such time as the ALUC deems their general plan consistent with the ALUCP. The Fresno COG Airport Land Use Commission has completed Airport Land Use Compatibility Plans. The following are the most recently adopted plans for public airports in Fresno County.

- Coalinga Airport Land Use Plan
- Fresno-Chandler Executive Airport Land Use Plan
- Fresno Yosemite International Airport ALUC Airport Land Use Compatibility Plan
- Harris Ranch Land Use Plan
- Reedley Airport Land Use Plan
- Selma-Reedley-Firebaugh-Mendota Airports Land Use Plans
- Sierra Sky Park Land Use Plan

The ALUCP has the potential to constrain residential development, if deemed incompatible with the ALUCP. No incompatibility has been identified with existing General Plan land uses and none is anticipated in the future. Sites identified in the residential sites inventory are not constrained by the land use compatibility requirements of any ALUCP. As such, the ALUCP is not considered a significant constraint in Fresno County and is not addressed in Appendix 2.

## **Zoning for a Variety of Housing Types**

State Housing Element Law (Government Code Section 65583(c)(1) and 65583.2(c)) requires that local governments analyze the availability of sites that will facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for farmworkers and employees, emergency shelters, transitional and supportive housing, single-room occupancy (SRO) units, group homes and residential care facilities, and second dwelling units.

### ***Multifamily***

Multifamily housing includes duplexes, apartments, condominiums, or townhomes, and is the primary source of affordable housing. Appendix 2 provides descriptions of the restrictions on multifamily housing units in each jurisdiction.

### ***Manufactured Housing***

Manufactured housing can serve as an alternative form of affordable housing in low-density areas where the development of higher-density multifamily residential units is not allowed or not feasible because of infrastructure constraints. California Government Code Sections 65852.3 and 65852.4 specify that a jurisdiction must allow manufactured homes on a foundation on all “lots zoned for conventional single family residential dwellings.” Permanently sited manufactured homes built to the HUD Code are subject

## SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

to the same rules as site-built homes, except architectural requirements concerning the manufactured home's roof overhang, roofing materials, and siding materials.

The only two exceptions that local jurisdiction are allowed to make to the manufactured home siting provisions are if: 1) there is more than 10 years difference between the date of manufacture of the manufactured home and the date of the application for the issuance of an installation permit; or 2) if the site is listed on the National Register of Historic Places and regulated by a legislative body pursuant to Government Code Section 37361.

Appendix 2 provides descriptions of the allowances and restrictions on manufactured homes in each jurisdiction and whether the zoning ordinances in the jurisdictions comply with State law requirements for manufactured homes.

### ***Farmworker Housing/Employee Housing Act***

The Employee Housing Act requires jurisdictions to permit employee housing for six or fewer employees as a single family use. HCD also indicates that employee housing shall not be included within the zoning definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. Jurisdictions cannot impose a conditional use permit, zoning variance, or other zoning clearance of employee housing that serves six or fewer employees that are not required of a family dwelling of the same type in the same zone. In addition, in any zone where agriculture is a permitted or allowed by a conditional use permit, employee housing containing up to 36 beds and 12 units must be treated as an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required for this type of employee housing that is not required of any other agricultural activity in the same zone.

Appendix 2 provides an analysis of whether or not each jurisdiction complies with the Employee Housing Act.

### ***Emergency Shelters***

Emergency shelters are defined as:

*"Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."*

Senate Bill 2 (Government Code Section 65583) was enacted in 2008 to support the needs of the homeless by removing barriers to and increasing opportunities for development of emergency shelters. SB 2 requires every jurisdiction in California to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary permit. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district, or establish an overlay zone. The zone(s) must provide sufficient opportunities for new emergency shelters

to meet the homeless need identified in the analysis and must in any case accommodate at least one year-round emergency shelter. SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards, as follows:

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.

Appendix 2 analyzes each jurisdiction’s compliance with State law requirements for emergency shelters.

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

With the enactment of Senate Bill 2 (SB 2), State law now requires cities and counties to treat transitional housing and supportive housing as a residential use and allow transitional and supportive housing in all zones that allow residential uses, subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation. Transitional housing can take several forms, including group quarters with beds, single family homes, and multifamily apartments; and typically offers case management and support services to help return people to independent living (often six months to two years).

The State defines transitional housing as:

*“Transitional housing” shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.*



## SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

Supportive housing links the provision of housing and social services for the homeless, people with disabilities, and a variety of other special needs populations. Similar to transitional housing, supportive housing can take several forms, including group quarters with beds, single family homes, and multifamily apartments. The State defines supportive housing as:

*“Supportive housing” shall mean housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.*

The State defines the target population as:

*“Target population” shall mean persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.*

Appendix 2 analyzes compliance with State law requirements for transitional and supportive housing in each jurisdiction.

### **Single Room Occupancy Units**

“Single Room Occupancy (SRO) Unit” means a living or efficiency unit, as defined by California Health and Safety Code section 17958.1, intended or designed to be used, as a primary residence by not more than two persons for a period of more than 30 consecutive days and having either individual bathrooms and kitchens or shared bathrooms and/or kitchens. SRO units can provide affordable private housing for lower-income individuals, seniors, and persons with disabilities. These units can also serve as an entry into the housing market for formerly homeless people. Appendix 2 provides descriptions of the allowances and restrictions for SRO units in each jurisdiction.

### **Group Homes/Residential Care Facilities**

The Lanterman Developmental Disabilities Services Act (Lanterman Act) sets out the rights and responsibilities of persons with developmental disabilities. A State-authorized, certified, or licensed family care home, foster home, or a group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a day basis must be considered a residential use that is permitted in all residential zones. Appendix 2 provides descriptions of the restrictions on group homes in each jurisdiction.

## **Second Units**

A second unit (sometimes called an “accessory dwelling unit” or “granny flat”) is an additional self-contained living unit either attached to or detached from the primary residential unit on a single lot. It has cooking, eating, sleeping, and full sanitation facilities. Second units can be an important source of affordable housing since they can be constructed relatively cheaply and have no associated land costs. Second units can also provide supplemental income to the homeowner, allowing the elderly to remain in their homes or moderate-income families to afford a home.

To encourage second units on existing lots, State law requires cities and counties to either adopt an ordinance based on State standards authorizing second units in residentially-zoned areas, or where no ordinance has been adopted, to allow second units on lots zoned for single family or multifamily use that contain an existing single family unit subject to ministerial approval (“by right”) if they meet standards set out by law. Local governments are precluded from totally prohibiting second units in residentially-zoned areas unless they make specific findings or require a Conditional Use Permit for Second Units (Government Code, Section 65852.2).

Appendix 2 analyzes compliance with State law requirements for second units in each jurisdiction.

## **On/Off Site Improvement Standards**

On/off-site improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements, and landscaping. While these improvements are necessary to ensure public health and safety and that new housing meets the local jurisdiction’s development goals, the cost of these requirements can sometimes represent a significant share of the cost of producing new housing.

Appendix 2 describes specific site improvement standards for each jurisdiction. Although improvement requirements and development fees increase the cost of housing, jurisdictions have little choice in establishing such requirements due to the limitations on property taxes and other revenue sources needed to fund public improvements.

## **Fees and Exactions**

State law limits fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Local governments charge various fees and assessments to cover the costs of processing permit applications and providing services and facilities, such as, parks, and infrastructure. Almost all of these fees are assessed based on the magnitude of a project's impact or on the extent of the benefit that will be derived. Additional fees and/or time may be necessary for required environmental review, depending on the location and nature of a project.

## SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

A 2012 National Impact Fees Survey surveyed 37 jurisdictions in California. The study reports average impact fees of \$31,014 per single family unit and \$18,807 per multifamily unit in California.

Appendix 2 provides an analysis of permit and processing and development impact fees in each jurisdiction. In addition to the fees shown in the Appendix, jurisdictions in Fresno County are subject to two regional impact fees, described below.

### **Regional Transportation Mitigation Fees**

In addition to local planning and development impact fees, Regional Transportation Mitigation Fees, shown in Table 4-2, are payable to the Fresno COG as a part of “Measure C,” approved by Fresno County voters in 2006. Jurisdictions have no control of these fees, which are paid to ensure that future development contributes toward the cost to mitigate cumulative, indirect regional transportation impacts. These fees are the same throughout the county and fund important improvements needed to maintain the transportation system.

**Table 4-2 Fresno COG Transportation Impact Fee**

<b>Residential Developments (\$/Dwelling Unit)</b>	<b>Fee</b>
Single Family Dwelling (Market-Rate)	\$1,637
Single Family Dwelling (Affordable)	\$818
Multifamily Dwelling (Market-Rate)	\$1,150
Multifamily Dwelling (Affordable)	\$575

*Source: Fresno Council of Governments, 2014*

### **San Joaquin Valley Air Pollution Control District Fees ~~(ISR)~~**

Fresno County is within the regulatory jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The air basin as a whole does not meet ambient air quality standards set at the State and Federal levels, and is within a “non-attainment” area for ozone, PM10 (state), and PM2.5.

As a consequence of these conditions, the SJVAPCD has implemented an Indirect Source Review (ISR) process to reduce the impacts of growth in emissions from all new land development. An Air Impact Assessment (AIA) and potential mitigation fees are required for residential projects that contain 50 or more units and when there is a discretionary approval required. Fees are also exacted by the SJVAPCD to offset emissions created by typical operational sources. These fees can add hundreds of dollars to the cost of development. However, the cost is applied to all jurisdictions in the air basin and may be eliminated for a lesser number of units or reduced with additional mitigation measures.

### **Processing and Permit Procedures**

Jurisdictions have various procedures that developers must follow for processing development entitlements and building permits. Processing times vary and depend on the size and complexity of the

project. Appendix 2 provides more information on the processing and permit procedures in each jurisdiction.

## **Building Codes and Enforcement**

Building codes and their enforcement can increase the cost of housing and impact the feasibility of rehabilitating older properties that must be upgraded to current code standards. In this manner, building codes and their enforcement can act as a constraint on the supply of housing and its affordability.

The California Building Standards Code, Title 24, serves as the basis for the design and construction of buildings in California. State law prohibits the imposition of additional building standards that are not necessitated by local geographic, climatic, or topographic conditions, and requires that local governments making changes or modifications in building standards must report such changes to the California Department of Housing and Community Development and file an expressed finding that the change is needed. Appendix 2 provides more information on building codes and enforcement by jurisdiction.

## **Constraints on Housing for Persons with Disabilities**

In accordance with Senate Bill 520 (Chapter 671, Statutes of 2001), jurisdictions must analyze the potential and actual governmental constraints on the development of housing for persons with disabilities. Appendix 2 contains a detailed review of zoning laws, policies, and practices in each jurisdiction to ensure compliance with fair housing laws.

### ***California Building Code***

The 2013 California Building Code, Title 24 regulations provide for accessibility for persons with disabilities. The Housing Element must identify the version of the Building Code adopted in each jurisdiction and whether or not a jurisdiction has adopted any amendments to the Code that might diminish the ability to accommodate persons with disabilities. Appendix 2 provides information on which jurisdictions have adopted the 2013 California Building Code, including Title 24 regulations of the code concerning accessibility for persons with disabilities.

### ***Definition of Family***

There are a number of State and Federal rules that govern the definition of family, including the Federal Fair Housing Amendments Act of 1988, the California Fair Housing and Employment Act, the California Supreme Court case *City of Santa Barbara v. Adamson* (1980), and the California Constitution privacy clauses. The laws surrounding the definition of family have a few primary purposes: to protect people with disabilities, to protect non-traditional families, and to protect privacy. According to HCD and Mental Housing Advocacy Services, there are three major points to consider when writing a definition of family:

- Jurisdictions may not distinguish between related and unrelated individuals;
- The definition may not impose a numerical limit on the number of persons in a family; and
- Land use restrictions for licensed group homes for six or fewer individuals must be the same as those for single families.

Appendix 2 analyzes whether or not the zoning ordinances in each jurisdiction contain restrictive definitions of “family.”

### ***Zoning and Land Use Policies***

Restrictive land use policies and zoning provisions can constrain the development of housing for persons with disabilities. The Housing Element must analyze compliance with fair housing laws, provisions for group homes, and whether or not jurisdictions have adopted any minimum distance requirements or other zoning procedures or policies that would limit housing for persons with disabilities. Appendix 2 provides information on zoning and land use policies.

### ***Reasonable Accommodation Procedure***

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. It may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the zoning ordinance to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances, and must be decided on a case-by-case basis. Appendix 2 provides information on reasonable accommodation policies and procedures in each jurisdiction.

## **NONGOVERNMENTAL CONSTRAINTS**

The availability and cost of housing is strongly influenced by market forces over which local governments have little or no control. Nonetheless, State law requires that the housing element contain a general assessment of these constraints, which can serve as the basis for actions to offset their effects. The

primary non-governmental constraints to the development of new housing are land costs, construction costs, and availability of financing. This section also discusses environmental constraints that might affect housing development in the region.

## Land Costs

The cost of land can be a major impediment to the production of affordable housing. Land costs are influenced by many variables, including scarcity and developable density (both of which are indirectly controlled through governmental land use regulations), location, site constraints, and the availability of public utilities. For example, land prices in downtown Fresno range from \$500,000 to \$1 million per acre, more than twice as high as the county average. This is often because sites are smaller and/or occupied by existing uses that generate revenue to property owners. As shown in Table 4-3 and Table 4-4, smaller sites (under 10 acres) have a much higher cost-per-acre in both the cities and unincorporated area.

As shown in Table 4-3, in February 2015, land was listed for less in the unincorporated area. Excluding the City of Fresno whose land costs are not reflective of the rest of the county, five properties were listed for sale in the incorporated cities (three in Sanger, and one each in Firebaugh and Clovis). The properties ranged from 2.1 acres for \$499,500 (\$237,857 per acre) to 2,000 acres for \$11,900,000 (\$5,950 per acre). The average list price per acre was \$94,136.

In the unincorporated area, 10 properties were listed for sale. The properties ranged from 0.3 acres for \$250,000 (\$833,333 per acre) to 46.8 acres for \$99,900 (\$2,136 per acre). The average list price per acre was \$116,535.

**Table 4-3 Listed Land Prices (2015)**

Lot Size	Average Price per Acre (Listed)	
	Incorporated	Unincorporated
Less than 10 acres	\$237,857	\$162,269
10 or more acres	\$36,159	\$9,823
Average \$/acre	<b>\$94,136</b>	<b>\$116,535</b>

*Source: MLS Real Estate Database, February 2015.*

As shown in Table 4-4, between 2002 and 2015, land sold for less in the unincorporated area. Excluding the City of Fresno whose land costs are not reflective of the rest of the county, seven properties were sold in cities (three in Sanger, and one each in Clovis, Firebaugh, Mendota, and Reedley). The properties ranged from 0.2 acres for \$50,000 (\$239,657 per acre) to 42.1 acres for \$400,000 (\$9,494 per acre). The average sale price per acre was \$49,565.

In the unincorporated area, 14 properties were sold, ranging from 0.3 acres for \$50,000 (\$172,857 per acre) to 46.6 acres for \$565,000 (\$12,135 per acre). The average sale price per acre was \$35,668. The average cost per acre of all sold properties in Fresno County was \$105,223.

Table 4-4 Land Sale Prices (2002-2015)

Lot Size	Average Price per Acre (Sold)	
	Incorporated	Unincorporated
Less than ten acres	\$65,292	\$43,764
Ten or more acres	\$10,247	\$5,980
Average \$/acre	<b>\$49,565</b>	<b>\$35,668</b>

Source: MLS Real Estate Database, February 2015.

## Construction Costs

Construction costs can be broken down into two primary categories: materials and labor. A major component of the cost of housing is the cost of building materials, such as wood and wood-based products, cement, asphalt, roofing materials, and pipe. The availability and demand for such materials affect prices for these goods.

Another major cost component of new housing is labor. The cost of labor in Fresno County is comparatively low because the area's cost of living is relatively low compared to other areas in California. However, labor for government subsidized housing work is additionally costly for the Central Valley, as wages are rooted in the required State Labor Standards based on higher northern and southern California prevailing wages.

Table 4-5 shows the estimated cost of constructing an average 2,000 square foot single family home in the Fresno region to be around \$207,000. The estimate includes direct and indirect (e.g., insurance, permits, utilities, plans) construction costs, including material, labor, and equipment costs, but does not include the price of land or development impact fees.

Table 4-5: Estimated 2,000 square-foot Single Family Home Construction Cost, 2015

Item	Cost
Material	\$125,497
Labor	\$77,428
Equipment	\$4,494
<b>Total</b>	<b>\$207,419</b>

Source: Building-cost.net, 2015

Multifamily construction generally costs less per unit than single family construction. According to RS Means, a reliable source for construction industry costs, the construction costs for a typical one- to three-story multifamily residential construction with wood siding and frames in the Fresno area are \$148 per square foot.

There is little that municipalities can do to mitigate the impacts of high construction costs except by avoiding local amendments to uniform building codes that unnecessarily increase construction costs without significantly adding to health, safety, or construction quality. Because construction costs are similar across jurisdictions in Fresno County, the cost of construction is not considered a major constraint to housing production.

## **Availability of Financing**

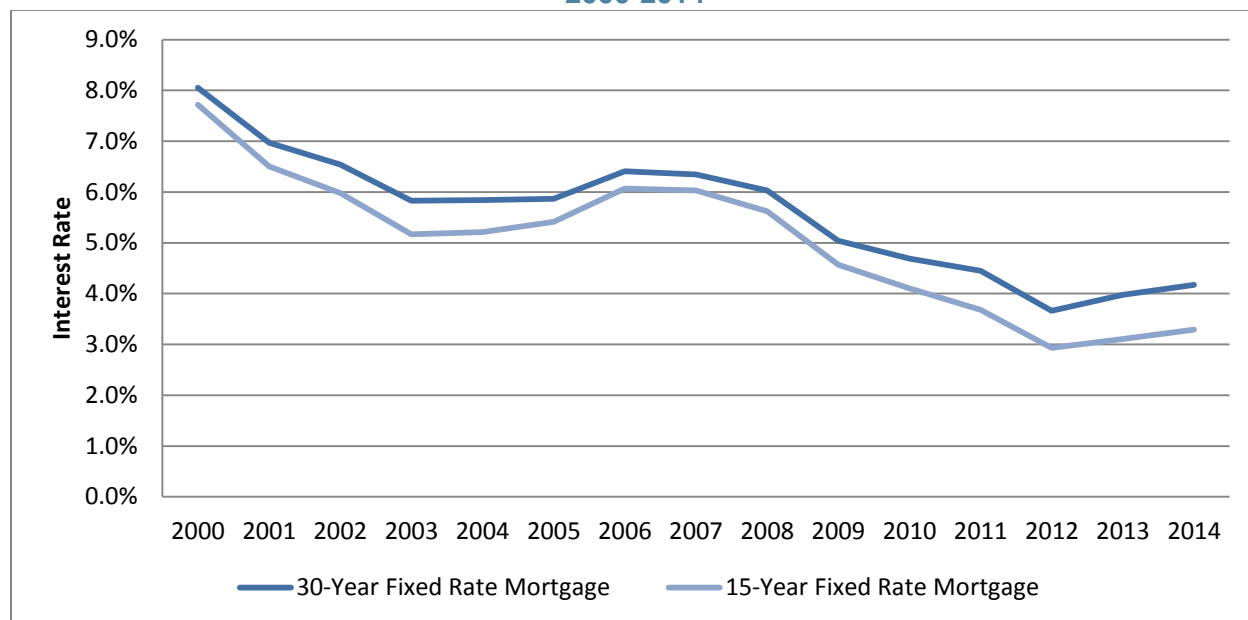
The mortgage banking crisis that began in 2008 affected the availability of construction financing and mortgage loans. Lenders that had once offered mortgage loans more freely became much more restrictive after 2008. Lenders required down payments of 20 percent and credit scores higher than 680 to receive competitive interest rates. These restrictions placed homeownership out of reach for many, although in 2013 lenders began to ease the qualifications required for a competitive mortgage rate. As the economy continues its recovery, lenders may continue to make mortgage loans more accessible, although they may never be as easy to obtain as they were prior to 2008.

Mortgage interest rates have a large influence over the affordability of housing. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer. When interest rates rise, the market typically compensates by decreasing housing prices. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market catches up. Lower-income households often find it most difficult to purchase a home during this time period.

As shown in Figure 4-1, the interest rate on a 30-year fixed rate mortgage was an average of 8.05 percent in 2000. Interest rates hit a historic low in 2012 at 3.66 percent for a 30-year fixed rate mortgage. As of March 2015, rates remain near historic lows around 3.77 percent.



**FIGURE 4-1 HISTORICAL MORTGAGE INTEREST RATES**  
**UNITED STATES**  
**2000-2014**



Source: Freddie Mac Primary Mortgage Market Survey, March 2015.

Interest rates are determined by national policies and economic conditions and there is little that a local government can do to affect these rates. However, in order to extend home buying opportunities to lower-income households, jurisdictions can offer interest rate write-downs. Additionally, government insured loan programs may be available to reduce mortgage down payment requirements.

Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of lending activity is to determine whether home financing is available to a county’s residents. The annual HMDA report for 2013 (the most recent available at the writing of this report) was reviewed to evaluate the availability of residential financing within Fresno County. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinance loans in the region.

Table 4-6 shows the disposition of loan applications in 2013. Overall, 68.1 percent of loan applications were approved. The loan type with the highest denial rate was home improvement loans. Loan applications from lower-income applicants seem to be more likely to be denied (28.3 percent denial rate for very low-income households compared to 14.2 percent denial rate for above moderate households).

Table 4-6 Fresno County Disposition of Loan Application (2013)

Applications	Total	Percent Approved	Percent Denied	Percent Other
<i>By Loan Type</i>				
Conventional	5,446	76.7%	11.5%	11.8%
Government Backed	4,904	74.1%	12.7%	13.3%
Home Improvement	1,037	50.0%	37.6%	12.3%
Refinancing	21,199	65.4%	18.0%	16.5%
<i>By Income</i>				
Very Low (<=50% AMI)	2,305	56.0%	28.3%	15.7%
Low (51-80% AMI)	4,590	64.4%	20.0%	15.6%
Moderate (81-120% AMI)	6,514	68.1%	16.7%	15.2%
Above Moderate (>120% AMI)	16,489	71.4%	14.2%	14.4%
Not Available	2,688	64.7%	17.4%	17.9%
<b>Total</b>	<b>32,586</b>	<b>68.1%</b>	<b>16.8%</b>	<b>15.1%</b>

Notes: "Approved" includes loans approved by the lenders, whether or not they were accepted by the applicants. "Other" includes loan applications that were either withdrawn or closed for incomplete information.

Source: [www.lendingpattern.com](http://www.lendingpattern.com)<sup>TM</sup>, 2013 HMDA data.

Homebuyer assistance program, that provide mortgage assistance, can be useful tools for helping lower-income residents with down payment and closing costs, which are often significant obstacles to homeownership. There are also areas of the county where housing is deteriorating. Residents in these areas are often unable to qualify for home improvement loans because of their low income. Housing rehabilitation programs can help these low income residents with meeting their home improvement needs.

## Environmental Constraints

Typical environmental constraints to the development of housing in Fresno County include physical features such as floodplains, sensitive biological habitat, and seismic zones. In many cases, development of these areas is constrained by State and Federal laws (e.g., FEMA floodplain regulations, the Clean Water Act and the Endangered Species Act, and the State Fish and Wildlife Code and Alquist-Priolo Act).

### *Floodplains*

Official floodplain maps are maintained by the Federal Emergency Management Agency (FEMA). FEMA determines areas subject to flood hazards and designates these areas by relative risk of flooding on a map for each community, known as the Flood Insurance Rate Map (FIRM). The 100-year flood is defined as the flood event that has a one percent chance of occurring in any given year.

Principal flooding problems lie along the San Joaquin and Kings Rivers, smaller perennial streams in the Sierra Nevada foothills and to areas in western Fresno County. This area includes the cities of Huron and Mendota which become flooded from streams flowing east from the Coast Range. Friant and Pine Flat

## SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

Dams, upstream reservoirs, and stormwater detention/retention facilities operated by the Fresno-Clovis Metropolitan Flood Control District have minimized flooding problems in highly urbanized areas in the valley.

Development within a flood zone typically is required to be protected against flood damage. FEMA requires developers to obtain a flood zone elevation certificate when they apply for their permit. These certificates require elevating the developed area (i.e., house pad) above the known flood level of that particular flood zone. The sites in the inventory must obtain a flood zone elevation certificate, which may increase the cost of a development but is necessary nation-wide to protect against flood risks.

Each sites inventory provides parcel-specific environmental constraints, including whether or not the site is within the FEMA 100-year flood zone. While residential development can certainly occur within these zones, it does add an additional constraint. The Sites inventories include vacant sites within the FEMA 100-year flood zone, but no jurisdiction relies on these sites to meets its RHNA in any of the income categories. Figures 4-2, 4-3, and 4-4 show the FEMA 100-year flood zones in Fresno County.

### ***Seismic Zones***

There are a number of active and potentially active faults within and adjacent to Fresno County. Two of the active faults in western Fresno County have been designated Alquist-Priolo Earthquake Hazard Zones. No structure for human occupancy may be built within an Earthquake Hazard Zone (EHZ) until geologic investigations demonstrate that the site is free of fault traces that are likely to rupture with surface displacement. Special development standards associated with Alquist-Priolo requirements would be necessary for development in those areas.

Although all development must consider earthquake hazards, there is no specific threat or hazard from seismic ground shaking to residential development within the county, and all new construction will comply with current local and State building codes. Between the minimal historical hazard of earthquakes in the county and the use of the most current building codes and construction techniques, earthquakes pose a less than significant danger to residential development.

### ***Biological Resources***

A large percentage of Fresno County is occupied by orchard-vineyard habitat that grows crops such as almonds, nectarines, figs, and table wine and raisin grapes. Cultivated vegetable, fruit and grain crops are also grown on cropland in Fresno County and can consist of corn, cotton, or grapes in this part of the valley. Urban development occurs mostly in the valley floor and Sierra Nevada foothill regions.

Fresno County supports a large diversity of habitats for vegetation and wildlife in four generalized biotic regions. Approximately one-third of the County lies within land under federal jurisdiction. The United States Forest Services and National Park Service manage these lands for recreation, biology, wilderness, tourism, timber, and mining under guidelines, policies, and laws separate from local government. Areas that are outside of federal ownership and, therefore, most subject to development include the Coast

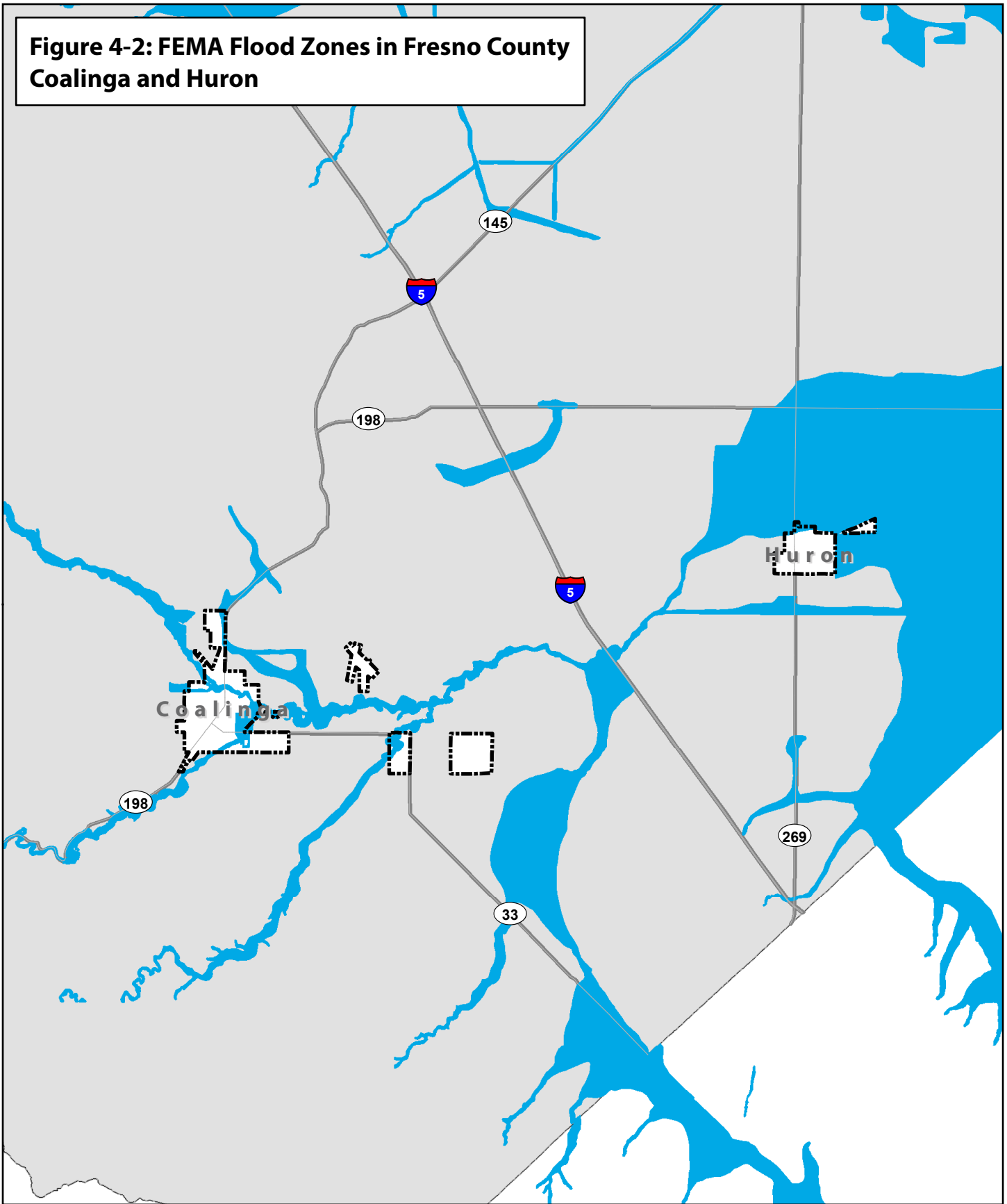
#### SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

Range, Valley floor, and lower Sierra Nevada foothill biotic regions. Sensitive biological resources are associated with specific habitat types (natural habitat areas not intensively farmed, wetlands, riparian, vernal pools, etc.) or habitat elements such as specific soil types (clay, alkaline, serpentine). The western valley floor and Coast Range biotic regions, in particular, have special planning concerns because of the San Joaquin kit fox, kangaroo rats, and blunt-nosed leopard lizard. Regional habitat planning efforts can be used as the basis for addressing sensitive biological resources in the area.

#### SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

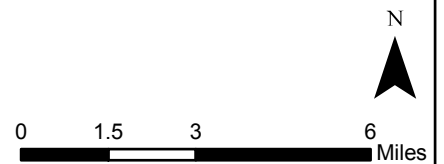
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**Figure 4-2: FEMA Flood Zones in Fresno County  
Coalinga and Huron**



-  City Limits
-  County Limit
-  100 Year Flood Zones
-  Highways

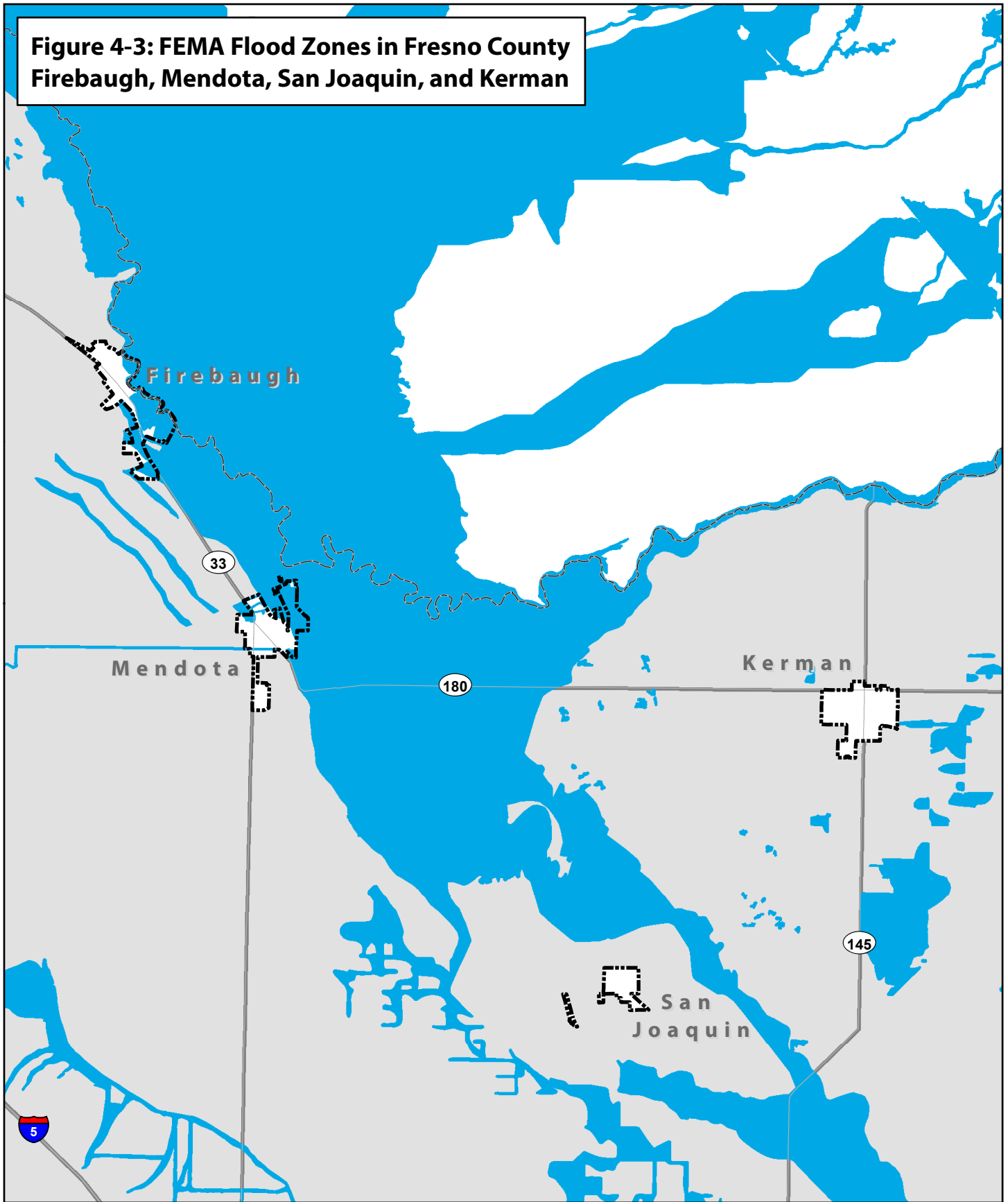
Source: FEMA, 2015



#### SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

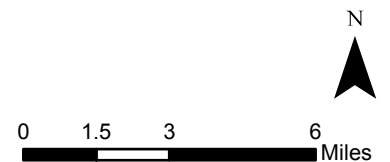
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**Figure 4-3: FEMA Flood Zones in Fresno County  
Firebaugh, Mendota, San Joaquin, and Kerman**



-  City Limits
-  Highways
-  County Limit
-  100 Year Flood Zones

Source: FEMA, 2015

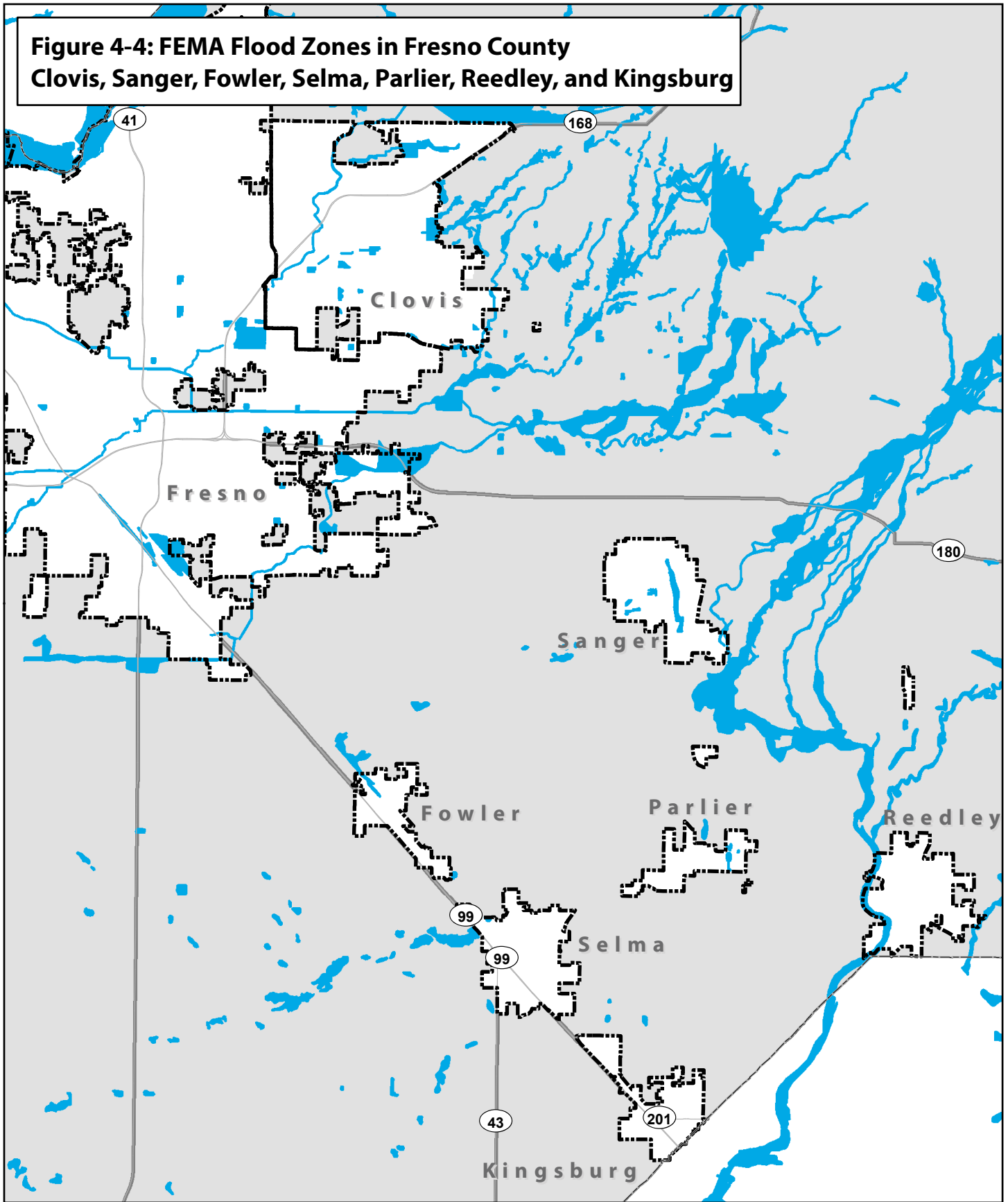




## SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

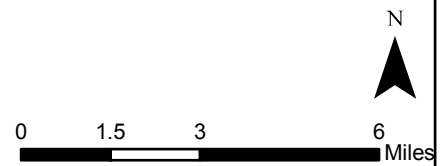
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**Figure 4-4: FEMA Flood Zones in Fresno County  
Clovis, Sanger, Fowler, Selma, Parlier, Reedley, and Kingsburg**



- City Limits
- Highways
- County Limit
- 100 Year Flood Zones

Source: FEMA, 2015



## SECTION 4: HOUSING DEVELOPMENT CONSTRAINTS

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# OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT



## REGIONAL HOUSING NEEDS ALLOCATION

State law (California Government Code Section 65584) requires that each city and county plan to accommodate its share of the region’s housing construction needs, called the Regional Housing Needs Allocation (RHNA). The RHNA is intended to promote an increase in the housing supply and mix of housing types, infill development, socioeconomic equity, and efficient development patterns; protect environmental and agriculture resources; and improve jobs/housing relationships.

The California Department of Housing and Community Development (HCD) is responsible for projecting the housing needs for each of the state’s regional governing bodies, or councils of governments. This demand represents the number of additional units needed to accommodate the anticipated growth in the number of households within each region. State law provides for councils of governments to prepare regional housing allocation plans that assign a share of a region’s housing construction need to each city and county.

In Fresno County, the Fresno Council of Governments (Fresno COG) is the entity authorized under State law to develop a methodology to distribute the future housing needs to the jurisdictions within the region. The jurisdictions and Fresno COG collaborated to determine how the regional need would be distributed among the jurisdictions. On July 31, 2014, Fresno COG adopted its final Regional Housing Needs Allocation Plan for the January 1, 2013, through December 31, 2023, RHNA projection period. As required by State law, the Plan divides the allocation of projected housing demand into four income categories:

- very low-income – up to 50 percent of the median area income;
- low-income – 51 to 80 percent of the median area income;
- moderate-income – 81 to 120 percent of the median area income; and
- above moderate-income – more than 120 percent of the median area income.

Adjusting the allocation by income category allows for a balanced distribution of lower-income households between jurisdictions. Based on the requirements of AB 2634 (Statutes of 2006), each jurisdiction must also address the projected needs of extremely low-income households, defined as households earning less than 30 percent of the median income. The projected extremely low-income need can be assumed as 50 percent of total need for the very low-income households. Table 3-1 shows the Regional Housing Needs Allocation for all jurisdictions in Fresno County, adjusted to include the projected needs for extremely low-income households.

### SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

State law also requires all jurisdictions in Fresno County, including the County of Fresno, to demonstrate that they have or will make available adequate sites with appropriate zoning and development standards to accommodate the RHNA. The following section discusses the assumptions for this analysis and Section 2 of Appendix 2 shows how each jurisdiction will meet this requirement through units built or under construction, planned or approved projects, and vacant and underutilized sites.

**Table 3-1 2013-2023 Regional Housing Needs Allocation by Jurisdiction**

Jurisdiction	Housing Units by Income Level					Total Housing Units
	Extremely Low	Very Low <sup>1</sup>	Low	Moderate	Above Moderate	
Clovis	1,160	1,161	1,145	1,018	1,844	6,328
Coalinga	75	75	115	123	201	589
Firebaugh	64	64	169	204	211	712
Fowler	61	62	83	75	243	524
Fresno	2,833	2,833	3,289	3,571	11,039	23,565
Huron	43	44	107	106	124	424
Kerman	119	119	211	202	258	909
Kingsburg	56	57	70	60	131	374
Mendota	40	40	56	77	341	554
Orange Cove	55	56	86	105	367	669
Parlier	55	55	82	77	319	588
Reedley	196	197	204	161	553	1,311
San Joaquin	51	52	36	35	204	378
Sanger	156	156	175	163	568	1,218
Selma	70	70	115	69	281	605
Unincorporated County	230	230	527	589	1,146	2,722
<b>Total County</b>	<b>5,264</b>	<b>5,271</b>	<b>6,470</b>	<b>6,635</b>	<b>17,830</b>	<b>41,470</b>

<sup>1</sup>Adjusted to include extremely low-income units

Source: Fresno COG Regional Housing Needs Allocation Plan, July 31, 2014.

## AB 1233 RHNA “CARRY OVER” ANALYSIS

Assembly Bill (AB) 1233, passed in 2005, amended State Housing Element law (Government Code Section 65584.09) to promote the effective and timely implementation of local housing elements. This bill applies to jurisdictions that included programs in their previous housing elements to rezone sites as a means of meeting their previous RHNA, as well as jurisdictions who failed to adopt a State-certified housing element in the previous housing element cycle. Key provisions of Government Code Section 65584.09 state that where a local government failed to identify or make adequate sites available in the prior planning period, the jurisdiction must zone or rezone adequate sites to address the unaccommodated housing need within the first year of the new planning period. In addition to demonstrating adequate sites for the new planning period, the updated housing element must identify the unaccommodated housing need from the previous planning period.

Some of the jurisdictions in Fresno County that did not adopt housing elements for the previous planning period or adopted a housing element and had a rezone program are affected by AB 1233. These jurisdictions must identify their unaccommodated housing need from the January 1, 2006, through June 30, 2013 RHNA projection period. Section 2 of Appendix 2 contains the RHNA Carryover analysis for these jurisdictions.

The methodology used to calculate the unaccommodated need starts with the 2006-2013 RHNA and subtracts:

- The number of units approved or constructed (by income category) since the beginning of the previous RHNA projection period start date (i.e., January 1, 2006);
- The number of units that could be accommodated on any appropriately zoned sites available during the previous RHNA projection period;
- The number of units accommodated on sites that have been rezoned for residential development pursuant to the site identification programs in the element adopted for the previous planning period (if applicable); and
- The number of units accommodated on sites rezoned for residential development independent of the sites rezoned in conjunction with the element’s site identification programs as described above.

If this analysis reveals an unaccommodated need (in any income category) from the 2006-2013 RHNA, the jurisdiction must adopt a program to rezone sites within the first year of the new planning period to meet the housing need pursuant to Government Code 65584.09 and 65583(c)(1).

## AVAILABILITY OF LAND AND SERVICES

The State law governing the preparation of housing elements emphasizes the importance of an adequate land supply by requiring that each housing element contain “an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites” (Government Code Section 65583(a)(3)).

### Units Built or Under Construction and Planned or Approved Projects

Since the RHNA projection period starts on January 1, 2013, the number of units built since that date or under construction, planned, or approved after that date can be counted toward meeting a jurisdiction’s RHNA. Section 2 of Appendix 2 includes a table for each jurisdiction of all units built since January 1, 2013 or under construction as of December 2014. Section 2 of Appendix 2 also includes an inventory for each jurisdiction of all residential projects that are planned or approved and scheduled to be built by the end of the current RHNA projection period (December 31, 2023). For each of these projects, there is a table showing the name of the development, number of units by income category, the description of affordable units, and the current status of the project.

Table 3-2 compares the units built, under construction, or approved within the participating jurisdictions to the 2013-2023 RHNA. In total 2,764 units have been built or are under construction within the participating jurisdictions and there are 4,225 approved units that are expected to be built within the RHNA projection period. This leaves a remaining need for 9,535 units to be accommodated on vacant or underutilized land within the participating jurisdictions. The specific number of units to be accommodated by vacant and underutilized sites in each jurisdiction is addressed in Appendix 2.

**Table 3-2 Units Built, Under Construction, or Approved Within 2013-2023 RHNA Period**

	Extremely Low and Very Low <sup>1</sup>	Low	Moderate	Above Moderate	Total
2013-2023 RHNA for Participating Jurisdictions	4,630	2,926	2,755	6,213	<b>16,524</b>
Units Built or Under Construction	120	155	67	2,421	2,764
Units in Approved Projects	147	480	535	3,061	4,225
<b>Remaining RHNA</b>	<b>4,363</b>	<b>2,291</b>	<b>2,153</b>	<b>731</b>	<b>9,535</b>

## Vacant and Underutilized Land Inventory

The residential land inventory is required “to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels” (Government Code Section 65583.2(a)). The phrase “land suitable for residential development” includes vacant and underutilized sites zoned for residential use as well as vacant and underutilized sites zoned for nonresidential use that allow residential development. All parcels (or portions of parcels) in the vacant and underutilized sites inventory were reviewed by local staff and the Consultants to confirm vacancy status, ownership, adequacy of public utilities and services, possible environmental constraints (e.g., flood zones and steep slopes), and other possible constraints to development feasibility.

## ***Affordability and Density***

To identify sites that can accommodate a local government’s share of the RHNA for lower-income households, housing elements must include an analysis that demonstrates the appropriate density to encourage and facilitate the development of housing for lower-income households. The statute (Government Code Section 65583.2(c)(3)) provides two options for demonstrating appropriate densities:

- Provide a detailed market-based analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower-income households.
- Use the “default density standards” that are “deemed appropriate” in State law to accommodate housing for lower-income households given the type of the jurisdiction. With the exception of the City of Fresno, all jurisdictions in Fresno County are considered “suburban jurisdictions” with a default density standard of 20 units per acre. HCD is required to accept sites that allow for zoning at this density as appropriate for accommodating a jurisdiction’s share of the regional housing need for lower-income households.

[Density is a critical factor in the development of affordable housing. In theory, maintaining low densities typically increases the cost of land per unit and increases the amount of subsidy needed to ensure affordability while higher density development can lower per-unit land cost and facilitate construction in an economy scale.](#)



### SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

The majority of jurisdictions in the Multi-Jurisdictional Housing Element have land use policies and zoning provisions that allow for residential development up to or exceeding 20 units per acre. However, development trends in the region have demonstrated that the default density of 20 units per acre is not necessary to support affordable housing construction, particularly within smaller cities and in the unincorporated areas of the County. In some cities, such as Selma, Parlier, and Reedley, some single family developments are affordable. Specifically, Valley View Village in Selma offers affordable rental housing for lower-income households and Parlier offers affordable ownership housing for lower income first-time homebuyers in two single-family tracts.

To demonstrate that a density of 15 units per acre can encourage the development of housing affordable to lower income households, a three part analysis was prepared based on market demand, financial feasibility, and project experience within the zone(s).

#### **Market Demand**

Market rents for apartments are near the upper range of affordable costs for lower income households. One-bedroom rents generally range from \$600 to \$800 with an average rent of \$700, near the upper income range for a lower income household. Also, a two-bedroom average rent is \$829, near the range for a lower income household. While the built densities and age or amenities of apartments for these figures are unknown, market rents, without financial subsidies, are not disproportionate with lower income affordability ranges; indicating that densities around 15 units per acre can facilitate affordability for lower income households.

**Table 3-3: Affordable Rent to Market Rent Comparison**

<b><u>Bedroom Type</u></b>	<b><u>Affordability for Lower Income Household</u></b>	<b><u>Market Rent Range</u></b>	<b><u>Market Average Rent</u></b>
<u>1-Bedroom</u>	<u>\$606</u>	<u>\$600-\$800</u>	<u>\$700</u>
<u>2-Bedroom</u>	<u>\$719</u>	<u>\$695-\$1,100</u>	<u>\$829</u>
<u>3-Bedroom</u>	<u>\$759</u>	<u>\$650-\$2,000</u>	<u>\$1,157</u>

Land prices in Fresno County generally are much less expensive than other parts of California such as the coastal region. Based on a sampling of residential land sales in 2015, per acre prices were found to generally range between \$160,000 and \$240,000 per acre (see Table 4-3). Based on information provided by multifamily developers, recent land prices were consistent with this range.

**Financial Feasibility**

Given the availability and affordability of land in the Fresno County region, densities of 15 units per acre encourage the development of housing affordable to lower income households. This assumption is further supported by conversations with non-profit developers. Based on conversations with several developers of housing affordable to lower income households, the availability of land, sizeable parcels (e.g. an acre or more) and subsequent economies of scale and construction costs for garden style apartments are contributing factors to the cost effectiveness of 15 units per acre.

This cost effectiveness of 15 units per acre, in simple terms can be expressed in terms of land costs per unit at various densities. For example, the following table uses a land price of \$240,000 per acre. Based on a typical total development cost of approximately \$230,000 per unit, the table shows a less than significant difference between lower densities (e.g., 15 units per acre) and higher densities such as 20 units per acre. Specifically, land costs per unit at 20 units per acre are \$12,000 per unit and represent 5.2 percent of total development. Similarly at 15 units per acre, land costs are estimated at \$16,000 per unit, which represents about 7 percent of total development costs. Given land costs at 15 units per acre are similar to 20 units per acre and 20 units per acre is deemed appropriate to accommodate housing for lower income households (Government Code Section 65583.2(c), a density of 15 units per acre is also appropriate for housing affordable to lower income households.

**Table 493-4: Costs per Unit**

<u>Units per Acre</u>	<u>Land Costs per Unit</u>	<u>Percent of Total Development Costs</u>
<u>15 units per acre</u>	<u>\$16,000</u>	<u>7.0%</u>
<u>18 units per acre</u>	<u>\$13,300</u>	<u>5.8%</u>
<u>20 units per acre</u>	<u>\$12,000</u>	<u>5.2%</u>

Assumptions: Average land price of \$240,000 per acre and total development costs of \$230,000 per unit.

## SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

### *Information based on Project Experience*

Several affordable housing developers were contacted to provide input on their experience in Fresno County. Both Self-Help Housing and Habitat for Humanity focus on single-family products that are low density developments. The Fresno County Housing Authority, which funds and develops affordable housing throughout the County, was also contacted. According to the Housing Authority, typically the decision regarding the location of a specific affordable housing development is based primarily on where properties are available for sale. The County Housing Authority does not specifically seek sites that are zoned for high density residential. In fact, higher density development often results in higher development costs due to the price of land and the construction type. Most affordable housing projects funded or developed by the Housing Authority are within the range of 12 to 18 units per acre. Occasionally, higher density affordable housing projects are built, more as a response to the preference of specific funding programs, than as a result warranted by financial feasibility.

As part of the Housing Element update, ~~over 5071~~ affordable housing projects ~~in~~ throughout the region were reviewed. ~~Over Of~~ the ~~51-71~~ projects, ~~36-45~~ projects (~~70-63~~ percent) were developed at a density ~~below of~~ 15 units per acre ~~or less~~. Overall, the average density of development among these ~~51-71~~ projects was ~~125.6~~ units per acre with a median density of ~~13.48~~ units per acre. When five “outlier” projects with densities over 30 units per acre were excluded from the analysis, the average density was only 14.1 units per acre for the remaining projects, with a median density of 13.1 units per acre. Table 3-4 7 provides a listing of affordable projects, along with the density and number of units for each project.

Based on this analysis, jurisdictions in this Housing Element have the option to ~~utilize~~ use a density threshold of 15 units per acre for compiling the inventory of sites feasible for facilitating lower income housing.

### *Residential Development in Non-Residential Zones*

Several of the participating jurisdictions include sites in the sites inventories that are zoned non-residential but allow residential uses. These jurisdictions have adopted general plans and zoning ordinances that allow for the flexibility to develop residential and mixed-use projects in these zones. While there are not a lot of recent examples of mixed-use and multifamily housing development to demonstrate project feasibility, many jurisdictions are seeing increased interest from developers.

**SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT**

In Kingsburg, the Housing Authority built a 46-unit affordable senior housing project with 2,400 square feet of commercial in the Central Commercial zone district. The project has a density of over 30 units per acre. In Reedley, Trailside Terrace, a 55-unit affordable multifamily project with 3,000 square feet of commercial space, has been approved on a 1.76-acre parcel in the Commercial Service zone district. The project has a density of over 31 units per acre. Both of these projects were built at more than the maximum allowed densities. In Fowler, developers have inquired about building residential as part of a mixed-use two-story pharmacy building in the downtown form based code area. There have also been discussions of a senior housing component on the 16-acre Adventist Health Campus, which is zoned C-2, as well as discussions about a residential mixed-use project on a 15.6 acre parcel zoned C-2. When residential is included as part of mixed-use projects, it is typically the predominant use and the residential portion is able to achieve (or exceed with a density bonus) the maximum residential densities.

There is generally an abundant supply of commercial land in the participating communities, as well as a growing interest in revitalizing downtown areas by encouraging mixed-use and directing residential development to commercial areas. Several jurisdictions have recently adopted general plans that have expanded mixed-use designations. Other jurisdictions (Fowler and Kingsburg) have recently adopted form based codes. That offer flexible development standards and incentives for including residential uses as part of mixed-use projects.

Commercial land generally costs more than residential land; however, in the Fresno County region commercial land costs are generally low and still do not constitute a substantial portion of total development costs for residential use. Based on a survey of land for sale on loopnet.com in the participating jurisdictions, the average listing price per acre of commercial land was \$335,000. Using the same analysis above, based on the average listing price of \$335,000, land costs per unit in commercial zones only constitute between 7.28 and 9.71 percent of total development costs, depending on the density.

**Table 493-5: Non-Residential Land Costs per Unit**

<u>Units per Acre</u>	<u>Land Costs per Unit</u>	<u>Percent of Total Development Costs</u>
<u>15 units per acre</u>	<u>\$22,333</u>	<u>9.71%</u>
<u>18 units per acre</u>	<u>\$18,611</u>	<u>8.09%</u>
<u>20 units per acre</u>	<u>\$16,750</u>	<u>7.28%</u>

Assumptions: Average land price of \$335,000 per acre and total development costs of \$230,000 per unit.

**SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT**

Also, there has not been significant commercial development in the nonresidential areas included in the sites inventory in recent years. Development of individual commercial properties can be costly and often cannot offer updated configurations and features. Furthermore, the sites inventory, for most participating jurisdictions, includes only vacant sites. However, many existing commercial properties were developed decades ago and can no longer accommodate modern uses. Consolidation of individual commercial properties (vacant and underutilized) and introduction of a residential component can enhance the financial feasibility of a commercial development, especially retail uses that require a stable clientele. When underutilized properties are considered, the capacity for additional residential units can easily be doubled.

***Estimating Development Potential***

While the maximum allowed residential density was used to determine the inventoried income categories, realistic unit densities were used as the inventoried density. The inventoried density, which is used to calculate how many units each site can count towards the RHNA, reflects the typically built densities in each land use designation. Maximum allowable densities may not always be achievable in many jurisdictions due to various factors including environmental constraints and lack of infrastructure. The inventoried densities reflect these constraints. Assumptions for inventoried densities are described for each jurisdiction in Appendix 2.

***Summary of Capacity to Accommodate the RHNA***

Table 3-3-6 summarizes the total RHNA for all participating jurisdictions compared to the capacity on vacant and underutilized sites of participating jurisdictions. At the regional level, the participating jurisdictions have a surplus for all income categories. The statistics provided below do not account for units built or under construction, planned or approved projects, or Fifth Cycle rezone/prezone programs.

**Table 3-3-6 Units Built, Under Construction, or Approved Within 2013-2023 RHNA Period**

	<b>Extremely Low and Very Low<sup>1</sup></b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
2013-2023 RHNA for Participating Jurisdictions	<b>4,630</b>	<b>2,926</b>	<b>2,755</b>	<b>6,213</b>	<b>16,524</b>
Vacant and Underutilized Capacity		12,573	8,480	12,299	33,352
<b>Surplus</b>		<b>5,017</b>	<b>5,725</b>	<b>6,086</b>	<b>16,828</b>

Table 3-4-7 Average Densities for Existing Affordable Developments

Jurisdiction	Name	Address	Gross Acres	Gross Density	# of Units	# of Affordable Units	Status
Clovis	Cottonwood Grove	732 N. Clovis Ave	11.63	12.9	150	30	Occupied
	Coventry Cove	190 N. Coventry	12.14	11.5	140	28	Occupied
	Hotchkiss Terrace	51 Barstow Ave	2.35	31.5	74	74	Occupied
	Roseview Terrace	101 Barstow Ave	2.00	29.5	59	59	Occupied
	Sierra Ridge	100 Fowler Ave	12.57	14.3	180	37	Occupied
	Silver Ridge	88 N. Dewitt Ave	10.72	9.3	100	100	Occupied
	The Willows	865 W. Gettysburg	5.20	14.8	77	77	Occupied
	Lexington	1300 Minnewawa	6.58	19.8	130	130	Occupied
Coalinga	Warthan Place Apartments		5.22	15.5	81	68	Approved
	Coalinga Senior Housing Project		1.28	31.2	40	39	Approved
	Pleasant Valley Pines	141 S 3rd St Apt 127	3.40	15.3	52	44	Occupied
	West Hills	500 Pacific St	4.05	16.0	65	65	Occupied
	Westwood I	301 W Polk St	5.12	19.9	102	88	Occupied
	Tara Glenn Apartments	550 E. Glenn Avenue	6.36	12.6	80	79	Occupied
	Ridgeview Apartment	400 W. Forest Ave.	4.79	8.8	42	8	Occupied
Sanger	Sanger Crossing		4.40	18.4	81	80	Approved
	Elderberry at Bethel	2505 Fifth Street	5.86	12.6	74	73	Occupied
	Unity Estates Apartments	1410 J Street	7.18	12.3	88	84	Occupied
Kerman	Kerman Sunset Apartments	430 S. Sixth Street	1.14	31.6	36	35	Occupied
	Vintage Apartments	14380 West California	7.99	12.5	100	100	Occupied
	Kearney Palms Senior Apartments	14608 W. Kearney Street	6.08	13.3	81	80	Occupied
	Kearney Palms, Phase II	14606 W. Kearney Blvd.	1.09	18.3	20	20	Occupied
	Kerman Garden Apts.	166 S. Madera Ave	7.10	13.1	93	89	Occupied
	Kerman Acre Apartments (Granada Commons)	14570 W California Ave	1.01	14.9	15	15	Occupied

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Jurisdiction	Name	Address	Gross Acres	Gross Density	# of Units	# of Affordable Units	Status
	Kearney Palms Senior Apartments, Phase III	14644 W. Kearney Blvd	2.10	21.0	44	43	Occupied
	Hacienda Heights	15880 W. Gateway	5.44	12.7	69	68	Occupied
Parlier	Parlier Plaza Apartments/Garden Valley Homes II	640 Zediker Ave	3.04	29.0	88	86	Occupied
	Parlier Garden Apartments	1105 Tulare Street	3.74	11.0	41	41	Occupied
	Salandini Villa Apartments	13785 East Manning Ave	8.55	17.3	148	146	Occupied
	Parlier Family Apartment	13600 E Parlier Ave	3.54	17.5	62	61	Occupied
	Tuolumne Village Apartments	13850 Tuolumne St	5.78	18.3	106	104	Occupied
	Bella Vista Apartments	8500 Bella Vista Ave	2.34	20.1	47	46	Occupied
	Avila Apartments	805 Avila St, Parlier, CA 93646	3.88	8.8	34	33	Occupied
	Avila Apartments II	Under construction	2.30	10.4	24	23	Approved
	Orchard Farm Labor Housing	295 S Newmark Ave	2.41	16.6	40	40	Occupied
	Parlier Plaza Apartments/Garden Valley Homes II	640 Zediker Ave	3.04	29.0	88	86	Occupied
	Parlier Garden Apartments	1105 Tulare Street	3.74	11.0	41	41	Occupied
	Salandini Villa Apartments	13785 East Manning Ave	8.55	17.3	148	146	Occupied
	Parlier Family Apartment	13600 E Parlier Ave	3.54	17.5	62	61	Occupied
	Tuolumne Village Apartments	13850 Tuolumne St	5.78	18.3	106	104	Occupied
	Bella Vista Apartments	8500 Bella Vista Ave	2.34	20.1	47	46	Occupied
	Avila Apartments	805 Avila St, Parlier, CA 93646	3.88	8.8	34	33	Occupied
	Avila Apartments II	Under construction	2.30	10.4	24	23	Approved
	Orchard Farm Labor Housing	295 S Newmark Ave	2.41	16.6	40	40	Occupied
	Reedley	Kings River Commons	2020 E. Dinuba Avenue	4.19	14.3	60	60

SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

Jurisdiction	Name	Address	Gross Acres	Gross Density	# of Units	# of Affordable Units	Status
	Kings River Village		37.98	9.0	341	80	Approved
	Trailside Terrace		2.00	27.6	55	55	Approved
	Mountain View Apartments	128 S. Haney Avenue	4.41	8.6	38	38	Occupied
	Springfield Manor Apartments	1463 E. Springfield Avenue	4.26	9.4	40	40	Occupied
	Riverland Apartments	990 East Springfield Avenue	5.03	15.1	76	76	Occupied
	Reedley Elderly	172 South East	0.95	24.2	23	23	Occupied
Mendota	Mendota Village Apartments	1100 Second Street	3.09	14.2	44	44	Occupied
	The Village at Mendota	647 Perez Avenue	6.22	13.0	81	80	Occupied
	Casa de Rosa Apartments	654 Lozano Street	7.95	10.2	81	80	Occupied
	La Amistad at Mendota	300 Rios Street	5.40	15.0	81	80	Occupied
	Lozano Vista Family Apartments	800 Garcia Street	5.85	13.8	81	80	Occupied
	Mendota Gardens Apartments	202 I Street	5.76	10.4	60	59	Occupied
	Mendota Portfolio (Site A)	570 Derrick Avenue	2.57	31.5	81	79	Occupied
Huron	Tierra Del Vista Apartments	16530 Palmer Avenue	6.98	7.7	54	54	Occupied
	Silver Birch Apts.	16800 Fifth Street	3.26	10.7	35	34	Occupied
	Porvenir Estates	36850 Lassen Avenue	2.71	14.8	40	39	Occupied
	Porvenir Estates II	16901 Tornado Ave	2.90	13.8	40	39	Occupied
	Palmer Heights Apartments	35820 South Lassen Avenue	5.65	10.8	61	60	Occupied
	Alicante Apartments	36400 Giffen Drive	6.74	12.0	81	80	Occupied
	Huron Plaza	16525 South 11th Street	4.87	13.1	64	63	Occupied
	Huron Portfolio	16201 Palmer Avenue	7.15	10.6	76	74	Occupied
County	Conquistador Villa Apartments	16201 Palmer Ave	4.24	9.0	38	20	Occupied
	Biola Village	4955 North 7th Ave.	4.84	9.1	44	44	Occupied
County	Villa Del Rey	5622 South Oak Lane Ave.	5.27	9.1	48	48	Occupied
	Selma	Valley View Village	Single-family homes	8.50	8.0	68	68



**SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT**

<b>Jurisdiction</b>	<b>Name</b>	<b>Address</b>	<b>Gross Acres</b>	<b>Gross Density</b>	<b># of Units</b>	<b># of Affordable Units</b>	<b>Status</b>
Kingsburg	Marion Apartments	1600 Marion Street	1.38	33.3	46	45	Approved
<b>Average Density</b>				<b>15.6</b>			
<b>Median Density</b>				<b>13.8</b>			

*Source: All participating jurisdictions (2015)*

## ADEQUACY OF PUBLIC FACILITIES

One major constraint to new housing development is the availability and adequacy of infrastructure, including water and wastewater infrastructure. The unincorporated areas of the county are particularly constrained by a lack of infrastructure. The County of Fresno generally does not provide water and sewer in existing unincorporated communities. These services are provided by independent community services districts. Most of the existing community services districts do not have excess capacity and would require significant expansion to accommodate any additional growth. For this reason, most new growth is directed to urban areas where infrastructure systems are more developed.

However, many of the cities also face infrastructure constraints. Water and sewer infrastructure needs to be extended into new growth areas before development can occur, and existing infrastructure systems will require upgrades. Jurisdictions rely on development impact fees to cover the cost of infrastructure improvements as they grow. These costs are added to the cost of new housing units, impacting affordability.

Water supply is one of the most critical issues for Fresno County. Jurisdictions in the county rely on a combination of ground water and surface water. While projects in the county are served by independent wells or community facilities districts, cities typically have independent water sources either from a third party or a municipally-operated system. During drought years or other mandated reductions for environmental purposes, total water supply can fluctuate from year to year. In rural areas, ground water levels are dropping causing domestic wells to dry up.

Jurisdictions in Fresno County have and will continue to pursue grant funding to improve infrastructure availability and reliability. Furthermore, the jurisdictions may adopt, or work with local water providers to adopt, policies to grant priority for water and sewer service to proposed developments that include housing units affordable to lower-income households.

## FINANCIAL AND ADMINISTRATIVE RESOURCES

### Funding Programs for Affordable Housing

As the need in California for affordable homes has become more acute, the State has reduced its direct funding for affordable housing dramatically. State Housing Bonds funded by Propositions 1C and 46 are exhausted, meaning the elimination of tens of millions of dollars in investment to provide homes to low- and moderate-income households in Fresno County. The elimination of Redevelopment funds led to a loss of more than \$9.8 million annually in local investment in the production and preservation of affordable homes in Fresno County.

### SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

Exacerbating the State cuts is the simultaneous disinvestment in affordable housing by the Federal government. Cuts to HOME Investment Partnership Program (HOME) funds and Community Development Block Grants (CDBG) have resulted in the loss of another \$3.8 million in annual funding. Table 3-5-8 highlights the loss of State and Federal funding for affordable homes in the participating jurisdictions in Fresno County since 2008. There has been a 64 percent decrease in State and Federal funding for affordable housing in the participating jurisdictions in Fresno County between 2008 and 2013.

**Table 3-5-8 Changes to Major Affordable Housing Funding Sources in Fresno County**

Funding Sources	FY 2007-2008	FY 2012-2013	Percent Change
State Housing Bonds Prop. 46 and Prop. 1C*	\$329,950	\$0	-100%
Federal CDBG Funds	\$4,075,741	\$2,993,766	-27%
Federal HOME Funds	\$1578,630	\$838,680	-47%
<b>Total</b>	<b>\$5,984,321</b>	<b>\$2,155,086</b>	<b>-64%</b>

Source: Fresno County, 2015

While funding for affordable housing has been significantly reduced, there are still several Federal, State, and local funding programs that can be used to assist with rehabilitation, new construction, infrastructure, mortgage assistance, and special needs housing. These possible funding sources include, but are not limited to, the following programs:

- **Drought Housing Rental Subsidies Program (SB104).** This program aims to provide rental subsidies “to persons rendered homeless or at risk of becoming homeless due to unemployment, underemployment, or other economic hardship or losses resulting from the drought.” In June 2014, HCD asked qualified local government agencies and nonprofit organizations to submit a Statement of Qualifications to administer \$10 million of State rental assistance funds.
- **Affordable Housing Program.** Provides, through a competitive application process, grants or subsidized interest rates on advances to member banks to finance affordable housing initiatives.
- **Affordable Housing and Sustainable Communities (AHSC) Program.** Administered by the California Strategic Growth Council, and implemented by the Department of Housing and Community Development, the AHSC Program funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas ("GHG") emissions.
- **Mortgage Credit Certificate (MCC).** The MCC Tax Credit is a federal credit which can reduce potential federal income tax liability, creating additional net spendable income which borrowers may use toward their monthly mortgage payment. This MCC Tax Credit program may enable first-time homebuyers to convert a portion of their annual mortgage interest into a direct dollar for dollar tax credit on their U.S. individual income tax returns.

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- **CalPLUS Conventional Loan Program.** This is a first mortgage loan insured through private mortgage insurance on the conventional market. The interest rate on the CalPLUS Conventional loan is fixed throughout the 30-year term. The CalPLUS Conventional loan is combined with a CalHFA Zero Interest Program (ZIP), which is a deferred-payment junior loan of three percent of the first mortgage loan amount, for down payment assistance.
- **CalHFA Conventional Program.** This is a first mortgage loan insured through private mortgage insurance on the conventional market. The interest rate on the CalHFA Conventional is fixed throughout the 30-year term.
- **Cal HOME Program.** Provides mortgage assistance loans to low- and very low-income households.
- **California Self-Help Housing Program.** Provides assistance to low- and moderate-income households to construct and rehabilitate their homes using their own labor.
- **Community Development Block Grant Program.** Provides funds for many housing activities including acquisition, relocation, demolition and clearance activities, rehabilitation, utility connection, and refinancing.
- **Emergency Solutions Grants Program.** Provides grants to supportive social services that provide services to eligible recipients.
- **Home Investment Partnerships Program.** Provides funds for housing-related programs and new construction activities. Also provides funds for Community Housing Development Organizations for predevelopment or new construction activities.
- **Housing Choice (Section 8) Voucher Program.** Provides local housing authorities with Federal funds from HUD. Families use the voucher by paying the difference between the rent charged and the amount subsidized by the program. To cover the cost of the program, HUD provides funds to allow Public Housing Authorities (PHAs) to make housing assistance payments on behalf of the families. HUD also pays the PHA a fee for the costs of administering the program. When additional funds become available to assist new families, HUD invites PHAs to submit applications for funds for additional housing vouchers. Applications are then reviewed and funds awarded to the selected PHAs on a competitive basis. HUD monitors PHA administration of the program to ensure program rules are properly followed.
- **Housing Related Parks Program (HRP).** Provides grant funding for the creation of new park and recreation facilities or improvement of existing park and recreation facilities as a financial incentive for constructing new affordable housing units.
- **Low Income Housing Tax Credit Program.** Provides 4 percent or 9 percent Federal tax credit to owners of low-income rental housing projects. The Low-Income Housing Tax Credit (LIHTC) is the federal government's primary program for encouraging the investment of private equity in the development of affordable rental housing for low-income households.

## SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

- **Veteran Housing and Homeless Prevention Program (VHHP).** Veteran’s Bond Act of 2008 authorized \$900 million in general obligation bonds to help veterans purchase single family homes, farms, and mobile homes through the CalVet Home Loan Program. HCD, CalHFA, and CalVet are collaborating in developing and administering this program.
- **National Housing Trust Fund.** Starting in 2016, the Federal government will issue an estimated \$30 million to the California Department of Housing and Community Development to administer the National Housing Trust Fund. The program will provide communities with funds to build, preserve, and rehabilitate affordable rental housing for extremely low- and very low-income households.

### ***Local Housing Programs***

The majority of local housing programs are funded by two major sources: CDBG and HOME funds.

The County of Fresno receives CDBG funding of approximately \$3,000,000 annually. The funds are divided among the County and the six partner cities (Kerman, Kingsburg, Mendota, Reedley, Sanger, and Selma) through a Joint Powers Agreement. The funds can be used for the replacement of substandard housing, rehabilitation of lower income owner-occupied and rental-occupied housing units, and other programs that assist households with incomes at or below 80 percent of median income.

The County of Fresno also receives a HOME allocation of less than \$1,000,000 annually. These funds may be used for rehabilitation, acquisition, and/or new construction of affordable housing, including down payment assistance. The County works with the partner cities as well as with non-profit groups that request HOME funds for particular projects to be completed within one of the partner cities or an unincorporated area. In addition to assisting the partner cities and non-profit organizations, individuals who reside in one of these cities and the unincorporated areas can request HOME funds for rehabilitation, reconstruction, or a down payment to purchase a home.

### **County Housing Programs**

The County of Fresno is an entitlement jurisdiction and receives CDBG and HOME funds from the Federal government. The County operates the following programs on behalf of Kerman, Kingsburg, Mendota, Reedley, Sanger, Selma, and the Unincorporated County.

#### ***First Time Homebuyer Assistance Program (HAP)***

The First Time Homebuyer Assistance Program (HAP) offers no-interest loans of up to 20 percent of a home's sale price to income-qualifying first-time home buyers. The buyer must contribute at least 1.5 percent of the sale price and must purchase the house as their primary residence.

***Housing Assistance Rehabilitation Program (HARP)***

This program provides no-interest loans to income-qualifying households for moderate to substantial home reconstruction/rehabilitation projects. Code deficiencies, as well as owner-requested non-luxury improvements, are addressed. HARP loans are funded by various federal and state agencies and are specifically designed to assist low-income families make such improvements.

***Rental Rehabilitation Program (RRP)***

This program offers zero-interest loans to repair rentals in unincorporated areas and participating cities. Loans cover the entire cost of rehabilitation and are repaid over 20 years. The project must also meet the following guidelines:

- The project must have a positive monthly cash flow, including the County RRP loan;
- Code deficiencies must be corrected; and
- Tenants must have incomes at 60 percent of median if the project is located in a participating city or 80 percent if located in an unincorporated area.

**Other City Housing Programs**

With the exception of Fresno County, Clovis, and Fresno, jurisdictions can apply to the State for CDBG and HOME funds. Most cities use these funds for housing rehabilitation and first-time homebuyer programs.

The City of Clovis provides loans of up to \$40,000 to low-income homeowners to complete health and safety repairs on owner-occupied single family homes. Clovis also provides grants up to \$2,000 to low-income seniors (60 years and older) who own and occupy a mobile home in one of the mobile home parks in Clovis to address visible health and safety problems. The grant can be used for weatherization or roof, heating, plumbing, electrical, and structural repairs. Clovis also provides low-interest, deferred, 30-year loans to low-income first-time homebuyers to help subsidize the cost of purchasing homes.

The City of Coalinga recently received HOME and CDBG funds to reinstate the City's Down Payment Assistance Program and Housing Rehabilitation Programs, which had been operated by the Redevelopment Agency. The programs are administered by Self-Help Enterprises.

San Joaquin and Parlier also use CDBG funds for housing rehabilitation programs.

**Administrative Capacity**

Beyond local city and county staff that administer housing programs, there are a number of agencies and organizations that are also important in the overall delivery system of housing services in the region, including new construction, acquisition and rehabilitation, and preservation of affordable housing.

## SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

### **Fresno Housing Authority**

The Fresno Housing Authority provides affordable housing to over 50,000 residents throughout Fresno County either through Housing Choice Vouchers (HCV) or in Housing Authority-owned complexes. Specifically, the HCV program is assisting 12,000 households. ~~There are currently (2015) about 70,000 families on the waitlist for Housing Choice Vouchers.~~ As of October 2015, there are 42,587 residents outside the City of Fresno on the waitlist for Housing Choice Vouchers. Applicants are randomly selected through a lottery system.

Table 3-6-9 shows the subsidized rental units owned and/or managed by the Fresno Housing Authority throughout the county.

**Table 3-6-9 Fresno Housing Authority Properties**

<b>Community/ Apartment Complex</b>	<b>Location</b>	<b>Number of Units</b>
<b><i>Biola</i></b>		
Biola Apartments	4955 North 7th Avenue	12
<b><i>Del Rey</i></b>		
Del Rey Apartments	5662 South Oak Lane Avenue	30
<b><i>Firebaugh</i></b>		
Cardella Courts	419 P Street	32
Firebaugh Family Apartments	1501 Clyde Fannon Road	34
Firebaugh Elderly	1662 Thomas Conboy Avenue	30
Maldonado Plaza	1779 Thomas Conboy Avenue	64
Mendoza Terrace	1613 Mendoza Drive	50
Mendoza Terrace II	1661 Allardt Drive	40
<b><i>Fowler</i></b>		
Magill Terrace	401 East Nelson Street	20
<b><i>Fresno</i></b>		
Brierwood	4402 West Avalon Avenue	74
Cedar Courts	4430 East Hamilton Avenue	119
Cedar Courts II	4430 East Hamilton Avenue	30
Dayton Square	3050 East Dayton Avenue	66
DeSoto Gardens	640 East California Avenue	40
DeSoto Gardens II	640 East California Avenue	28
El Cortez Apartments	4949 North Gearhart Avenue	48
Emergency Housing	4041 Plaza Drive West	30
Fairview Heights Terrace	2195 South Maud	74
Garland Gardens	3726 North Pleasant Avenue	50
Inyo Terrace	510 South Peach Avenue	44
Marcelli Terrace	4887 North Barcus Avenue	24
Mariposa Meadows	1011 West Atchison Avenue	40
Monte Vista Terrace	North 1st Street and East Tyler Avenue	44

Table 3-6-9 Fresno Housing Authority Properties

Community/ Apartment Complex	Location	Number of Units
Pacific Gardens	5161 East Kings Canyon Road	56
Parc Grove Commons South	Clinton Avenue and Fresno Street	215
Pinedale Apartments	145 West Pinedale Avenue	50
Renaissance at Alta Monte	205 North Blackstone Avenue	30
Renaissance at Santa Clara*	503 G Street, 512 F Street, 1555 Santa Clara Street	69
Renaissance at Trinity	524 South Trinity Street	21
Sequoia Courts	154 E. Dunn Avenue	60
Sequoia Courts Terrace	549 S. Thorne Avenue	76
Sierra Plaza	838 Tulare Street	70
Sierra Pointe**	1233 West Atchison Avenue	53
Sierra Terrace	937 Klette Avenue	72
Viking Village	4250 North Chestnut Avenue	40
Villa del Mar	3950 North Del Mar Avenue	48
Woodside Apartments	3212 East Ashcroft Avenue	76
Yosemite Village	709 West California Avenue	69
<b><i>Huron</i></b>		
Cazares Terrace	36487 O Street	24
Cazares Terrace II	36333 Mouren Street	20
Huron Apartments	19125 Myrtle Avenue	20
Parkside Apartments	36200 North Giffen Avenue	50
<b><i>Kerman</i></b>		
Granada Commons	14570 California Avenue	16
Helsem Terrace	938 South 9th Street	40
Kearney Palms Senior Apartments	14608 W. Kearney Street	80
Kearney Palms Phase II	14606 W. Kearney Blvd.	20
<b><i>Laton</i></b>		
Laton Apartments	6701 East Latonia Street	20
<b><i>Mendota</i></b>		
Mendota Apartments	778 Quince Street	60
Mendota Farm Labor Housing	241 Tuft Street	60
Rios Terrace	424 Derrick Avenue	24
Rios Terrace II	111 Straw Street	40
<b><i>Orange Cove</i></b>		
Citrus Gardens	201 Citrus Avenue and 452 10th Street	30
Kuffel Terrace	791 I Street	20
Kuffel Terrace Annex	1040 8th Street	40
Mountain View Apartments	1270 South Avenue	30
<b><i>Parlier</i></b>		
Oak Grove	595 Bigger Street	50
Orchard Apartments	295 South Newmark Avenue	40



Table 3-6\_9 Fresno Housing Authority Properties

Community/ Apartment Complex	Location	Number of Units
Parlier Migrant Center	8800 South Academy Avenue	130
<b><i>Reedley</i></b>		
Sunset Terrace	629 East Springfield Avenue	20
Sunset Terrace II	806 Lingo Avenue	20
Kings River Commons	2020 E. Dinuba Ave.	60
<b><i>Sanger</i></b>		
Elderberry at Bethel	2505 5th Street	74
Memorial Village	302 K Street	35
Wedgewood Commons	2415 5th Street	64
<b><i>San Joaquin</i></b>		
San Joaquin Apartments	8610 South Pine Avenue	20
Taylor Terrace	8410 5th Street	28
<b><i>Selma</i></b>		
Shockley Terrace	1445 Peach Street	25
<b>TOTAL</b>		<b>2,906</b>

Source: Fresno Housing Authority, 2015.

Notes:

\* Including one manager's unit

\*\* Single family homes

### ***Non-Profit Housing Providers***

There are numerous non-profits that are active in constructing, managing, and preserving affordable housing in the region. According to Affordable Housing Online, there are 12,706 units of affordable housing in 157 properties throughout the county, including those operated by the Housing Authority described above. More than half of these affordable units are in the City of Fresno, however, every city and several unincorporated communities also contain affordable housing units. Within the smaller cities and unincorporated areas, one of the more active nonprofit housing providers has been Self-Help Enterprises. Self-Help Enterprises focuses on providing self-help housing, sewer and water development, housing rehabilitation, multifamily housing, and homebuyer programs in the San Joaquin Valley of California. They currently provide assistance to the City of Coalinga to oversee their housing rehabilitation and down payment assistance programs.

## OPPORTUNITIES FOR ENERGY CONSERVATION

State law requires an analysis of the opportunities for energy conservation in residential development. Energy efficiency has direct application to affordable housing since higher energy bills result in less money available for rent or mortgage payments. High energy costs have particularly detrimental effects on low-income households that do not have enough income or cash reserved to absorb cost increases and many times must choose between basic needs such as shelter, food, and energy.

### California Building Code, Title 24

California Title 24 regulations require higher energy efficiency standards for residential and non-residential buildings. The building code provides a great deal of flexibility for individual builders to achieve a minimum "energy budget" through the use of various performance standards. These requirements apply to all new residential construction, as well as all remodeling and rehabilitation construction.

### Utility Programs

Pacific Gas and Electric Company (PG&E), which provides electricity service in Fresno County, provides a variety of energy conservation services for residents as well as a wealth of financial and energy-related assistance programs for low-income customers:

- **The Balanced Payment Plan (BPP).** Designed to eliminate big swings in customer monthly payments by averaging energy costs over the year.
- **CARE (California Alternate Rates for Energy).** PG&E provides a 20 percent discount on monthly energy bills for low-income households.
- **Energy Partners Program.** The Energy Works Program provides qualified low-income tenants free weatherization measures and energy-efficient appliances to reduce gas and electricity usage.
- **Energy Efficiency for Multifamily Properties.** The Energy Efficiency for Multifamily Properties program is available to owners and managers of multifamily residential dwellings. The program encourages energy efficiency by providing rebates for the installation of certain energy-saving products such as high-efficiency appliances, compact fluorescent light bulbs, attic and wall insulation, and efficient heating and cooling systems.
- **The Family Electric Rate Assistance (FERA) Program.** PG&E provides a rate reduction program for low-income households of three or more people.
- **REACH (Relief for Energy Assistance through Community Help).** The REACH program is sponsored by PG&E and administered through the Salvation Army. PG&E customers can enroll to give monthly donations to the REACH program. Through the REACH program, qualified low-income customers who have experienced unforeseen hardships that prohibit them from paying their utility bills may receive an energy credit up to \$200.

### SECTION 3: OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT

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# HOUSING PLAN

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This eight-year housing plan sets forth a comprehensive strategy and program of actions to address housing issues identified within the participating jurisdictions in Fresno County. The first section contains the shared goals and policies that the County of Fresno and the cities of Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma will all strive to achieve. Appendix 2 contains the specific programs to be implemented by each of the jurisdictions over the eight-year planning period.

## GOALS AND POLICIES

### 1. New Housing Development

Every jurisdiction in Fresno County must plan to accommodate its agreed upon fair share of the regional housing needs. As a region, the total housing needed over the 2013-2023 Regional Housing Needs Allocation (RHNA) projection period is 41,470 units. [For the jurisdictions participating in the Multijurisdictional Housing Element, the total RHNA is 16,524 units.](#) This includes [40,5354,630](#) very low-income units, [6,4702,926](#) low-income units, [6,6352,755](#) moderate-income units, and [17,8306,213](#) above moderate-income units. This housing element reflects the shared responsibility among the cities and the unincorporated County to accommodate the housing needs of all economic segments of the community.

**Goal 1**      **Facilitate and encourage the provision of a range of housing types to meet the diverse needs of residents.**

**Policy 1.1**      Provide adequate sites for new housing development through appropriate planned land use designations, zoning, and development standards to accommodate the regional housing needs for the 2013-2023 planning period.

**Policy 1.2**      Facilitate development of new housing for all economic segments of the community, including extremely low, very low-, low-, moderate-, and above moderate-income households.

**Policy 1.3**      Continue to direct new growth to urban areas in order to protect natural resources.

**Policy 1.4**      Promote balanced and orderly growth to minimize unnecessary development costs adding to the cost of housing.

**Policy 1.5**      Encourage infill housing development on vacant, by-passed, and underutilized lots within existing developed areas where essential public infrastructure is available.

## SECTION 5: HOUSING GOALS AND POLICIES

- Policy 1.6** Promote development of higher-density housing, mixed-use, and transit-oriented development in areas located along major transportation corridors and transit routes and served by the necessary infrastructure.
- Policy 1.7** Ensure the adequate provision of water, sewer, storm drainage, roads, public facilities, and other infrastructure necessary to serve new housing.
- Policy 1.8** Approve new housing in accordance with design standards that will ensure the safety, quality, integrity, and attractiveness of each housing unit.
- Policy 1.9** Encourage development around employment centers that provides the opportunity for local residents to live and work in the same community by balancing job opportunities with housing types.

## 2. Affordable Housing

The shortage of affordable housing is an issue facing most communities in California. In Fresno County, nearly half of all households are considered “cost burdened,” paying more than 30 percent of their income on housing costs. For lower-income households, this rate is even higher – nearly three-quarters of lower-income households are cost-burdened. Building affordable housing has become even more challenging after the State eliminated redevelopment agencies, depriving jurisdictions of the largest source of local funding for affordable housing. At the same time, State and Federal funding for affordable housing has also been reduced. While the region faces many challenges in meeting their housing needs for lower-income residents, there are several actions jurisdictions can take to facilitate affordable housing.

### **Goal 2 Encourage and facilitate the development of affordable housing.**

- Policy 2.1** Support innovative public, private, and nonprofit efforts in the development of affordable housing, particularly for the special needs groups.
- Policy 2.2** Continue to support the efforts of the Fresno Housing Authority in its administration of Section 8 certificates and vouchers, and the development of affordable housing throughout the County.
- Policy 2.3** Encourage development of affordable housing through the use of development incentives, such as the Density Bonus Ordinance, fee waivers or deferrals, and expedited processing.
- Policy 2.4** Provide technical and financial assistance, where feasible, to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects for Federal and State financing.
- Policy 2.5** Pursue grant funding to subsidize the development of affordable housing for low- and very low and extremely low income households through new construction, acquisition, and/or rehabilitation.

- Policy 2.6** Encourage the development of second dwelling units to provide additional affordable housing opportunities.
- Policy 2.7** Work to ensure that local policies and standards do not act to constrain the production of affordable housing units.
- Policy 2.8** Expand homeownership opportunities to lower- and moderate-income households through downpayment assistance and other homeownership programs.
- Policy 2.9** Encourage sweat equity programs as a means for increasing homeownership opportunities for lower-income residents.

### 3. Housing and Neighborhood Conservation

The existing affordable housing stock is a valuable resource and conserving and improving the existing affordable housing stock is a cost-effective way to address lower-income housing needs. There are an estimated 406 assisted affordable housing units in the participating jurisdictions that are at-risk of converting to market rate housing over the next 10 years. Actions are needed to monitor the status of these units and work with non-profits and the private sector to preserve affordable housing. In addition, improvements are needed to maintain existing ownership housing and the quality of residential neighborhoods.

**Goal 3**      **Improve and maintain the quality of housing and residential neighborhoods.**

- Policy 3.1** Preserve the character, scale, and quality of established residential neighborhoods by protecting them from the encroachment of incompatible or potentially disruptive land uses and/or activities.
- Policy 3.2** Assist low income homeowners and owners of affordable rental properties in maintaining and improving residential properties through a variety of housing rehabilitation assistance programs.
- Policy 3.3** Continue code enforcement efforts to work with property owners to preserve the existing housing stock.
- Policy 3.4** Provide for the removal of all unsafe, substandard dwellings that cannot be economically repaired.
- Policy 3.5** Invest in public service facilities (streets, curb, gutter, drainage and utilities) to encourage increased private market investment in declining or deteriorating neighborhoods.
- Policy 3.6** Preserve assisted rental housing for long-term occupancy by low- and moderate-income households.

## 4. Special Needs Housing

Within the general population there are several groups of people who have special housing needs. These special needs can make it difficult for members of these groups to locate suitable housing. Special needs groups include homeless persons; single-parent households; the elderly; persons with disabilities including developmental disabilities; farmworkers; and large families.

**Goal 4**      **Provide a range of housing types and services to meet the needs of individuals and households with special needs.**

**Policy 4.1**      Encourage public and private entity involvement early and often through the design, construction, and rehabilitation of housing that incorporates facilities and services for households with special needs.

**Policy 4.2**      Assist in local and regional efforts to secure funding for development and maintenance of housing designed for special needs populations such as the elderly and persons with disabilities.

**Policy 4.3**      Support the use of available Federal, State, and local resources to provide and enhance housing opportunities for farm workers.

**Policy 4.4**      Encourage development of affordable housing units to accommodate large households (three and four bedroom).

**Policy 4.5**      Ensure equal access to housing by providing reasonable accommodation for individuals with disabilities.

**Policy 4.6**      Working in partnership with the other jurisdictions and the private/non-profit sectors in Fresno County, facilitate the provision of housing and services for the homeless and those at-risk of becoming homeless.

## 5. Fair and Equal Housing Opportunities

Federal and State laws ensure all persons, regardless of their status, have equal opportunities to rent or purchase housing without discrimination. Mediating tenant/landlord disputes, investigating complaints of discrimination, providing education services, and improving public awareness are all part of a comprehensive program.

**Goal 5**      **Promote housing opportunities for all residents regardless of age, race, religion, sex, marital status, ancestry, national origin, color, disability, or economic level.**

**Policy 5.1**      Support the enforcement of fair housing laws prohibiting discrimination in lending practices and in the development, financing, sale, or rental of housing.

**Policy 5.2**      Ensure local ordinances and development regulations provide equal housing opportunity for persons with disabilities.

## 6. Energy Conservation and Sustainable Development

High energy costs have particularly detrimental effects on low-income households that do not have enough income or cash reserves to absorb cost increases and must choose between basic needs such as shelter, food, and energy. While new construction can help achieve energy conservation goals, more than half of the housing stock in the region was built before California's energy code was adopted in the 1980s. Consequently, the existing building stock offers considerable opportunity for cost-effective energy efficiency retrofits to decrease energy consumption.

**Goal 6**            **Encourage energy efficiency in all new and existing housing.**

**Policy 6.1**        Encourage the use of energy conserving techniques in the siting and design of new housing.

**Policy 6.2**        Actively implement and enforce all State energy conservation requirements for new residential construction.

**Policy 6.3**        Promote public awareness of the need for energy conservation.



## SECTION 5: HOUSING GOALS AND POLICIES

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# APPENDIX 1

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## APPENDIX 1A: PUBLIC OUTREACH EFFORTS

### Stakeholder Workshop Summary, March 2015

Two stakeholder workshops were held on Wednesday, March 4, 2015 as part of the Fresno County Multi-jurisdictional Housing Element. The first workshop was held at 10:00 a.m. at the City of Selma City Council Chambers. The second workshop was held at 2:00 p.m. at the City of Kerman Community Center. Workshop participants were presented with information about the legal requirements and content of a Housing Element, localized demographics, the process of certification, and most importantly, asked to share their thoughts on the major housing issues facing Fresno County residents; major barriers to affordable housing in the region; and how the cities, County, and community can work to address these issues and barriers. The following is a summary of comments received at the workshops:

- Finding financial resources to subsidize housing is the biggest issue. Cities want to provide affordable housing to accommodate all economic segments of the community, but the resources are very limited.
- Financing is a major constraint for affordable housing. Many affordable housing developments require five to six layers of funding to make a project feasible. The Legislature took away a key tool for funding affordable housing development – Redevelopment Agencies.
- While land may be readily available in many communities, some communities (particularly Reedley) are mostly built out and need to rely on annexing more land to accommodate housing needs. This requires willing sellers of land on the fringe, and creates a conflict between two very important goals: maintaining agriculture, which is the livelihood of many in the region, and accommodating housing needs to meet the Regional Housing Needs Allocation (RHNA).
- There are major policy and financial constraints to annexation in the county.
- Water and sewer capacity is generally an issue in the County.
- Unincorporated areas of the county, such as Lanare, do not have the water and sewer infrastructure to support existing services and demands by new development. These areas would need more scalable housing projects to create an equitable distribution of infrastructure improvements costs that are needed. These areas are often served by special districts, and the County is working with special districts to go after state funding.
- Self Help has a mobile home replacement program that could benefit residents in communities such as Lanare where a majority of residents live in mobile homes.

- The County of Fresno is not in the “development business” relative to the unincorporated areas of the County. The County is in the resource preservation business. The County has and will continue to develop policies which direct growth to cities and unincorporated communities. The County has no control over special districts.
- The Friant Corridor provides an opportunity to accommodate a variety of housing needs for people of different income levels.
- The current drought condition and lack of water infrastructure is a major road block to providing more housing.
- California’s Cap-and-Trade Program provides funding for infrastructure improvements, but the current round of funding is more directed to large cities, such as Los Angeles, because it requires proximity to high quality transit, which is defined in such a way that many communities in the Valley are not eligible for funding.
- While jurisdictions do not always have “high quality transit” that meets the definitions required by the Cap-and-Trade Program, just adding a bus stop goes a long way for some funding programs in saying transit is available for an affordable housing project.
- There is a National Housing Trust Fund Program coming in 2016. In order to be eligible for funding, jurisdictions need to identify in their Consolidated Plans that they are intending to pursue National Housing Trust Fund monies. Consolidated Plans are documents discussing housing homelessness, business, –and community development that cities are required to prepare in order to receive federal funding.
- Many funding programs (even the National Housing Trust Fund Program) require matching funds, and most jurisdictions do not have any matching funds available.
- The jurisdictions and organizations in Fresno County need to organize and advocate as a region to make affordable housing and infrastructure funding available to the region.
- The Leadership Council is working to advocate for funding for the rural communities in Fresno County and for the region as a whole.
- Development impact fees are high in some communities (in excess of \$40,000 per unit). Fee deferral programs and fee waiver programs help tremendously. These fee deferrals should be given to lower-income housing, not above moderate-income housing.
- Many communities have a need for migrant farmworker housing. Farm labor is becoming more permanent and less migrant. There is a need to invest in year-round farmworker housing.
- Many State or Federal-funded farmworker housing programs are challenging because they require documentation.
- Allowing development by-right, rather than with discretionary approval, is a key to removing barriers to development.

- NIMBYism (“Not-in-my-backyard”)/community sentiment toward affordable housing and density is an issue in many communities; however, recent examples of high-quality affordable housing go a long way in gaining community support and acceptance of low-income housing. There is a recent example in Selma of single family rental homes built using USDA funds. There is a long wait list for these rental homes.
- The City of Coalinga and other more remote cities in the county face significant challenges when trying to attract developers to a smaller market. These cities may have the land available, but the market for new development is not there.
- The primary reason for a lack of residential development interest is directly related to employment and/or the lack of jobs. The demand for housing exists, but not at a price point to make it attractive, or even feasible, for developers.
- Communities need to maintain a good balance between owner and renter occupancy.
- There aren’t as many funding programs for rental units. CDBG money for housing rehabilitation and down payment assistance is directed toward owner occupied units.

## **Stakeholder/Community Survey Results, March 2015**

Following the stakeholder workshop, a survey was emailed to the 225 contacts on the email list asking for input to better understand the community’s housing needs and potential solutions to housing challenges facing the Fresno region. The survey asked the same questions posed to participants who attended the stakeholder workshop:

1. What are the major housing issues in Fresno County?
2. What are the barriers to affordable housing in Fresno County?
3. What can be done to address these issues and barriers?

Responses were collected through April 1, 2015. The following is a verbatim summary of the survey responses.

### ***What are the major housing issues in Fresno County?***

- The lack of affordable housing and large presence of slum lords.
- The need for permanent supportive housing for the homeless and very low-income people.
- Substandard housing, widespread poverty, and crime with disproportionate level of home ownership.
- We need more home ownership opportunities.
- I believe Fresno needs more Permanent Supportive Housing opportunities for individuals and families who are experiencing homelessness. As rents increase it appears that wages do not. This creates a gap in finding affordable housing.

## APPENDIX 1A

- The scopes of HUD with the new NOFA make it very difficult for specialized programs to be sustainable. There are a multitude of needs that clients have on top of housing in order to successfully retain residents. Many of the long-term homeless population are not interested in housing and/or services.
- High costs
- Long-term transitional or permanent housing for mentally ill or severely mentally ill is desperately needed. While Section 8 housing continues to be a great opportunity for many households, there are still so many waiting to access this housing resource. I know this is bigger than Fresno County, but really do folks on this program have to be given a "forever pass" on paying rent, when they are not even trying to work or pay rent like everyone else? And those who are now in desperate need of this, continue to live on the streets and try to work and live without a roof over their head....systemic ugliness...
- Prices - make residential fire sprinklers discretionary, not mandatory. These can easily add \$5,000 cost to each new home.
- Need homes for seniors in a gated community. Not apartments or condos but homes with a community room and activities. Similar to Del Webb retirement communities. Seniors from the Bay Area and Southern California want a place within California to retire but at a lower cost than their current location. They don't want to rent but want upscale homes with amenities for seniors.
- 1 - lack of low income housing stock! 2 - lack of code enforcement, especially in aging rental housing stock. Cases proceed at a snail's pace if at all. 3 - poorly planned transportation infrastructure. Insular development in housing tracts put nearest public transportation far from residents even if they were so inclined.
- 1. Affordable safe housing. 2. Poor housing conditions and the reluctance of landlords to maintain their rentals. 3. Blight in neighborhoods. 4. The fact that the city leaves the blighted areas and keeps moving in other directions leaving more blighted areas throughout the city. They should be revitalizing and decrease the new developments. Take care of what is here. 5. Lack of transportation and bus lines where current homes are located. 6. Lack of libraries and youth activities in neighborhoods. 7. Safety and police protection.
- Government regulation directing residents into high density housing where market demand is weak. Providing affordable housing for low and moderate income families. The high percentage of low and moderate income families in Fresno County.

### ***What are the barriers to affordable housing in Fresno County?***

- Funding to increase the housing stock.
- Not enough units available. Affordable units are generally in certain areas of town
- Poverty, education, lack of affordable homes to buy.

- The difference between the earnings of families in Fresno and the Fair Market Rents in the area is a huge barrier. The high unemployment rate leads to individuals and families not having the ability to sustain housing.
- The socioeconomic landscape in this region has very few wage earners that rise above the poverty line. Many of the chronically homeless population do not want to live in a structured environment with rules to adhere to. The process for application can be arduous.
- High costs
- Housing "Programs with on-site supportive assistance for the Mentally Ill - Developmentally delayed, etc... need to be a priority in serving this population. Affordable housing has improved in general, however I believe that the rural areas are still need of places and probably construction of quality affordable housing, that is suitable for children and families. Other barrier is "where shall they live while the 'process' takes its long route?" Sometimes folks are without anything (to live in/at) while the housing process takes 6-8 weeks.
- Prices - Turn back the clock on the 2013 Title 24 Energy requirements. Make it discretionary if you want, but not mandatory. Adopt the 2010 energy code instead (and maintain it for 12 years), that doesn't add more money to the cost of a new home.
- Lower wages than other areas. While housing costs are lower in the area, the cost of most other things such as power, gas, a vehicle, insurance, etc. are just as high as other places in California. The wages are considerably lower here.
- 1 - lack of leadership. CDBG and other fund constantly diverted from required uses for low income housing and Homeless prevention. This failure to comply causes the federal funds to be decreased. 2 - low priority with the city. A failure of leaders to recognize lack of housing, food and health security are directly linked to increasing crime and neighborhood degradation. 3 - continue poor mass trans investment. Focus on buses to exclusion of all others. Transportation that does exist is completely focused at getting people to shop verses getting them to work!
- 1. Lack of income. 2. Safety for families 3. Police protection 4. Lack of income for deposits and moving costs.
- Government regulations and fees and limited resources to provide incentives to build affordable housing. Prevailing wage laws attached to incentives raises the cost to construct thus requiring a greater incentive to offset the increased cost thereby reducing or eliminating the incentive.

### ***What can be done to address these issues and barriers?***

- Participation and communication among all community groups/partners about how and where to access and utilize various funding sources.
- Provide access and funding for permanent supportive housing and allow affordable housing in all parts of the city.

- Sweat equity homes rather than more Section 8. We need more home buyer programs with budgeting and credit education.
- I believe that we as a community need to continue our work through our Fresno Madera Continuum of Care of a Coordinated Assessment and Housing System. I also feel that more affordable housing units would address some of these barriers. I would like to see more Owners and Property Management participating in the efforts to end homelessness in our community.
- Become more inclusive of other agencies, including faith based organizations, law enforcement, grass roots partners to address ways to support each other in meeting the same goals. Adopt the Housing First model in actual practice vs. theory. Lots of varied interpretation to what that means.
- Lower prices.
- Temporary housing facilities will help these people and families stay safe, and healthy while the process completes. Many are lost along the way, and make bad decisions to live with the wrong people because their choices are extremely limited....and then the good housing is lost.
- Return to a much easier BRACED Wall system in the Code instead of the rigid, convoluted, confusing system in the 2013 Code that requires a lateral analysis by a registered engineer. This adds thousands to the cost of a new home. Eliminate the Code requirement for a Soils Report in most Central Valley Areas. This also adds thousands to the cost of a new home. The recent California Building Codes have no regard for cost.
- 1 - comply with CDBG and other block grant directives to ensure maximum funding. 2 - well built houses in well planned, income integrated communities, will likely lead to decreased need for code enforcement. 3 - stop pointing the finger outside of Fresno. Take responsibility for the mess we have created by focusing all development north and north west while abandoning successive widening concentric layers of degraded neighborhoods. 4 - Redevelopment like CDBG was funneled toward continued northward development up to and including River Park. This mentality must stop at the top! We will not solve these problems but transporting everyone to River Park to shop. 5 - Take advantage of all funding streams. Be innovative and insure no dollars are left on the table. Prioritize housing security. We cannot police our way out of crime. It's never worked and never well. Healthy neighborhoods are the key.
- 1. Provide adequate services to all. 2. Add more bus lines to service all areas of Fresno equally. 3. Provide neighborhood parks and take care of them as it is done throughout the city. 4. Provide libraries and activities in neighborhoods that are accessible. Traveling 5 to 10 miles to reach the nearest library is crazy. There is not even a bus line that will take you there. 6. Bottom line - police protection, services and activities, removing blight in neighborhoods, holding landlord accountable and fixing their areas. The city also allows blight to occur on their property as well. Grass is growing out of control, weeds are present, graffiti, broken items left out in the lots and streets. Code enforcement should be more present in the areas.
- Provide more Federal and State resources to the jurisdictions in Fresno County. Eliminate the prevailing wage requirement when government funds are used.

## Public Comments Received

### *City Council and Planning Commission Study Sessions*

City of Kerman (June 3, 2015)

- No public comments were received.

City of Kingsburg (June 3, 2015)

- No public comments were received.

City of Coalinga (June 4, 2015)

- Planning Commissioner questioned the usefulness of using countywide median-income to establish affordability limits for the various income groups.
- City Council and Planning Commission commented on the impacts to rental housing due to out-of-town owners not maintaining their properties. Suggested a program or revised program could address code enforcement of rental properties.
- City Council and Planning Commission requested a new program be added or existing program be revised to add language that the City would assist homeowners with housing maintenance training. This was also suggested as a requisite for individuals seeking first time homebuyer assistance.

County of Fresno Planning Commission (June 4, 2015)

- A member of the public commented on the need to comply with SB 244 – assess the provision of services to disadvantaged unincorporated communities.
- Planning Commission was concerned about the lack of infrastructure capacity and lack of water to accommodate new housing.
- Staff responded that SB 244 assessment will be addressed as part of the County’s General Plan comprehensive review process. Staff also noted that Appendix B contains a detailed assessment of the County’s previous Housing Element implementation programs.
- A member of the public commented the County should expand its outreach efforts to bring more people to public meetings and would like to see a detailed comparison of old County Housing Element policies with the new regional Housing Element policies.

City of Mendota (June 9, 2015)

- No public comments were received.

City of San Joaquin (June 9, 2015)

- No public comments were received.



## APPENDIX 1A

### City of Clovis (June 15, 2015)

- No public comments were received.

### City of Selma (June 15, 2015)

- No public comments were received. Residents commented on a related item – the City’s Residential Rehabilitation Loan Program Guidelines and indicated there is a great need for such program in the community.

### City of Reedley (June 15, 2015)

- Editorial comments provided by a Council member.

### City of Fowler (June 16, 2015)

- No public comments were received.

### City of Huron (June 17, 2015)

- No public comments were received.

### City of Parlier (June 17, 2015)

- Resident voiced his support for Housing Element and thinks that it includes housing programs that are much needed in the community, such as rehabilitation assistance and homebuyer assistance. However, the City also needs green space. The City needs to balance both needs.
- Resident voiced her concern regarding providing more lower-income housing in the community. Most new units being built in the City are for lower-income households. Middle income households are not able to qualify for these units and must look for housing elsewhere in other communities. The City needs to build more middle-income housing.
- Resident commented on the need for better fire and police services to go along with additional housing, particularly multifamily housing.

### County of Fresno Board of Supervisors (July 14, 2015)

- Leadership Counsel for Justice and Accountability: The Housing Element should include more concrete actions and measurable objectives. Lack of infrastructure is a significant constraint; the Housing Element should include plans to make infrastructure available in specific community areas. The County should consider inclusionary housing policy as a strategy for providing affordable housing.
- BIA Fresno/Madera Counties: BIA believes that inclusionary housing policies constitute a taking of property rights and would strongly oppose such efforts by the County.

City of Sanger (July 16, 2015)

- No public comments were received.

***Other Public Comments***

- Letter emailed on July 16, 2015, from the Leadership Council for Justice and Central California Legal Services and Accountability (see below)
- Email on July 17, 2015, from Self-Help Enterprises (see below)

**APPENDIX 1A**

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July 16, 2015

Lindsey Chargin, Senior Regional Planner  
Fresno Council of Governments  
2035 Tulare Street, Suite 201  
Fresno, CA 93721

*Sent Via Email*

Re: Comments on May 2015 Public Review Draft of the Fresno Multi-Jurisdictional  
2015-2023 Housing Element

Dear Ms. Chargin:

We are writing to provide comments on the Public Review Draft of the Fresno Multi-Jurisdictional 2015-2023 Housing Element dated May 2015 (Draft Housing Element). Through our comments, we aim to assist you in creating a Final Housing Element that satisfies the requirements of the state housing element law as well as state and federal fair housing and civil rights laws for each participating jurisdiction (collectively, jurisdictions). While we appreciate this opportunity to provide comments of the 2015 Public Review Draft prior to submission to California's Department of Housing and Community Development (HCD), we will continue to review and, as necessary, identify deficiencies in and needed revisions to the Draft Element during HCD's review period.

Leadership Counsel for Justice and Accountability's (Leadership Counsel's) mission is to work alongside residents of the most disadvantaged communities in California's Central Valley and Coachella Valley to advocate for sound policy and eradicate injustice to secure access to opportunity regardless of wealth, race, income or place. Leadership Counsel works with hundreds of low-income residents and communities across Fresno County to ensure that land use planning and public and private investment responds to the needs of low-income communities, to seek solutions to basic infrastructure and service deficiencies plaguing disadvantaged communities, expand opportunities for affordable housing countywide, and promote robust public process that supports the involvement of all Fresno residents.

Central California Legal Services' (CCLS') mission is to Advance Justice and Empower People in the Central Valley. Over its almost 50-year history, CCLS has advocated for equity and opportunity for the low income populations of the Valley. The undersigned organizations are well positioned to provide the County with informed comments regarding the housing-related needs of Fresno's low-income residents and the opportunities available to address those needs.

In enacting state housing element law, the California legislature declared:

*Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.” Gov. Code § 65580 (d).*

For the reasons set forth in our comments below, the Draft Housing Element fails to satisfy the letter and the spirit of state housing element law and other applicable state and federal housing and civil rights legal requirements to facilitate the provision of housing to meet the needs of all economic segments of the community. In its analysis, policies, and programs, the Final Housing Element can and must do more to advance the attainment of decent housing and a suitable living environment for all Fresno residents. Gov. Code § 65580(b).

We thank you for your consideration of our comments, and we look forward to working with you to create a Final Housing Element that fully complies with all applicable laws and regulations, and meaningfully facilitates the provision of adequate housing in the jurisdictions to which this Housing Element applies. Leadership Counsel and CCLS will submit additional comments on their own behalf and on behalf of their clients throughout the remainder of the housing element update and adoption process. Please contact Ashley Werner with Leadership Counsel for Justice and Accountability, at (559) 369-2786 and Gillian Sonnad at (559) 570-1238 to find a time to discuss these comments in person or otherwise discuss future revisions and development of the Housing Element.

**1. The Jurisdictions Have Yet to Satisfy the Requirement of Government Code § 65583(c)(8) to Make a Diligent Effort to Achieve Participation of All Economic Segments of the Community**

Government Code § 65583(c)(8) requires local governments to make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element and to describe these efforts in the housing element. The California Department of Housing and Community Development (HCD)’s “Building Blocks for Effective Housing Elements”<sup>1</sup> (Building Blocks) elaborates on Government Code § 65583’s public participation requirement. For the reasons set forth below, the public participation process described in the Draft Housing Element demonstrates that the jurisdictions have yet to satisfy the requirements of Government Code § 65583(c)(8).

**a. The Jurisdictions Have Failed to Make a Diligent Effort to Achieve Participation of Low-Income Residents, Affordable Housing Developers and Advocates, and Other Stakeholders**

Building Blocks identifies approaches to public participation that jurisdictions may use to comply with Government Code § 65583(c)(8)’s requirement to make a diligent effort to achieve participation of all economic segments of the community. These approaches include visiting neighborhoods and participating in local events; use of direct mail, radio spots, and local print

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<sup>1</sup> Available online at <http://www.hcd.ca.gov/housing-policy-development/housing-element/>

and electronic media such as a neighborhood newsletter to advertise opportunities for participation; and the use of mobile resources with interactive presentations during the input and implementation stages among others. Building Blocks advises jurisdictions to “always consider the ethnic composition of the target audience and use communication tools that are language-appropriate and culturally sensitive”.

These Jurisdiction’s efforts to solicit public participation during the preparation of the Draft Housing Element fall far short of the “diligent effort” to achieve the participation of all economic segments of the community Government Code § 65583(c)(8) as described in Building Blocks. The Draft Housing Element states that the housing element public participation process conducted by the thirteen participating jurisdictions during its preparation consisted of two community workshops held respectively at the City of Selma’s City Council Chambers and at the City of Kerman’s Community Center. p. 1-20; 1B-1. The Draft Housing Element does not describe efforts made to inform the public of the workshops or to achieve participation by all economic segments of the community nor does it state how many people and who attended. The Draft Housing Element also states that, following publication of the document, the jurisdictions held workshops respectively for their respective decision-making bodies and that the Housing Element will undergo mandated review by HCD. Appendix A also indicates that the jurisdictions conducted a housing needs survey sent to an email contact list. These actions do not reflect the inclusive, interactive, ongoing, and culturally-competent approaches to public participation aimed at achieving the participation of all economic segments of the community identified in Building Blocks.

To satisfy Government Code § 65583(c)(8), the jurisdictions should create additional opportunities for public engagement in the housing element update reflective of those set forth in Building Blocks and revise the Draft Housing Element to reflect feedback obtained through those efforts. Supplemental public outreach efforts that the County should take include but are not limited to the following:

- holding interactive housing element workshops in at least three disadvantaged unincorporated communities (DUCs), including fringe and island communities located adjacent to or near participating cities and legacy communities as defined by Government Code § 65302.10 . As many low-income residents in these communities lack personal vehicles and many DUCs are not served by efficient public transportation, residents of DUCs are most likely to attend workshops held in their own community. The jurisdictions should partner with community residents and/or community-based organizations with ties to the community to plan and perform effective outreach for the workshops;
- conducting targeted outreach to and stakeholder interviews with members of special needs populations and protected classes, including but not limited to farmworkers, the elderly, members of large-families and single-headed households, people of color and non-English speakers;
- soliciting completion of the community survey performed by the jurisdictions by low-income and special needs residents, including by the jurisdictions’ housing division and

other city and county staff during their interaction with residents in the course of performance of their duties.

- advertising opportunities to participate in and provide feedback on the housing element update in non-English language print media, radio and television, including media in Spanish, Hmong, and other languages spoken by Fresno County residents. Examples of non-English media outlets include Univision, Radio Bilingue, Hmong TV, and the Vida en el Valle publication among others. Many of these media outlets offer free advertising space for public service announcements.

The Final Housing Element should document these additional efforts to achieve public participation by all economic segments of the community and explain how input received through those efforts is incorporated therein. Leadership Counsel is willing to support the jurisdictions in planning these additional public outreach efforts.

#### **b. The Draft Housing Element Fails to Incorporate Public Comments**

Building Blocks states that, as part of the requisite analysis pursuant to Government Code § 65583, the housing element must “[d]escribe who was invited to participate, which groups actually participated, general comments received and how comments were incorporated into the housing element.”

While the Draft Housing Element identifies individuals and comments who received notice of housing element workshops and generally describes comments made by workshop participants, it does not respond to the comments made or describe “how comments were incorporated” therein. In fact, from a comparison of the description of comments made during the public workshops contained in Appendix A and the body of the remainder of the Draft Housing Element, it appears that many of the comments were not in fact incorporated into the needs analysis or housing plan at all.

The Final Housing Element must meaningfully incorporate public comments received as called for by the Building Blocks.

#### **c. The Final Housing Element Must Identify Efforts the Jurisdictions Will Take to Achieve Broad Stakeholder Participation in Housing Element Implementation**

Building Blocks states that the Housing Element must “[d]escribe any ongoing efforts to engage the public and stakeholders in the implementation of the housing element.” Building Blocks states that jurisdictions should invite a wide array of groups to participate in the housing element implementation process and recommends that jurisdictions establish an ongoing housing element update and implementation committee to oversee the update and implementation.

While the Draft Housing Element includes programs such as rental rehabilitation and down payment assistance programs that by their nature require the participation of individual members of the public in their implementation in each jurisdiction, the Draft Housing Element fails to

describe efforts the jurisdictions will make to engage residents and stakeholders with respect to housing element implementation on an ongoing basis as called for by Building Blocks.

To support effective implementation of the housing element in a manner that ensures diverse stakeholder representation from all economic segments of the community, the Final Housing Element should include a program for each jurisdiction to establish a Housing Element Implementation Advisory Committee. The Committees should include representation by extremely low, very low, and low-income residents; residents of disadvantaged unincorporated communities; farmworkers; disabled residents; the elderly; members of single-headed households; members of large families; and members of other special needs populations and protected classes. The Committees should also include representation by local affordable housing and market-rate developers, affordable housing advocates, community development specialists, finance professionals, and other stakeholders with an interest in the preservation and development of affordable housing.

The Housing Element Implementation Committees will provide on-the-ground insight into the housing of the respective jurisdiction's residents and barriers to affordable housing; oversee and provide feedback on Housing Element implementation; and identify opportunities to modify and expand upon policies and practices to improve its respective jurisdiction's ability to facilitate the preservation and development of affordable housing. The Committees will also participate in the preparation and review of the annual housing element progress report as well as future Housing Element updates for each jurisdiction.

## **2. The Draft Housing Element Fails to Adequately Analyze and Respond to Effectiveness of Past Performance**

The Draft Housing Element fails to adequately analyze the past performance of the jurisdictions and respond appropriately through the policies and programs contained therein. A few examples of the Draft Housing Element's inadequate analysis and response to past performance include the following:

- “Senior Housing....The City continues to pursue affordable housing opportunities for seniors in the community...This program is included in the 2015 Housing Element to address the needs of special needs groups.” (Appendix 2I: City of Parlier, p. 21-42).

The Draft Housing Element does not state any specific actions it has taken to pursue affordable housing opportunities for seniors in the community and if in fact any such housing has been constructed as a result of these efforts. Accordingly, the Draft Housing Element proposes to include the Senior Housing program without modifications that could ensure more effective implementation.

- “The Code Enforcement Officer is responsible for enforcing regulations...Continue code enforcement efforts.” (Appendix 2H: City of Mendota, 2H-44)



The Draft Housing Element does not provide information about the actions taken to enforce City regulations, the success of those efforts, and the remaining extent of code violations. Accordingly, the Draft Housing Element proposes no modifications to the program which would allow for more effective code enforcement and the targeting of code violations which have a particular impact on the community.

- “The City continues to encourage infill development. However, future growth is anticipated to occur in the SOI. The City updated the General Plan to expand the SOI...This program is not included in the 2015 Housing Element.” (Appendix 2I: City of Parlier, 2I-36)

The Draft Housing Element does not state specifically what the City of Parlier has to encourage infill development. In fact, the description of the City’s activities indicate that the City has taken actions to expand the SOI which may conflict with this program. The Draft Housing Element also does not explain its removal of the program from the 2015 Housing Element if in fact the City intends to continue to encourage infill development.

With respect to Fresno County, the Draft Housing Element reviews the “past performance” of a fourth cycle housing element which is still in draft form. 2A-133. As the County’s fourth cycle housing element has not yet been approved by the Board of Supervisors or HCD and is not subject to implementation, a review of the County’s progress in implementing its third cycle housing element as well as goals and policies in the County’s General Plan relating to housing (e.g., Policy, ED-B-14<sup>2</sup>; Goal H-D, Policies H-D.1 & H-D.5).

The Final Housing Element must include improved analyses of past performance for each jurisdiction which identifies the specific actions taken by the jurisdictions to implement their current housing elements, the success or failure of the jurisdictions in accomplishing the goals of the programs, and incorporation or deletion of policies and programs in the Final Housing Element that respond to this analysis.

### **3. The Draft Housing Element Fails to Identify Specific Program Actions Which Will Have Beneficial Impacts Within the Planning Period**

Government Code § 65583(c) provides that each housing element shall contain:

“A program which sets forth a schedule of actions during the planning period, each with a timeline for implementation,... such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element...”

Building Blocks further states that:

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<sup>2</sup> This policy provides that facilities in the Friant-Militeron area, once developed, should include moderately priced multifamily employee housing. This provision is proposed for deletion by the County in its pending General Plan revision.

“Programs are the specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific time frame for implementation, identify the agencies or officials responsible for implementation and describe the jurisdiction’s specific role in implementation.” (underline added)

Most of the programs identified in the Draft Housing Element use broad and vague language which fails to commit the respective jurisdiction to take specific action such that the programs will have a beneficial impact during the planning period. The Draft Housing Element further fails to identify a deadline for the completion of many of the program actions identified.

A few of the many available examples of Draft Housing Element program actions, often used repetitively in several jurisdictions, that fail to satisfy Government Code § 65583(c) include:

- “Annually contact affordable housing developers to explore affordable housing opportunities” (Appendix 2C: City of Coalinga p. 2C-2, Appendix 2E: City of Huron, p. 2E-2, Appendix 2H: City of Mendota, p. 2H-2, Appendix 2J: City of Reedley, p.2J-2)

The Draft Housing Element contains no discussion of whom the jurisdictions plan to contact nor what potential opportunities they will offer and explore

- “Continue to encourage mixed use and higher density housing through implementation of the General Plan” (Appendix 2A: County of Fresno, p. 2A-1)

The Draft Housing Element identifies no specific actions the County will us to “encourage” mixed use and higher density housing nor is there discussion of which general plan policies will facilitate higher density housing. (Note, the County’s 2014 Annual Progress Report on the implementation of its 2002 General Plan states that the County has failed to implement many General Plan policies due to budgetary constraints.)

- “Continue to promote density bonus, flexible development standards, and other incentives to facilitate affordable housing development” (2A-3, See also Appendix 2D: City of Fowler, p. 2D-2, Appendix 2-E: City of Huron, p. 2E-2, Appendix 2H: City of Mendota, p. 2H-2, Appendix 2J: City of Reedley, p.2J-2)

The Draft Housing Element fails to identify specific actions that jurisdictions will take to promote these incentives.

- “Establish to the extent feasible, issuance of permits to County residents and developers via the Internet.” (2A-3)

The Draft Housing Element does not establish a deadline by which this program must be implemented.

- “Complete comprehensive Zoning Ordinance update to address the density bonus provisions in 2016” (2A-5)

The Draft Housing Element must provide a date specific by which the Zoning Ordinance update will be completed. The program should also specify that the Ordinance will comply with state density bonus law.

- “Continue to support and encourage the provision of vouchers to qualifying Fresno County households.” (2A-8)

The Draft Housing Element identifies no specific actions to so support and encourage the provision of vouchers.

The Final Housing Element must include revised program actions for each jurisdiction that identify “specific action steps” the respective jurisdiction will take, the “specific timeframe” for the actions, and the jurisdiction’s “specific role” in implementation. Building Blocks.

#### **4. The Draft Housing Element Fails to Identify Infrastructure and Service Barriers to Affordable Housing and to Adopt Measures to Mitigate and Eliminate Those Barriers**

Many low-income disadvantaged unincorporated communities (DUCs) in Fresno County lack basic infrastructure and services, including potable water and sewer service. The lack of water and sewer service in these communities poses a health threat to existing residents relying on water contaminated by arsenic, nitrates, and/or fecal chloroform for their everyday needs while also preventing new development of affordable housing and needed retail outlets on vacant and underutilized parcels.

The Draft Housing Element fails to identify the infrastructure and service deficits impacting DUCs as governmental and non-governmental constraints to the maintenance, improvement, and development of housing for all income levels and fails to adopt goals, policies, or programs to mitigate and eliminate the barrier<sup>3</sup>. The Draft Housing Element is therefore inadequate and at odds with fair housing and civil rights laws by failing to address a housing-related public health and safety threat that primarily impacts low-income residents of color. 42 U.S.C. § 2000d; 42 U.S.C. §§ 3601-3619; Gov. Code § 65583(a)(5)&(6); Gov. Code § 11135; Building Blocks, Program Actions.

Pursuant to Senate Bill 244, all jurisdictions in California must, upon the next revision of their housing element, identify DUCs within their sphere of influence, inventory the basic infrastructure and service needs of these communities, and identify possible funding sources that could support the resolution of these deficiencies. Gov. Code § 65302.10. The Final Housing

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<sup>3</sup> The Draft Housing Element includes the general statement that, “Maximum allowable densities may not always be achievable in many jurisdictions due to various factors including environmental constraints and lack of infrastructure.” p. 3-6. This statement does not identify or examine the lack of water and sewer infrastructure and service as a specific barrier impacting DUCs.

Element must include policies and programs confirming that the jurisdictions will timely comply with SB 244. The Final Housing Element must also include policies and programs committing them to prioritizing the resolution of infrastructure and service needs identified in the SB 244 analysis and creating and implementing a schedule of actions to resolve the prioritized needs, including but not limited to the initiation of feasibility studies, active support for consolidation of services where warranted by feasibility studies<sup>4</sup>, and the pursuit of funds and other resources to support these activities.

**a. The Draft Housing Element Fails to Adequately Identify or Mitigate Drought-Related Barriers to Housing Opportunity**

The Draft Housing Element fails to consider and identify programs and policies related to the current drought and changing paradigms for water availability and management practices. Fresno is facing a record drought right now which is putting communities and jurisdictions at risk of running out of water and / or losing ability to expand water service due to diminished capacity and increased water costs. The Final Housing Element must assess and include policies and program actions to address current and the likelihood of continued water scarcity, diminished capacity, and increased water costs on housing production and the ability of all economic segments of the community, including low-income residents, to access decent housing and a suitable living environment. Similarly, it is anticipated that changes in precipitation patterns will alter availability and quantity of water in the long term. The Final Housing Element must consider and address this likelihood.

Changing mandates - in particular the Sustainable Groundwater Management Act - require increased coordination and consistency among water management goals and land use plans. The Draft Housing Element fails to acknowledge or address how it will comply with new mandates and facilitate sustainable water management practices in ways that ensure housing needs are met for all income groups.

**2. The Draft Housing Element Fails to Adequately Identify or Adopt Programs to Address Habitability Barriers to Housing Opportunity**

The Housing Element must include programs which will “conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action” (Government Code Section 65583.(c)(4)). As identified in the Housing Needs Assessment, “maintaining and improving housing quality is an important goal for communities” (Section 2: Housing Needs Assessment p.2-28). Furthermore, Building Blocks states that the programs “should be tailored to the results of the analyses and specific local situations.”

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<sup>4</sup> Senate Bill 88 and Assembly Bill 115 authorize the State Water Resources Control Board to order water system consolidation where necessary to ensure that customers of small water systems have access to safe and affordable drinking water.

However, such analysis is largely absent from the Draft Housing Element, including discussion and analysis of how local conditions and circumstances impact code enforcement activities. The programs that the Draft Housing Element provides relating to habitability are also vague and do not have timelines identified. Several jurisdictions have programs which simply commit to making information about rehabilitation and other intervention opportunities available through their websites but do not discuss specific steps they will take to encourage or facilitate participation in the programs. The following are just a few examples of the programs which do not adequately identify or address habitability barriers to housing opportunity:

- “Continue to enforce property maintenance standards and abate substandard structures through Code Enforcement and various housing rehabilitation programs”(Appendix 2A p. 2A-7, Appendix B, p. 2B-5)

The Program does not state how this will be accomplished and what specific habitability issues or enforcement challenges the jurisdiction will address.

- “Continue to use code enforcement and substandard abatement processes to bring substandard housing units and residential properties into compliance with city codes”(Appendix 2C p. 2C-5, Appendix 2D p. 2D-5, Appendix 2E p. 2E-6, Appendix 2F p. 2F-6, Appendix 2G p. 2G-6, Appendix 2H p. 2H-6, Appendix 2I p. 2I-5, Appendix 2J p. 2J-6, Appendix 2K p. 2K-6, Appendix 2M p. 2M-7)

Again, the program fails to state specific actions the jurisdiction will take to bring substandard housing units and residential properties into compliance with city codes. The Draft Housing Element further fails to identify any specific habitability issues or enforcement challenges that exist in the jurisdiction and how they will be addressed through program actions.

The Final Housing Element must include programs which adequately and specifically identify and address the barriers created by habitability in each jurisdiction.

### **3. The Draft Housing Element Fails to Adequately Analyze and Mitigate the Housing Needs of Special Needs Populations**

Government Code § 65583(a)(7) requires that housing elements include an analysis of special housing needs in the jurisdiction, including but not limited to those of the elderly, persons with disabilities, large families, farm workers, families with female heads of households, and families and persons in need of emergency shelter. Building Blocks states that, a “thorough analysis of special needs helps a locality identify groups with the most serious housing needs in order to develop and prioritize responsive programs.” Building Blocks continues to state that, “[t]he analysis of each special needs group should include the following:

- “quantification of the total number of persons and households in the special housing needs group, including tenure, where possible.”

- “A quantification and qualitative description of the need, including a description of the potential housing problems faced by the special needs groups, a description of any existing resources, and an assessment of unmet needs.”
- “Identification of potential program or policy options and resources to address the need.”

Building Block further specifies additional subjects of analysis for each special needs group identified in Government Code § 65583(a)(7) which jurisdictions should consider in designing appropriate programmatic responses. The Draft Housing Element includes generic information about housing needs typically faced by specific special needs groups identified in Government Code Section 65583(a)(7) and only a cursory and incomplete analysis of the specific needs of members of those groups in Fresno County and the participating jurisdictions. The Draft Housing Element’s analysis fails to satisfy the requirements set forth in Government Code § 65583(a)(7) and undermines the analysis’ purpose to allow jurisdictions to prioritize and develop programs that respond to the most pressing housing needs.

**a. The Draft Housing Element Does Not Adequately Identify and Respond to the Housing Needs of Large Households**

With respect to large households, the Draft Housing Element states that the “most critical housing need of large households is access to large housing units with more bedrooms than a standard three-bedroom dwelling.” 2-44. The Draft Housing Element however provides no specific information about the actual extent of overcrowding among large households in Fresno County or any of the participating jurisdictions, although it states that about 10% of households in Fresno County are overcrowded. 2-33. In addition, the portion of the Needs Assessment pertaining to large households does not provide data or anecdotal information regarding other housing needs of large households in Fresno County or the participating jurisdictions that would allow it to determine that access to large housing units is in fact the most critical housing need of large households and to consider those needs in developing and prioritizing programs to address the needs of this population.

The Draft Housing Element adopts one policy, Policy 4.4, specifically addressing the needs of large households. It states, “Encourage development of affordable housing units to accommodate large households (three and four bedroom).” 5-4. Based on our review of the Action Plans for the participating jurisdictions, the Draft Housing Element includes no programs for implementation by any of the jurisdictions specifically aimed at addressing the identified need of large households of access to large housing units to alleviate overcrowding among this population. The Final Housing Element must include specific program actions for each jurisdiction that implement Policy 4.4 and address governmental constraints to the attainment of larger housing for large households. Gov. Code § 65583(c). Such program actions could include the enactment of fee waivers, the relaxation of set back and maximum lot coverage requirements, the implementation of other specific incentives as appropriate to specific jurisdictions, and the modification of zone district requirements to eliminate governmental constraints to and encourage the development of housing for large families.

In addition, jurisdictions can target large low-income households for the allocation of rental and down-payment assistance in order to help these households overcome the cost barrier to attaining larger housing. Jurisdictions should also commit to strategically pursuing funds and partnerships with non-profit and private housing developers to undertake housing development projects that will meet the needs of large households for larger housing.

These program actions and others the Final Housing Element should identify to address the governmental and non-governmental constraints to the attainment of housing by larger households.

#### **4. The Draft Housing Element Fails to Adequately Address the Needs of Identified Extremely Low Income Households in Several Jurisdictions**

As set forth in Government Code § 65580 (d) the jurisdictions must “make adequate provision for the housing needs of **all economic segments** of the community” (emphasis added). The Draft Housing Element acknowledges the difficulties faced by extremely low income households, stating “this income group is likely to live in overcrowded and substandard housing conditions” and that “without adequate assistance this group has a high risk of homelessness.” (Section 2 p. 2-59). The Needs Assessment also identifies jurisdictions with very high rates of extremely low income households.

However, the Draft Housing Element completely fails to respond to the needs of this vulnerable population for safe and affordable housing through specific goals, policies and program actions. Instead, Policy 1.2 simply states that the jurisdictions will “facilitate development of new housing for all economic segments of the community, including extremely low-, very low-, low-, moderate-, and above moderate-income households.” (Section 5: Housing Plan, p. 5-1). Based on our review of the Action Plans for the participating jurisdictions, the Draft Housing Element includes no program actions for implementation by any of the jurisdictions specifically aimed at addressing the identified needs of the extremely low income population and the factors which continue to negatively affect it, such as overcrowding and substandard housing conditions. As discussed above, the Draft Housing Element’s programs relating to code enforcement are also inadequate and as pointed out in the needs assessment, the failure of these programs will disproportionately affect the extremely low income households.

The impact of the Draft Housing Element’s failure to include specific program actions to address barriers to affordable housing for extremely low income households is compounded by the failure of several jurisdictions to complete and implement a fourth cycle housing element. In addition, the lack of a fourth cycle housing element in certain jurisdictions makes it difficult to determine the extent of the existing extremely low income housing stock and housing problems impacting that stock.

The Draft Housing Element shows a large disparity between the jurisdictions’ current extremely low income populations and percentage of housing they plan to build for extremely low income:

- Fresno County has 12% ELI population and the new ELI build plan is 3% for ELI. (Section 2 p. 2-60, Appendix 2A p. 2A-11, Table 2A-1)
- Reedley has 10% ELI population and the new build plan is 5% for ELI. (Id., Appendix 2J p. 2J-11, Table 2J-1)
- Huron has 30% ELI population and the new build plan is 12% for ELI. (Id., Appendix 2E p. 2E-9, Table 2E-1)
- Kingsburg has 13% ELI population and new build plan is 3% for ELI. (Id., Appendix 2G p. 2G-10, Table 2G-1)
- Mendota has 21% ELI population and new build plan is 4% for ELI. (Id., Appendix 2H p. 2H-10, Table 2H-1)
- San Joaquin has 20% ELI population and new build plan is 5% for ELI. (Id., Appendix 2K p. 2K-1, Table 2K-1)
- Parlier has 15% ELI population and new build plan is .05% for ELI. (Id., Appendix 2I p. 2I-9, Table 2I-1)
- Clovis has 6.5% ELI population and new build plan is .02% for ELI. (Id., Appendix 2B p. 2B-0, Table 2B-1)

While Draft Housing Element fails to plan for new ELI housing development in proportion to the ELI share of the population for the jurisdictions, the Draft Housing plans for excessive shares of moderate and above moderate income housing development across the jurisdictions and in particular, in higher income jurisdictions such as Clovis (build plan of 90% moderate and above moderate housing) which have extremely limited housing affordable to low-income populations.

The Final Housing Element must plan, through specific program actions with clear deadlines and assigned responsibilities, to make housing opportunities available to meet the needs of extremely low income households.

#### **5. The Draft Housing Element Fails to Adequately Affirmatively Further Fair Housing Opportunities for All Fresno Residents**

Government Code § 65583(c)(5) provides that, in order to make adequate provision for all economic segments of the community, the actions that a local government commits to take pursuant to that section “[p]romote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.” Local governments are further bound to affirmatively further fair housing opportunities through various other state and federal rules and regulations. 42 U.S.C. § 2000d (Title VI of the Civil Rights Act of 1964); 42 U.S.C. §§ 3601-3619 (the Fair Housing Act); 24 C.F.R. §§ 91.225(a)(1), 91.325, 570.303, 570.304(a); Cal. Gov. Code §§ 11135.

The final “Affirmatively Furthering Fair Housing” rule (AFFH Rule) recently issued by HUD<sup>5</sup> states that “affirmatively furthering fair housing” (AFFH) means:

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<sup>5</sup> Available online at [http://www.huduser.org/portal/sites/default/files/pdf/AFFH\\_Final\\_Rule.pdf](http://www.huduser.org/portal/sites/default/files/pdf/AFFH_Final_Rule.pdf)



“...taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development.”

The programs described by several jurisdictions do not identify any specific actions or steps they will take to further fair housing opportunity throughout the jurisdiction and instead only include references to how the jurisdiction will advertise fair housing resource information on their public sites and offices. Examples of such inadequate programs include the following:

- “Actively advertise fair housing resources at the public counter, community service agencies, public libraries and City website” (2H p. 2H-9, 2J p. 2J-10, 2I p. 2I-9, 2K p. 2K-9, 2D p. 2D-8)(How does advertising currently existing resources affirmatively further fair housing)
- “Refer fair housing complaints to HUD, DFEH, and other housing agencies” (2A p. 2A-11, 2C p. 2C-8) (How does advertising currently existing resources affirmatively further fair housing)

The Draft Housing Element must do more to identify barriers to and affirmatively further fair housing opportunities in each jurisdiction and throughout the planning area.

**a. The Housing Elements Must Identify and Mitigate Patterns of Racially and Ethnically Concentrated Poverty and Segregation**

To comply with state and federal fair housing requirements, the Final Housing Element must identify patterns that exist of racial and ethnic segregation and racially and ethnically concentrated poverty in Fresno County and each of the participating jurisdictions, describe factors contributing to such segregation and concentrated poverty, and identify and adopt policies and programs to promote housing opportunity and access to opportunity broadly for all residents regardless of protected status. 42 U.S.C. §§ 2000d, 3601-3619; 24 C.F.R. §§ 91.225(a)(1), 91.325, 570.303, 570.304(a); Gov. Code § 65583(c)(5); Cal. Gov. Code §§ 11135.

The San Joaquin Valley Fair Housing and Equity Assessment (FHEA)<sup>6</sup>, which HCD encourages local governments to use in the development of their housing elements to meet AFFH

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<sup>6</sup> The FHEA was prepared in April 2014 in fulfillment of a HUD Sustainable Communities Grant and is available online at <http://www.frbsf.org/community-development/files/SJV-Fair-Housing-and-Equity-Assessment.pdf>

requirements<sup>7</sup>, finds that Fresno County has among the highest rates in the San Joaquin Valley of both white segregation and Hispanic / Latino, African American, and Asian American segregation based on its census block group analysis.<sup>8</sup> pp. 20-23. The FHEA finds that lower income communities of color throughout the San Joaquin Valley lack essential resources and amenities that allow individuals to integrate into the mainstream economy, become middle class, access health care, and become civically engaged. e.g., p. 33.

The Draft Housing Element fails to even mention – let alone meaningfully address through policies and programs which will have a beneficial impact on residents within the planning period – the documented persistence of patterns of racial and ethnic segregation, concentrated poverty, and disparities in access to opportunity between lower income communities of color and more affluent communities in and among jurisdictions in Fresno County.

Further, the Draft Housing Element contains no policies or programs which specifically commit the jurisdictions to take actions to further affordable housing opportunity throughout the jurisdictions. Element Goal 5, the only goal which specifically addresses the County's requirement to AFFH, reads, "Promote housing opportunities for all residents regardless of age, race, religion, sex, marital status, ancestry, national origin, color, disability, or economic level". The two policies which the Draft Housing Element proposes to implement Goal 5, Policy 5.1 and Policy 5.2<sup>9</sup>, do not commit the jurisdictions to taking any specific action to alleviate continued racial segregation and further housing opportunity in higher income and higher opportunity neighborhoods. p. 5-4.

The Final Housing Element must include an analysis of patterns of racial and ethnic segregation, concentrated poverty, and disparities in access to resources and amenities within participating jurisdictions and county-wide. The Final Housing Element must identify and adopt policies and programs that promote housing opportunity and access to opportunity broadly for residents regardless of protected status throughout the jurisdictions, including in higher income and higher opportunity neighborhoods. These policies and programs must be designed to achieve a beneficial impact to residents during the planning period, and thus must identify specific actions will take, deadlines for action, and measurable outcomes. Gov. Code § 65583(c).

Policies and programs to this end that the jurisdictions should consider incorporating into the Final Housing Element include those set forth in the FHEA as well as other measures to affirmatively further fair housing applicable to specific jurisdictions. These policies and programs include but are not limited to the following:

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<sup>7</sup> Memorandum to Planning Directors and Interested Parties from Paul McDougall, Housing Policy Manager, Division of Housing Policy Development, HCD, regarding "Housing Element Updates and the 2014 San Joaquin Valley Fair Housing and Equity Assessment", dated February 9, 2015.

<sup>8</sup> These counties include San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern County.

<sup>9</sup> Policy 5.1 states, "Support the enforcement of fair housing laws prohibiting discrimination in lending practices and in the development, financing, sale, or rental of housing." Policy 5.2 states, "Ensure local ordinances and development regulations provide equal housing opportunity for persons with disabilities."

- Enacting an ordinance to prohibit housing discrimination based on source of income, including Housing Choice Vouchers.
- Adopt an inclusionary housing ordinance requiring residential developers to reserve at least 20% of units in all new housing developments to low-income residents at an affordable cost, with at least 10% of those units reserved for very low and/or extremely low-income residents, or pay an equivalent in lieu fee to an affordable housing trust fund.
- Amend the local zoning ordinance to allow construction of multi-family housing by right or by Conditional Use Permit in single-family zones.
- Strategically use and pursue funding in collaboration with private and non-profit developers for the development of affordable and mixed-income housing on vacant or underutilized sites in higher income neighborhoods.
- Work with residents and affordable housing developers and advocates to create and implement an anti-NIMBY educational program to foster awareness among elected decision-makers and residents of the need for affordable housing and the benefits of economically and racially integrated communities.
- Require information demonstrating the impact of proposed housing developments with more than ten units on the impact of different racial, ethnic, linguistic and economic groups' ability to access fair housing opportunities during the consideration and approval process of new builds.

To adequately AFFH, the Final Housing Element must also include policies and programs to mitigate and eliminate barriers to opportunity in low-income neighborhoods and communities of color. The Draft Housing Element fails to adequately or specifically analyze the options available to jurisdictions or commit the jurisdictions to take actions to do so. In addition to measures identified in other sections of this correspondence, the Final Housing Element should include the following actions as policies and programs to expand opportunity in low-income neighborhoods:

- Actively seek, monitor, and pursue, in collaboration with residents and community stakeholders, all available sources of funding to address deficiencies in basic infrastructure, services, and amenities in low-income neighborhoods. (The policies and programs contained in the Draft Housing Element relating to the pursuit of funds do not relate to low-income or disadvantaged neighborhoods specifically and commit the jurisdictions only to monitor or pursue funding on an annual basis, though such funding opportunities arise throughout the year. See e.g., Appendix 2I: City of Parlier, p. 2I-2; Appendix 2J: City of Reedley, p. 2J-3 (“Monitor [HCD’s] website annually for Notices of Funding Ability [*sic*] (NOFA) and, where appropriate, prepare or support applications...”).

#### **b. Jurisdictions Must Maintain Current Assessments of Fair Housing**

Pursuant to the AFFH Rule, each jurisdiction that receives federal block grant funds, including Community Development Block Grants (CDBG) and HOME Investment Partnership Grants, is required to submit a certification to the U.S. Department of Housing and Urban Development (HUD) that it will affirmatively further fair housing by conducting an Assessment of Fair

Housing (AFH). The rule, which will take effect 30 days following its publication in the Federal Register, will replace the current requirement that jurisdictions complete an Analysis of Impediments to Fair Housing (AI) and to take appropriate actions to overcome the effect of any impediments identified. 24 C.F.R. §§ 91.225(a), 570.601(a)(2). HUD guidelines pertaining to the AI requirement recommend that jurisdictions conduct or update their AI's at least once every three to five years in accordance with the consolidated plan cycle. Fair Housing Planning Guide, Vol. 1<sup>10</sup>, pp. 2-6, 2-7.

The Draft Housing Element is silent – with one vague exception - to compliance or lack thereof with respect to the upcoming requirement that they conduct an AFH or the operative requirement that they maintain a current Analysis of Impediments. The only reference in the Draft Housing Element to an individual jurisdiction's AI is with respect to the City of Clovis, but the Draft Housing Element does not even indicate the date of completion of the City's operative AI. Appendix 2B: City of Clovis, p. 96. The Draft Housing Element further includes no policies or programs to ensure that the jurisdictions complete AFHs pursuant to the AFFH Rule or maintain current AIs pursuant to operative HUD guidance.

The Final Housing Element must identify the date of completion of each jurisdiction's operative AI and the date by which a jurisdiction must complete an AFH. In addition, the Final Housing Element must include policies and program actions committing the jurisdictions to complete and maintain a current AFH in accordance with the AFFH Rule. To ensure consistency in jurisdictions' housing policies and that each jurisdiction's housing element complies with federal fair housing requirements, the Final Housing Element must also commit jurisdictions to amending their housing elements to conform to the needs identified and policies contained in their updated AFHs.

#### **6. The Draft Housing Element Does Not Demonstrate that the Sites Identified in the Land Inventory are Suitable For Development**

The housing element shall contain an “inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.” Gov. Code §65583(a)(3).

Pursuant to Building Blocks, the must include all of the following:

1. A parcel-specific listing of sites, including the parcel number or other unique reference.
2. The general plan and zoning designations of sites.
3. A description of parcel size; “this is important as parcel size can be a key factor in determining development viability, capacity and affordability.”
4. A map showing the location of sites.
5. A description of existing uses of any non-vacant sites.
6. A general description of any known environmental constraints.

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<sup>10</sup> Available at <http://www.hud.gov/offices/ftheo/images/fhpg.pdf>

7. A general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.

Building Blocks provides specific instruction to guide the housing element analysis of the suitability of sites identified for residential development. Building Blocks provides, ‘The analysis must consider the imposition of any development standards that impact the residential development capacity of the sites identified in the inventory.’ It further states that, ‘The element should include an analysis demonstrating the estimate of the number of units projected on small sites, is realistic or feasible. The analysis should consider development trends on small sites as well as policies or incentives to facilitate such development.’ ‘To utilize small sites to accommodate the jurisdictions share of the regional housing need for lower-income households, the element must consider the impact of constraints associated with small lot development on the ability of a developer to produce housing affordable to lower-income households.’ Building Blocks also suggests that the housing element, as applicable, could include a program action that provides for lot consolidation and/or parcel assemblage.

**a. The Draft Housing Element Does Not Address Jurisdictions’ Failure to Adopt Third Cycle Housing Element or Accommodate Third Cycle Housing Element Need**

The County’s failure to adopt and implement a fourth cycle 2008-2013 housing element means that the County has failed to act as required to accommodate its fourth cycle RHNA. Accordingly, the County’s ability to accommodate its fifth cycle RHNA is impaired by existing unaccommodated need from its fourth and possibly even third cycle RHNAs. Thus, the Draft Housing Element’s assertions regarding its capacity to meet its RHNA with no rezoning are likely overstated.

The Public Review Draft of the Fresno County 2008-2013 Housing Element states that the County has an unaccommodated fourth cycle housing element need of 1,297 units. 2A-14. The Sites Inventory for Appendix 2A: County of Fresno of the Draft Housing Element however does not address whether the County had an unaccommodated third cycle need or incorporate that unaccommodated need into the total number of adequate sites it must identify and make available. As the Draft Housing Element states, the AB 1233 carryover analysis applies to housing elements due on or after January 1, 2006. The County’s 2008-2013 fourth cycle housing element was due after January 2006 and thus AB 1233 applies to that housing element. Since the County’s unaccommodated third cycle need would be added onto the County’s fourth cycle RHNA in the fourth cycle housing element, it should be included in the fifth cycle analysis of the unaccommodated fourth cycle need which the County must accommodate in the fifth cycle. Gov. Code § 65584.09(a)-(c). The County cannot simply discard its responsibility to plan for housing to meet its third cycle RHNA based on its failure to complete a timely fourth cycle housing element.

**b. The Draft Housing Element Fails to Demonstrate that the Sites Identified in Unincorporated Fresno County are Suitable for Development**

The adequacy of the sites inventory set forth in Appendix 2A for Fresno County is further undermined by its failure to include required descriptions and explanation necessary to demonstrate that the sites identified are in fact “suitable” for residential development pursuant to Government Code §65583(a)(3). The Final Housing Element must include a revised inventory as set forth below which prioritizes and furthers the efficient use of vacant and underutilized parcels in existing neighborhoods and, to the extent that new development occurs outside of infill areas, provides for a fair share of housing to meet the needs of all economic segments of the community.

Building Blocks provides, “The analysis must consider the imposition of any development standards that impact the residential development capacity of the sites identified in the inventory.” It further states that, “The element should include an analysis demonstrating the estimate of the number of units projected on small sites, is realistic or feasible. The analysis should consider development trends on small sites as well as policies or incentives to facilitate such development.” “To utilize small sites to accommodate the jurisdictions share of the regional housing need for lower-income households, the element must consider the impact of constraints associated with small lot development on the ability of a developer to produce housing affordable to lower-income households.” Building Blocks also suggests that the housing element, as applicable, could include a program action that provides for lot consolidation and/or parcel assemblage.

The inventory contains hundreds of sites that are smaller than one acre and in fact, even smaller than 0.2 acres. Only a handful of the sites identified are larger than one acre. Despite the inclusion in the inventory of hundreds of small parcels, the Draft Housing Element does not include the requisite analysis demonstrating that the estimate of the number of units projected on small sites, is realistic or feasible. Building Blocks.

The Final Housing Element must include an analysis that demonstrates that development on the small sites included in the inventory is realistic and feasible considering the impact of constraints associated with development of small sites, market trends in small site development, and policies and incentives that exist in Fresno County to facilitate small site development. Building Blocks. The Final Housing Element should include a program action that provides for lot consolidation and/or parcel assemblage to facilitate the development of affordable housing as recommended by Building Blocks and should include other programs and policies as needed to maximize the incentives for and feasibility of affordable and mixed-income housing development on the sites. If however the Final Housing Element cannot demonstrate that with such programs and incentives housing development cannot reasonably be expected on these sites due to their small size, they must be removed from the Final Housing Element.

In addition, the inventory contains many sites with non-residential land use designations and/or zoning, including but not limited to Central Business Commercial (C4 Zone); Mountain Commercial; Office Commercial (CP); Limited Industrial (R1 Zone); General Industrial (R1 Zone); Open Space; Agriculture – Non-Conforming (C4 Zone). The inventory also includes sites with residential land use designations not typically associated with low-income housing development, including but not limited to Mountain Residential and Mountain Urban. The Draft

Housing Element adopts a blanket assumption for all sites identified of 80% build out of the maximum permitted density for each site. 2A-14. The Draft Housing Element does not justify this assumption for residential sites or non-residential sites or any subcategories of those land use types. The Final Draft Housing Element must justify the blanket 80% build out assumption for residential sites with residential and non-residential land use designation by sub-category (i.e., Mountain Residential; Mountain Urban) and modify the assumption as needed.

Further, the inventory does not provide a description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities, at the parcels listed in the inventory. The inventory contained in the Final Housing Element must include this description as to each parcel contained in the inventory. For parcels that lacks water, sewer, or dry utilities supply in existing communities, the Final Housing Element must set forth program actions to facilitate the expedient delivery of services to those sites in the planning period. If it is determined that necessary infrastructure and services cannot be provided at the parcel during the planning period, they must be removed from the inventory.

**c. The Final Housing Element Must Contain Adequate Sites Inventory For Each Participating Jurisdiction**

The issues raised in Sections 8(a) through (c) above apply to the site inventories and analysis contained in the Draft Housing Element for each of the other participating jurisdictions. To the extent that jurisdictions did not adopt legally compliant third cycle housing elements or failed to rezone land as required to meet their third cycle need, the Final Housing Element must provide for the accommodation of the unaccommodated third cycle need in addition to any unaccommodated fourth cycle need.

The site inventories contained in the Final Housing Element must also include the required analysis of the suitability of any small parcels contained in the inventories for residential development and remove any small parcels from the inventory which are not in fact suitable. In addition, the Final Housing Element should include a parcel assemblage / lot consolidation action program to facilitate affordable housing for each jurisdiction which does not already have such a program in place.

Finally, the site inventories must demonstrate the availability of water, sewer, and dry utility services for residential development for each parcel listed or, if certain parcels are not yet served, justify why inclusion of the parcels in the inventory is appropriate.

The Final Housing Element should recalculate the need accommodated through existing sites based on the legally compliant site inventory for each jurisdiction and analysis and include action programs to rezone land as required.

Lindsey Chargin, Senior Regional Planner

July 16, 2015

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Thank you again for your consideration of our comments. Please contact Ashley Werner at (559) 369-2786 and Gillian Sonnad at (559) 570-1238 to set up a time to discuss these comments in person.

Sincerely,



Ashley Werner, Attorney  
Leadership Council for Justice  
and Accountability



Gillian Sonnad, Supervising Attorney  
Central California Legal Services



**APPENDIX 1A**

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*The following responses to the comments by the Leadership Counsel for Justice and Accountability and Central California Legal Services were provided in the HCD Draft Housing Element in August 2015. A subsequent response letter was prepared in November 2015 in conjunction with the response to HCD comments.*

## **1. Public Outreach**

### **1a. Jurisdictions Failed to Conduct Adequate Public Outreach**

See Appendix A: Public Outreach Summary in the Draft Housing Element for an expanded and detailed description of public participation efforts undertaken by the participating jurisdictions.

### **1b. Draft Housing Element Failed to Incorporate/Address Public Comments**

Most public input gathered during the public outreach process were related to lack of affordable housing, lack of infrastructure, and lack of funding. A complete summary of stakeholder and community input is included in the Draft Housing Element. The topics identified by stakeholders and members of the public are addressed in the draft Housing Element.

### **1c. Jurisdictions Must Broaden Ongoing Stakeholder Participation**

Cities and counties are required by State law to monitor and annually report on Housing Element implementation (Government Code Section 65400). Most jurisdictions participating in the multijurisdictional Housing Element lack staff and resources to create and manage a Housing Element Implementation Advisory Committee. Several policies in the Draft Housing Element direct the participating local governments to work in partnership and support the efforts of public agencies, non-profit organizations, and developers to implement the goals and policies in the draft Housing Element (e.g., Policies 2.4, 4.1, 4.2, 4.3, 4.6 and Programs 1 – Provision of Adequate Sites, 4 – Affordable Housing Incentives).

## **2. Evaluation of Past Performance**

See each participating jurisdiction's appendix in the Draft Housing Element, each of which includes an evaluation table for past accomplishments and implementation of each jurisdiction's existing Housing Element. However, due to the recession and the dissolution of redevelopment agencies and resulting lack of funding, staff, and development interest, many programs and activities were not implemented. Record keeping was also a challenge due to staff reductions as a result of local budgetary crises.

## **3. Beneficial Impact**

See each participating jurisdiction's appendix in the Draft Housing Element. Each appendix includes a set of specific and discrete implementation programs. Implementation programs include a detailed description of the action, timeframes and objectives, funding source, responsibility, and corresponding relevant policies. Objectives are realistic based on the limited staffing and funding resources available. The draft housing element update does identify specific programs which will have beneficial impacts within the planning period.

#### **4. *Infrastructure and Service Barriers***

State law requires only that jurisdictions include a general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information does not need to be identified on a site-specific basis (Government Code Section 65583.2 (b) (5)). The Draft Housing Element includes a discussion of the adequacy of public facilities, including water supply and quality. The Housing Element recognizes this potential constraint and includes policies pertaining to development of housing in infill and higher density areas where infrastructure is available.

State law addressing local government responsibilities for addressing disadvantaged unincorporated communities (SB 244) is not a Housing Element requirement. It is listed in State law as a Land Use Element requirement (Government Code Section 56430). SB 244 only made reference to Housing Elements regarding the timeline for local jurisdictions to update their Land Use Elements to address disadvantaged unincorporated communities.

##### **4a. *Identify or Mitigate Drought-related Barriers***

State law applying to Housing Element Updates does not require local jurisdictions to identify and mitigate drought-related development constraints. State law only requires that a Housing Element include a general description of environmental constraints to the development of housing within a jurisdiction, the documentation for which has been made available to the jurisdiction (Government Code Section 65583.2 (b) (4)). The Draft Housing Element includes a discussion of the adequacy of public facilities, including water supply and quality. SB 1087 regarding priority for water and sewer allocations for affordable housing addresses local jurisdictions' responsibilities. It does not mandate mitigation. State law requires that Councils of Governments consider drought-related constraints when developing the Regional Housing Needs Plan methodology (Government Code Section 68854.04).

#### **5. *Programs to Address Habitability***

The Draft Housing Element includes goals and policies to address the preservation of existing affordable housing under goal section 3, Housing and Neighborhood Conservation. To the extent that assisted housing stock is located within the participating jurisdictions, most participating jurisdictions' appendix in the Draft Housing Element include a program to preserve assisted housing. Each jurisdiction's specific appendix contains programs to improve housing conditions through code enforcement, residential rehabilitation assistance, and/or incentives to encourage acquisition/rehabilitation.

## **6. *Housing Needs for Special Needs Groups***

Section 2 of the Draft Housing Element includes a detailed discussion of Special Needs groups, including elderly persons, large households, single-female headed households, persons with disabilities, persons with developmental disabilities, the homeless, farmworkers, and extremely low-income households. The Draft Housing Element includes goals and policies to address the housing needs of special needs groups under goal section 4, Special Housing Needs. To the extent that government constraints impact special needs groups, the individual jurisdiction's appendix in the Draft Housing Element includes an assessment of the constraint and implementation programs to address the constraint, along with incentives to encourage the development of housing for lower income households (including extremely low income) and those with special needs.

### **5a. *Housing Needs for large households***

Section 2 of the Draft Housing Element includes a detailed discussion of Special Needs groups, including large households. The Draft Housing Element includes goals and policies to address the housing needs of special needs groups under goal section 4, Special Housing Needs, specifically Policy 4.4.

### **5.b *Extremely Low -Income Housing Needs***

Section 2 of the Draft Housing Element includes a detailed discussion of Special Needs groups, including extremely low-income households. The Draft Housing Element includes goals and policies to address the housing needs of special needs groups under goal section 4, Special Housing Needs, specifically Policies 2.1, 4.1, 2.2, and 2.5. The individual jurisdiction's appendix in the Draft Housing Element includes implementation programs to address the housing needs of extremely low-income households, specifically Affordable Housing Incentives and Preserving Assisted Housing. State Housing Element law recognizes that the total housing needs identified in the RHNA may exceed available resources and a jurisdiction's ability to satisfy the RHNA. Under these circumstances, the quantified objectives do not need to be identical to the total housing needs.

## **6. *Affirmatively Furthering Fair Housing***

Jurisdictions that do not receive entitlement funds from HUD are not subject to Assessment of Fair Housing requirements. The County (on behalf of its participating jurisdictions) and Clovis are subject to that requirement. The County and Clovis are required to prepare Consolidated Plans and Impediments to Fair Housing Plans and submit the plans to HUD for review. The Draft Housing Element includes goals and policies to address fair housing under goal section 5, Fair and Equal Housing.

## **7. *Land Inventory***

Section 3 of the Draft Housing Element includes a discussion of the sites inventories to accommodate the RHNA. Each jurisdiction's appendix to the Draft Housing Element includes a detailed sites inventory.

## **8. Accommodate the Third RHNA Cycle**

AB 1233 carryover penalty applies only to the prior planning period. For the 5<sup>th</sup> cycle housing element updates, jurisdictions only need to accommodate any unmet need from the 4<sup>th</sup> cycle housing element planning period. Since AB 1233 was adopted in 2006, it does not apply to the 3<sup>rd</sup> cycle housing element planning period (Government Code Section 65584.09).

Section 3 of the Draft Housing Element includes a discussion of the AB 1233. To the extent that a jurisdiction did not adopt a 4<sup>th</sup> cycle housing element or complete a 4<sup>th</sup> cycle rezone program, the jurisdiction's appendix to the Draft Housing Element includes an AB 1233 "carry over" analysis and corresponding sites inventory. In some instances, the jurisdiction's appendix to the Draft Housing Element includes a rezoning program to ensure the RHNA is accommodated pursuant to State law.

## **9. Unincorporated County sites**

The Fresno County available land inventory for residential development does not use underutilized sites to accommodate the unincorporated RHNA. It only uses vacant sites. Appendix 2A to the Draft Housing Element includes Fresno County's sites inventory, which exceeds the unincorporated county RHNA by 1,214 units for extremely low-, very low-, and low-income households, 2,782 units for moderate-income households, and 5,275 units for above moderate-income households.

In addition, the Fresno Council of Governments Regional Transportation Plan and Sustainable Communities Strategy, which is intended to be consistent with the RHNA, encourages most development to occur within incorporated cities.

December 10, 2015

Ashley Werner, Attorney  
Leadership Counsel for Justice and Accountability  
764 P Street, Suite 12  
Fresno, CA 93721

Gillian Sonnard, Supervising Attorney  
Central California Legal Services  
2115 Kern Street, Suite 1  
Fresno, CA 93721

RE: Comments on the Public Review Draft Fresno Multi-Jurisdictional 2015-2023 Housing Element

Dear Ms. Werner and Ms. Sonnard:

Preparing the Multi-Jurisdictional Housing Element (MJHE) has been a major and unprecedented undertaking. This is a collaborative effort among 13 local governments and the Fresno Council of Governments (Fresno COG) to address the housing needs of all Fresno County residents at the regional as well as the local level. It is the first MJHE involving this many jurisdictions ever completed in California. Coordinating the research and drafting of the various components of the element and conducting public outreach and study sessions among 13 jurisdictions has been challenging. We understand your interest in ensuring that all 13 participating jurisdictions adopt housing elements that meet the requirements of State law. As the agencies with the direct responsibility for adopting and implementing housing policy, the 13 participating jurisdictions take their responsibilities very seriously.

The Fresno COG received your written comments on July 16, 2015 on the May 2015 Draft MJHE. Your letter was distributed to and reviewed by staff at all 13 participating jurisdictions. As you are aware, the California Department of Housing and Community Development (HCD) completed their mandatory review of the MJHE on October 9, 2015. We noted in their letter that HCD had considered comments from the Leadership Counsel and Central California Legal Services (CCLS) in their review of the Draft MJHE.

In responding to comments from HCD, as well as the comments you have submitted, we have revised the Draft MJHE to more fully address several issues, including: 1) providing more information on outreach efforts; 2) additional review and analysis of past performance; 3) providing additional specific objectives and timelines for several programs; 4) providing more detailed information on the availability of infrastructure; 5) including additional objectives and

timelines for programs to address the housing needs of special needs populations (such as farmworkers); 6) elaborating and expanding on efforts in promoting fair housing; 7) additional analysis of the sites inventory; and 8) several new programs to address specific issues, such as regional collaboration, infrastructure capacity, and lot merger/consolidation.

We anticipate publishing a Public Review Draft of the revised MJHE in December 2015 or January 2016, and holding public hearings in all 13 participating jurisdictions during the months of January through March of next year. We will keep you apprised of all future meeting dates.

Please contact me if you have any questions.

Sincerely,



Lindsey Chargin, Senior Regional Planner  
Fresno Council of Governments

CC:

*Heidi Crabtree, Housing Program Coordinator, City of Clovis*  
*Sean Brewer, Community Development Director, City of Coalinga*  
*Mohammad Khorsand, Supervising Planner, County of Fresno*  
*Bruce O'Neal, City Planner, Cities of Fowler, Kingsburg, Parlier and San Joaquin*  
*Holly Owen, City Planner, Cities of Fowler, Kingsburg, Parlier and San Joaquin*  
*Jack Castro, City Manager, City of Huron*  
*Anita Choperena, Planning Technician, City of Huron*  
*Helen Nazaroff, Executive Secretary, City of Kerman*  
*Olivia Pimentel, Planning Technician, City of Kerman*  
*David Brletic, City Planner, City of Kerman*  
*Jeff O'Neal, City Planner, City of Mendota*  
*Matt Flood, Economic Development Director, City of Mendota*  
*Shun Patlan, Community Development Director, City of Parlier*  
*Kevin Fabino, Community Development Director, City of Reedley*  
*Chad McMullen, City Manager, City of San Joaquin*  
*Keith Woodcock, City Planner, City of Sanger*  
*Roseann Galvin, Administrative Analyst, City of Selma*  
*Chelsey Payne, AICP, Project Manager, Mintier Harnish*  
*Veronica Tam, AICP, Principal, Veronica Tam and Associates, Inc.*  
*Larry Mintier, FAICP, Mintier and Associates*  
*Paul McDougall, Manager, California Department of Housing and Community Development*  
*Tom Brinkhuis, Analyst, California Department of Housing and Community Development*  
*Tony Boren, Executive Director, Fresno Council of Governments*  
*Melissa Garza, Deputy Director, Fresno Council of Governments*  
*Rob Terry, Principal Planner, Fresno Council of Governments*  
*Clark Thompson, Senior Regional Planner, Fresno Council of Governments*

**From:** Betsy McGovern-Garcia [mailto:betsyg@selfhelpenterprises.org]  
**Sent:** Friday, July 17, 2015 12:05 PM  
**To:** Khorsand, Mohammad  
**Cc:** Maya Abood; Susan Atkins  
**Subject:** Request for Language in Housing Element

Hi Mohammad-

Is there still time to make comments on the draft Housing Element that is being developed through the multi-jurisdictional update process?

Below is some draft language that we would like you to consider including in the Housing Element. This has been an issue for us in many communities, and we do not want this to be a barrier to developing affordable housing in the future.

Impediment: [Include in the Governmental Constraints section] In smaller communities, there are often a limited number of qualified HOME administrative subcontractors and non-profit affordable housing developers. In a situation where an organization acts as the Administrative Subcontractor to a State Recipient in the State HOME program for a first-time homebuyer (FTHB) assistance program, and also develops affordable housing in the same community, HCD restricts homebuyers participating in a development program (ex. mutual self-help housing) from utilizing HOME FTHB funding to purchase their homes. This causes not only an impediment to the ability to develop new single family affordable homeownership opportunities, but also impacts the State Recipients (City of Dinuba) ability to spend FTHB funds in a community with limited affordable housing inventory.

Goal: Remove constraints on low-income households ability to participate in multiple affordable housing assistance programs, including the FTHB program, mutual self-help housing program, youth build, infill housing programs, etc.

Action: Work with HCD to remove this impediment and/or allow for a streamlined process of requesting an exception pursuant to 24 CFR 92.356(d) for projects/programs that will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the City of Dinuba's programs and/or projects.

Please let me know if you have any questions.

Thank you.

Betsy

**Self-**

**Help Comment Email**



**Response to Self-Help Comment:**

**Remove Constraints to Affordable Assistance Programs**

The State HOME program is subject to Federal regulations. Application for exemption to the rules, if available, most likely would be required to be requested on a case-by-case basis unless the Federal regulations are amended. However, the consultants for the Housing Element update are contacting HCD to communicate this constraint and explore possible reliefs.

## Sample of Publicity Materials



### **The Fresno County Multi-Jurisdictional Housing Element Now Available for Public Review and Comment!**

The City of Kerman joined 11 other cities and the County of Fresno to develop a Multi-Jurisdictional Housing Element for the fifth round of element updates. The Fresno County Council of Governments (COG) is helping to coordinate the effort. The primary objective of the project is to prepare a regional plan for addressing housing needs through a single certified housing element for all 13 jurisdictions. The Fresno County Multi-Jurisdictional Housing Element represents an innovative approach to meeting State Housing Element law and coordinating resources to address the region's housing needs.

The Housing Element can be found [here](#). If you would like to submit comments on Chapter 1-5 or Appendix 2F of the Housing Element or if you have general questions please contact Olivia Pimentel 559-846-9386 or [opimentel@cityofkerman.org](mailto:opimentel@cityofkerman.org).

**NOTICE OF STUDY SESSION FOR THE FOURTH AND FIFTH HOUSING ELEMENT  
UPDATE CYCLES  
FRESNO COUNTY BOARD OF SUPERVISORS**

A study session will be held on the fourth and fifth Housing Element Update cycles before the County Board of Supervisors at 9:00 a.m. (or as soon thereafter as possible) on July 14, 2015 in Room 301, Hall of Records, Tulare & "M" Streets, Fresno, CA. The purpose of the study session is to present an overview of the Housing Element Update cycles to the Board and receive input from the Board and the public prior to submittal of the draft updates to the State Housing and Community Development for the mandatory 60-day review.

The Draft Public Review Update for fourth and fifth cycles are posted on the County's website at: <http://www.co.fresno.ca.us/HousingElement>.

The Agenda and Staff Reports will be on the Fresno County web site  
<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=18369>  
by Saturday, July 11, 2015, 6:00 a.m.

For more information contact Mohammad Khorsand at the Department of Public Works and Planning- Policy Planning Unit at, 2220 Tulare Street (Corner of Tulare & "M" Streets, Suite B), Fresno, CA 93721, telephone (559) 600-4022, email [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).

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**AVISO DE SESIÓN DE ESTUDIO PARA EL CUARTO Y QUINTO CICLOS DE  
ACTUALIZACIÓN DE ELEMENTOS DE VIVIENDA  
LA MESA DIRECTIVA DEL CONDADO DE FRESNO**

Una sesión de estudio se llevará a cabo en el cuarto y quinto ciclos de actualización de elementos de vivienda ante la Mesa Directiva del Condado a las 9:00 a.m. (o tan pronto como sea posible) el 14 de julio de 2015, en la Sala 301, de la Sala de Registros, ubicado en las calles Tulare y "M" en Fresno, CA. El propósito de la sesión de estudio es para presentar una visión general de los ciclos de Vivienda Elemento Actualizar a la Mesa Directiva y recibir las aportaciones de la Mesa Directiva y del público antes de la presentación de cambios de los proyectos al Estado de Vivienda y Desarrollo Comunitario para la revisión obligatoria de 60 días.

La opinión pública del Proyecto de Actualización para los ciclos cuarto y quinto se publican en el sitio web del Condado en: <http://www.co.fresno.ca.us/HousingElement>.

La agenda e informes del personal estarán disponibles en el sitio web del Condado de Fresno  
<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=18369>  
el Sábado, 11 de julio 2015, a las 6:00 a.m.

Para más información contactar a Mohammad Khorsand en el Departamento de Obras Públicas y la Unidad de Planificación de Políticas- al 2220 Tulare Street (esquina de las calles Tulare y "M", Suite B) , Fresno, CA 93721 , teléfono (559) 600-4022, o su correo electrónico [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).



**NOTICE OF AVAILABILITY OF THE PUBLIC REVIEW DRAFT OF CITY OF COALINGA'S HOUSING ELEMENT AND JOINT PLANNING COMMISSION AND CITY COUNCIL DISCUSSION**

DATE: May 21, 2015

DEPT: Community Development

NOTICE IS HEREBY GIVEN THAT, the public review and comment period for the DRAFT City of Coalinga DRAFT Multi-Jurisdictional Housing Element is available for review and further that the City of Coalinga City Council and Planning Commission will hold a joint meeting on June 4, 2015 at 6:00 p.m. at the City Council Chambers 155 West Durian, Coalinga to discuss Draft Housing Element and recommend submission to the Department of Housing and Community Development for review and comment.

The housing element is one of seven required elements of the City's General Plan. However, it has several unique requirements that set it apart from the other six elements. State law (Government Code Section 65580 (et seq.)) specifies in detail the topics that the housing element must address and sets a schedule for regular updates. State law requires each local government to update its housing element every eight years. The housing element is also the only element reviewed and certified by the State for compliance with State law. The Department of Housing and Community Development (HCD) is the State department responsible for this certification.

The Multi-Jurisdictional Housing Element will cover the planning period of December 31, 2015, through December 31, 2023, and must be adopted and submitted to HCD for certification by December 31, 2015.

All interested persons are invited to appear at the time and place specified above to give testimony regarding the proposed action listed above. Written Comments may be forwarded to the City of Coalinga Community Development Department, attention Sean Brewer, Assistant Community Development Director, at 155 W. Durian, Coalinga, CA 93210. A copy of the Draft Housing Element is available for review on the City's Website ([www.coalinga.com](http://www.coalinga.com)), at City Hall, the Coalinga Area Chamber of Commerce and Coalinga Library.

Anyone may testify at this hearing. For information contact City Hall at 935-1533 x143.

SEAN BREWER, ASSISTANT DIRECTOR, COMMUNITY DEVELOPMENT DEPARTMENT

DATE/TIME POSTED: May 21, 2015

VERIFIED BY: Amy Martinez, Community Development Assistant



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

June 23, 2015

Attention: Postmaster,  
Post Offices in Fresno County, and  
Community Services Districts

Re: NOTICE OF STUDY SESSION FOR THE FOURTH AND FIFTH HOUSING  
ELEMENT UPDATE CYCLES, FRESNO COUNTY BOARD OF SUPERVISORS

The County of Fresno is updating its Housing Element. Please post the attached Notice at your Post Office or Community bulletin board location through Tuesday July 14, 2015 when the item will go before the Board of Supervisors.

Thank you for your assistance and please let me know if there are requests for additional Notices. I can mail more, or they are available at Fresno County Public Works & Planning, 2220 Tulare Street, Fresno CA 93721.

Thank you very much. If you have questions, please call Mohammad Khorsand at (559) 600-4277.

Sincerely,

Mohammad Khorsand, Senior Staff  
Development Services Division



# Kerman E-News

"Keeping you Connected"

FEBRUARY 13, 2015

VOLUME 1, NUMBER 5

[www.cityofkerman.net](http://www.cityofkerman.net)

## City Offices Closed Monday,

### February 16th for Presidents' Day

#### Start Smart Baseball

Start Smart Baseball is for boys and girls ages 3 to 5 years old. Registration runs through Friday, March 6, 2015. You can register at the Community/Teen Center 15100 W. Kearney Plaza or on-line. For more information contact Theresa Johnson, Recreation Coordinator at (559) 846-9383.



#### City Awarded California Society of Municipal Finance Budget Award

The City of Kerman has been awarded the California Society of Municipal Finance Officers (CSMFO) Excellent in Budget Award for the Fiscal Year 2014/15 Budget. The award represents a significant achievement by the City and is the second consecutive budget award from the CSMFO for the City. It reflects the City's commitment to meeting the highest principles of governmental budgeting. The budget can be viewed on the City's website.



#### Multi-Jurisdictional Housing Element Workshop Update

Kerman is hosting a Multi-Jurisdictional housing Element workshop on Wednesday, March 4<sup>th</sup> from 2-4 pm at the Community/Teen Center, 15100 W. Kearney Plaza. Your input is important to understanding the community's needs and potential solutions to housing challenges facing the Fresno region. The workshop is open to the public. To RSVP or for more information contact Lindsey Chargin at (559) 233-4143 ext. 205.



#### New Face at the City of Kerman

After an extensive recruitment process, Josie Camacho was selected as the full-time Account Clerk in the City's Finance Department. You will be greeted by her cheerful voice on the phone, at the payment counter or when you are applying for a permit or business license. Welcome aboard Josie!



To unsubscribe to E-News, send name and email address to

[hnazaroff@cityofkerman.org](mailto:hnazaroff@cityofkerman.org)

#### UPCOMING MEETINGS

City Council Meeting  
Wednesday, Feb 18 at 6:30 pm  
City Hall

#### UPCOMING EVENTS

Valentines Potluck Dinner-Dance  
Friday, Feb. 20 at 6:30 pm  
Senior Center

Senior Citizen Casio Trip to Tachi Palace, leave from Senior Center on Thursday, Feb. 26 at 8:30 am

Indoor Rummage Sale  
Saturday, Feb 28 at 7:00 am  
at the Senior Center

#### CITY OF KERMAN

850 S. MADERA AVE.  
KERMAN, CA 93631

#### PHONE

(559) 846-9384

**THE KERMAN NEWS**  
14693 W. Whitesbridge Ave.  
P.O. Box 336  
Kerman, CA 93630  
Telephone: 559-846-6689

This space is for the County Clerk's Filing Stamp

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

Proof of Publication

Notice of Study Session for Fourth and  
Fifth Housing Element

STATE OF CALIFORNIA  
County of Fresno,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of **The Kerman News**, a newspaper of general circulation, printed and published weekly in the City of Kerman, County of Fresno, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of August 14, 1952, Case Number 86960; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

July 1,

all in the year 2015. I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Kerman, California

this \_\_\_\_\_ 1st

day of \_\_\_\_\_ July \_\_\_\_\_, 2015

— *Kathy Matthews* —  
Signature

**NOTICE OF STUDY SESSION FOR THE FOURTH AND FIFTH HOUSING ELEMENT UPDATE CYCLES**  
FRESNO COUNTY BOARD OF SUPERVISORS

A study session will be held on the fourth and fifth Housing Element Update cycles before the County Board of Supervisors at 9:00 a.m. (or as soon thereafter as possible) on July 14, 2015 in Room 301, Hall of Records, Tulare & "M" Streets, Fresno, CA. The purpose of the study session is to present an overview of the Housing Element Update cycles to the Board and receive input from the Board and the public prior to submittal of the draft updates to the State Housing and Community Development for the mandatory 60-day review.

The Draft Public Review Update for fourth and fifth cycles are posted on the County's website at: <http://www.co.fresno.ca.us/Hous->

ingElement.

The Agenda and Staff Reports will be on the Fresno County web site

<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=18369>

by Saturday, July 11, 2015, 6:00 a.m.

For more information contact Mohammad Khorsand at the Department of Public Works and Planning- Policy Planning Unit at, 2220 Tulare Street (Corner of Tulare & "M" Streets, Suite B), Fresno, CA 93721, telephone (559) 600-4022, email [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).

**THE KERMAN NEWS**  
14693 W. Whitesbridge Ave.  
P.O. Box 336  
Kerman, CA 93630  
Telephone: 559-846-6689

This space is for the County Clerk's Filing Stamp

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

Proof of Publication

Aviso De Sesion De Estudio

Para El Cuarto y Quinto

STATE OF CALIFORNIA  
County of Fresno,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of **The Kerman News**, a newspaper of general circulation, printed and published weekly in the City of Kerman, County of Fresno, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of August 14, 1952, Case Number 86960; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

July 1,

all in the year 2015. I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Kerman, California

this \_\_\_\_\_ 1st \_\_\_\_\_

day of \_\_\_\_\_ July \_\_\_\_\_, 2015

— *Kathy Matthews* —  
Signature

AVISO DE SESIÓN DE ESTUDIO PARA EL CUARTO Y QUINTO CICLOS DE ACTUALIZACIÓN DE ELEMENTOS DE VIVIENDA LA MESA DIRECTIVA DEL CONDADO DE FRESNO

Una sesión de estudio se llevará a cabo en el cuarto y quinto ciclos de actualización de elementos de vivienda ante la Mesa Directiva del Condado a las 9:00 a.m. (o tan pronto como sea posible) el 14 de julio de 2015, en la Sala 301, de la Sala de Registros, ubicado en las calles Tulare y "M" en Fresno, CA. El propósito de la sesión de estudio es para presentar una visión general de los ciclos de Vivienda Elemento Actualizar a la Mesa Directiva y recibir las aportaciones de la Mesa Directiva y del público antes de la presentación de cambios de los proyectos al Estado de Vivienda y Desarrollo Comunitario para la revisión obligatoria de 60 días.

La opinión pública del Proyecto de Actualización para los ciclos cuarto y quinto se publican en el sitio web del Condado en: <http://www.co.fresno.ca.us/HousingElement>.

La agenda e informes del personal estarán disponibles en el sitio web del Condado de Fresno

<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=18369>

el Sábado, 11 de julio 2015, a las 6:00 a.m.

Para más información contactar a Mohammad Khorsand en el Departamento de Obras Públicas y la Unidad de Planificación de Políticas- al 2220 Tulare Street (esquina de las calles Tulare y "M", Suite B) , Fresno, CA 93721 , teléfono (559) 600-4022, o su correo electrónico [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).

2611 KN 26c



**FIREBAUGH-MENDOTA JOURNAL**  
(and) **THE MENDOTA TIMES**  
14693 W. Whitesbridge Ave.  
P.O. Box 336  
Kerman, CA 93630  
Telephone: 559-846-6689

This space is for the County Clerk's Filing Stamp

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

Proof of Publication

**Notice of Public Workshop**

STATE OF CALIFORNIA  
County of Fresno,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Firebaugh-Mendota Journal** and **The Mendota Times**, a newspaper of general circulation, printed and published weekly in the City of Kerman, County of Fresno, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of 1949, Case Number 135831; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

June 3,

all in the year 20\_\_\_\_. I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Kerman, California

this \_\_\_\_\_ 3rd

day of \_\_\_\_\_ June \_\_\_\_\_, 20 15

*Kathy Mattheu*

Signature

DATE: June 3, 2015  
DEPT: City Clerk  
CITY OF MENDOTA  
Notice of Public Workshop

NOTICE IS HEREBY GIVEN THAT, on June 9, 2015 at 5:00 p.m., the City of Mendota will hold a public workshop to discuss and receive comments on the Public Review Draft Multi-Jurisdictional Housing Element, at the Council Chambers at 643 Quince St. in Mendota, CA. A copy of that document is available for review in City Hall.

Members of the public are invited to provide written and oral comments. The meeting room is handicapped accessible in conformance with Americans with Disabilities Act requirements. The City is committed to Fair Housing and Equal Opportunity.  
2216 FMJ 22

**CITY OF MENDOTA**  
 Home About Mendota What's New? **Business** Departments Government Public Documents Contact

## Business

- Economic Development Profile
- Economic Development Resources
- Public Review Multi-jurisdictional
- Housing Element- Mendota**
- Business Rfp
- Business Incentives
- Bid list additions
- Sell to the city

**Businesses:**  
 The City of Mendota enjoys a healthy relationship with our business community, and looks forward to new business desiring to move to Mendota.

**New Businesses:**  
 If you are interested in starting a business in the City of Mendota, please contact City Hall at (559) 655-3291.

The City enjoys several business resources that can assist both existing and new businesses, including the Enterprise Zone, and several programs through the Economic Development Corporation serving Fresno County.

**Information on Cottage Food Operations**

**Information on SB 1186:**  
 On September 19, 2012 Governor Brown signed into law SB-1186, which adds a State fee of \$1 on every application or renewal of a business certificate (or equivalent instrument). This new law is effective January 1, 2013 through December 31, 2018. This law requires all cities and counties within California to collect the \$1.00 State fee.

The City of Mendota's Business License Fee now includes this State fee which is required to be added on to all payments received after January 1, 2013.

The bill primarily amends the procedures related to construction-related accessibility claims, and in some instances, reduces statutory penalties. The bill also provides for the development of educational resources for businesses in order to facilitate compliance with Federal and State disability laws.

10:20 AM  
11/10/2015

Sanger Herald  
740 "N" Street  
Sanger, CA 93657  
(559) 875-2511

(Space below for use of County Clerk only)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO**

Notice of Study Session

CASE NO. \_\_\_\_\_

**NOTICE OF STUDY SESSION FOR THE FOURTH AND FIFTH HOUSING ELEMENT UPDATE CYCLES  
FRESNO COUNTY BOARD OF SUPERVISORS**

A study session will be held on the fourth and fifth Housing Element Update cycles before the County Board of Supervisors at 9:00 a.m. (or as soon thereafter as possible) on July 14, 2015 in Room 301, Hall of Records, Tulare & "M" Streets, Fresno, CA. The purpose of the study session is to present an overview of the Housing Element Update cycles to the Board and receive input from the Board and the public prior to submittal of the draft updates to the State Housing and Community Development for the mandatory 60-day review.

The Draft Public Review Update for fourth and fifth cycles are posted on the County's website at: <http://www.co.fresno.ca.us/HousingElement>.

The Agenda and Staff Reports will be on the Fresno County web site <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=18369> by Saturday, July 11, 2015, 6:00 a.m.

For more information contact Mohammad Khorsand at the Department of Public Works and Planning- Policy Planning Unit at, 2220 Tulare Street (Corner of Tulare & "M" Streets, Suite B), Fresno, CA 93721, telephone (559) 600-4022, email [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).

**AVISO DE SESIÓN DE ESTUDIO PARA EL CUARTO Y QUINTO CICLOS DE ACTUALIZACIÓN DE ELEMENTOS DE VIVIENDA  
LA MESA DIRECTIVA DEL CONDADO DE FRESNO**

Una sesión de estudio se llevará a cabo en el cuarto y quinto ciclos de actualización de elementos de vivienda ante la Mesa Directiva del Condado a las 9:00 a.m. (o tan pronto como sea posible) el 14 de julio de 2015, en la Sala 301, de la Sala de Registros, ubicado en las calles Tulare y "M" en Fresno, CA. El propósito de la sesión de estudio es para presentar una visión general de los ciclos de Vivienda Elemento Actualizar a la Mesa Directiva y recibir las aportaciones de la Mesa Directiva y del público antes de la presentación de cambios de los proyectos al Estado de Vivienda y Desarrollo Comunitario para la revisión obligatoria de 60 días.

La opinión pública del Proyecto de Actualización para los ciclos cuarto y quinto se publican en el sitio web del Condado en: <http://www.co.fresno.ca.us/HousingElement>.

La agenda e informes del personal estarán disponibles en el sitio web del Condado de Fresno <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=18369> el Sábado, 11 de julio 2015, a las 6:00 a.m.

Para más información contactar a Mohammad Khorsand en el Departamento de Obras Públicas y la Unidad de Planificación de Políticas- al 2220 Tulare Street (esquina de las calles Tulare y "M", Suite B) , Fresno, CA 93721 , teléfono (559) 600-4022, o su correo electrónico [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).

June 25, 2015

**STATE OF CALIFORNIA**

**County of Fresno**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the SANGER HERALD, a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of July 1, 1952, Case Number 86714; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

June 25, 2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

on June 25, 2015

*Katherine J. Boas*

**NOTICE OF STAKEHOLDER WORKSHOPS ON THE  
FRESNO COUNTY MULTI-JURISDICTIONAL HOUSING ELEMENT UPDATE**

NOTICE IS HEREBY GIVEN that the Fresno Council of Governments in conjunction with Fresno County and the Cities of Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma will hold two Stakeholder Workshops on March 4, 2015 regarding the Fresno County Multi-Jurisdictional Housing Element Update. One will be held at 10:00AM to 12:00PM at the City of Selma City Council Chambers (1710 Tucker Street Selma, CA 93662) and the other will be held at 2:00PM to 4:00PM at the City of Kerman Community Center (15101 West Kearney Boulevard Kerman, CA 93630).

Fresno County and 12 of the 15 cities in the county, with the help of the Fresno Council of Governments, are preparing a Multi-Jurisdictional Housing Element. The Multi-Jurisdictional Housing Element provides an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level. The purpose of these workshops is to gather input on community needs and potential solutions to housing challenges facing the Fresno County region. Both workshops will cover the same information.

Individuals with disabilities may call Fresno COG (with 3-working-day advance notice) to request auxiliary aids necessary to participate in the public hearing. Translation services are available (with 3-working-day advance notice) to participants speaking any language with available professional translation services.

The workshops are open to the public. Please RSVP in advance to Lindsey Chargin at 559-233-4148 ext. 205 or [lindseyc@fresnocog.org](mailto:lindseyc@fresnocog.org).

Contact Person: Lindsey Chargin, Senior Regional Planner  
2035 Tulare Street Suite 201  
Fresno, CA 93721  
559-233-4148 ext. 205  
[lindseyc@fresnocog.org](mailto:lindseyc@fresnocog.org)

**AVISO DE SESIÓN DE ESTUDIO PARA EL CUARTO Y QUINTO CICLOS DE ACTUALIZACIÓN DE  
ELEMENTOS DE VIVIENDA  
LA MESA DIRECTIVA DEL CONDADO DE FRESNO**

Una sesión de estudio se llevará a cabo en el cuarto y quinto ciclos de actualización de elementos de vivienda ante la Mesa Directiva del Condado a las 9:00 a.m. (o tan pronto como sea posible) el 14 de julio de 2015, en la Sala 301, de la Sala de Registros, ubicado en las calles Tulare y "M" en Fresno, CA. El propósito de la sesión de estudio es para presentar una visión general de los ciclos de Vivienda Elemento Actualizar a la Mesa Directiva y recibir las aportaciones de la Mesa Directiva y del público antes de la presentación de cambios de los proyectos al Estado de Vivienda y Desarrollo Comunitario para la revisión obligatoria de 60 días.

La opinión pública del Proyecto de Actualización para los ciclos cuarto y quinto se publican en el sitio web del Condado en: <http://www.co.fresno.ca.us/HousingElement>.

La agenda e informes del personal estarán disponibles en el sitio web del Condado de Fresno <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=18369>  
el Sábado, 11 de julio 2015, a las 6:00 a.m.

Para más información contactar a Mohammad Khorsand en el Departamento de Obras Públicas y la Unidad de Planificación de Políticas- al 2220 Tulare Street (esquina de las calles Tulare y "M", Suite B) , Fresno, CA 93721 , teléfono (559) 600-4022, o su correo electrónico [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).

**NOTICE OF STUDY SESSION  
FRESNO COUNTY PLANNING COMMISSION**

A study session will be held to review the public review draft Housing Element Update covering the 4<sup>th</sup> and 5<sup>th</sup> cycle planning periods. The purpose of the Study Session is for staff and the consultant to present an overview of the Housing Element for both cycles and receive input from the Planning Commission and the public before submitting the updated 4<sup>th</sup> and 5<sup>th</sup> cycles to the State Department of Housing and Community Development (HCD) for the mandated 60-day review for compliance with State Law.

The Planning Commission Study Session will be at **8:45 a.m.** on **June 4, 2015** (or as soon thereafter as possible) in Room 301, Hall of Records, Tulare & "M" Streets, Fresno, CA. The Study Session with the **Board of Supervisors** anticipated to occur at 9:00 a.m. (or as soon thereafter as possible) on July 14, 2015 in Room 301, Hall of Records, Tulare & "M" Streets, Fresno, CA.

The Draft Public Review Update for 4<sup>th</sup> and 5<sup>th</sup> cycle planning periods are posted on the County's website at: <http://www.co.fresno.ca.us/HousingElement>

The Agenda and Staff Reports will be on the Fresno County web site  
<http://www.co.fresno.ca.us/departmentpage.aspx?id=19735>  
by Saturday, May 30, 2015, 6:00 a.m.

For more information contact **Mohammad Khorsand** at the Department of Public Works and Planning - Policy Planning Unit at, 2220 Tulare Street (Corner of Tulare & "M" Streets, Suite B), Fresno, CA 93721, telephone **(559) 600-4022**, email [mkhorsand@co.fresno.ca.us](mailto:mkhorsand@co.fresno.ca.us).

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 FRESNO COUNTY PLANNING COMMISSION

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## Fresno County Multi-Jurisdictional Housing Element Update

# Stakeholder Workshops

Two Opportunities to Participate on March 4, 2015

**10 a.m. to 12 p.m.**  
**City of Selma**

**City Council Chambers**  
**1710 Tucker St.**  
**Selma, CA 93662**

**2 p.m. to 4 p.m.**  
**City of Kerman**

**Community Center**  
**15101 W Kearney Blvd.**  
**Kerman, CA 93630**

Fresno County and 12 of the 15 cities in the county, with the help of the Fresno Council of Governments, are preparing a Multi-Jurisdictional Housing Element. The Multi-Jurisdictional Housing Element provides an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level.

**The participating jurisdictions are hosting two workshops on March 4, 2015 - one in Selma and one in Kerman. Both workshops will cover the same information.**

Your input is important to understanding the community's needs and potential solutions to housing challenges facing the Fresno region.

**The workshops are open to the public. Please RSVP in advance.**

For more information, reasonable accommodation or translation service requests, please contact Lindsey Chargin 72 hours before the workshop by phone (559-233-4148 ext. 205) or email ([lindseyc@fresnocog.org](mailto:lindseyc@fresnocog.org)).

**To RSVP contact:** Lindsey Chargin, Senior Regional Planner, Fresno Council of Governments  
Ph. (559) 233-4148 ext. 205 | Email: [lindseyc@fresnocog.org](mailto:lindseyc@fresnocog.org)

*Participating Jurisdictions:* Fresno County, Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, Selma



## Fresno County Multi-Jurisdictional Housing Element Update

Fresno County | Clovis | Coalinga | Fowler | Huron | Kerman  
Kingsburg | Mendota | Parlier | Reedley | San Joaquin | Sanger | Selma

# Planning Commission/ City Council Study Session

**Monday, June 15, 2015**

**6:00 p.m.  
City of Clovis**

**1033 5th Street  
Clovis, CA 93612**

Fresno County and 12 of the 15 cities in the county are preparing a Multi-Jurisdictional Housing Element with assistance from the Fresno Council of Governments (FCOG). The Multi-Jurisdictional Housing Element is intended to address countywide housing issues and needs more effectively at the regional and local levels. The Draft Multi-Jurisdictional Housing Element has been published, and will be presented to decision-makers from participating jurisdictions in June and July 2015.

On June 15, 2015, the City of Clovis will hold a study session to review the public review draft Multi-Jurisdictional Housing Element. At the study session, staff and the Housing Element Update consultant will present an overview of the draft Housing Element, facilitate a discussion with the Planning Commission and City Council and request input before submitting the document to the State Department of Housing and Community Development (HCD) for the State-mandated 60-day review for compliance with State law.

**Please Direct Questions to:** Tina Sumner, Community & Economic Development Director, City of Clovis  
Ph. (559) 324-2082 | Email: [tinas@cityofclovis.com](mailto:tinas@cityofclovis.com)





ਫ੍ਰੈਸਨੋ ਕਾਉਂਟੀ ਮਲਟੀ-ਜੁਰਿਸਡਿਕਸ਼ਨਲ ਹਾਉਸਿੰਗ

ਐਲਿਮੈਂਟ ਬਾਰੇ ਤਾਜ਼ਾ ਜਾਣਕਾਰੀ

Fresno County | Clovis | Coalinga | Fowler | Huron | Kerman  
Kingsburg | Mendota | Parlier | Reedley | San Joaquin | Sanger | Selma

# ਪਲੈਨਿੰਗ ਕਮਿਸ਼ਨ/ਸਿਟੀ ਕੌਂਸਲ ਦਾ ਅਧਿਐਨ ਸੈਸ਼ਨ

**ਬੱਧਵਾਰ 3 ਜੂਨ 2015**

ਸ਼ਾਮ 6:30 ਵਜੇ  
ਸਿਟੀ ਆਫ ਕੇਰਮੈਨ

Kerman City Hall  
850 S. Madera Avenue  
Kerman, CA 93630

ਫ੍ਰੈਸਨੋ ਕਾਉਂਟੀ ਅਤੇ ਕਾਉਂਟੀ ਵਿੱਚ 15 ਵਿੱਚੋਂ 12 ਸ਼ਹਿਰ ਫ੍ਰੈਸਨੋ ਕਾਉਂਟੀ ਆਫ ਗਵਰਨਮੈਂਟਸ (FCOG) ਤੋਂ ਸਹਾਇਤਾ ਦੇ ਨਾਲ ਇੱਕ ਫ੍ਰੈਸਨੋ ਕਾਉਂਟੀ ਮਲਟੀ-ਜੁਰਿਸਡਿਕਸ਼ਨਲ ਹਾਉਸਿੰਗ ਐਲਿਮੈਂਟ ਬਣਾ ਰਹੇ ਹਨ। ਫ੍ਰੈਸਨੋ ਕਾਉਂਟੀ ਮਲਟੀ-ਜੁਰਿਸਡਿਕਸ਼ਨਲ ਹਾਉਸਿੰਗ ਐਲਿਮੈਂਟ ਦਾ ਇਰਾਦਾ ਪੂਰੀ ਕਾਉਂਟੀ ਵਿੱਚ ਰਿਹਾਇਸ਼ ਸਬੰਧੀ ਕਿਸੇ ਵੀ ਮੁੱਦਿਆਂ ਅਤੇ ਲੋੜਾਂ 'ਤੇ ਖੇਤਰੀ ਅਤੇ ਸਥਾਨਕ ਪੱਧਰਾਂ 'ਤੇ ਵਧੇਰੇ ਪ੍ਰਭਾਵੀ ਤਰੀਕੇ ਨਾਲ ਧਿਆਨ ਦੇਣਾ ਹੈ। ਡ੍ਰਾਫਟ ਮਲਟੀ-ਜੁਰਿਸਡਿਕਸ਼ਨਲ ਹਾਉਸਿੰਗ ਐਲਿਮੈਂਟ ਪ੍ਰਕਾਸ਼ਿਤ ਕਰ ਦਿੱਤਾ ਗਿਆ ਹੈ, ਅਤੇ ਜੂਨ ਅਤੇ ਜੁਲਾਈ 2015 ਵਿੱਚ ਹਿੱਸਾ ਲੈ ਰਹੇ ਅਧਿਕਾਰ-ਖੇਤਰਾਂ ਤੋਂ ਫੈਸਲਾ ਲੈਣ ਵਾਲਿਆਂ ਅੱਗੇ ਪੇਸ਼ ਕੀਤਾ ਜਾਵੇਗਾ।

3 ਜੂਨ 2015 ਨੂੰ, ਸਿਟੀ ਆਫ ਕੇਰਮੈਨ ਜਨਤਕ ਸਮੀਖਿਆ ਡ੍ਰਾਫਟ ਮਲਟੀ-ਜੁਰਿਸਡਿਕਸ਼ਨਲ ਹਾਉਸਿੰਗ ਐਲਿਮੈਂਟ ਦੀ ਸਮੀਖਿਆ ਕਰਨ ਲਈ ਇੱਕ ਅਧਿਐਨ ਸੈਸ਼ਨ ਆਯੋਜਿਤ ਕਰੇਗੀ। ਅਧਿਐਨ ਸੈਸ਼ਨ ਵਿਖੇ, ਸਟਾਫ ਅਤੇ ਹਾਉਸਿੰਗ ਐਲਿਮੈਂਟ ਅਪਡੇਟ ਸਲਾਹਕਾਰ ਡ੍ਰਾਫਟ ਹਾਉਸਿੰਗ ਐਲਿਮੈਂਟ ਦੀ ਰੂਪਰੇਖਾ ਪੇਸ਼ ਕਰਨਗੇ, ਪਲੈਨਿੰਗ ਕਮਿਸ਼ਨ ਅਤੇ ਸਿਟੀ ਕੌਂਸਲ ਦੇ ਨਾਲ ਵਿਚਾਰ-ਵਟਾਂਦਰੇ 'ਚ ਸਹਾਇਤਾ ਕਰਨਗੇ ਅਤੇ ਦਸਤਾਵੇਜ਼ ਨੂੰ ਸਟੇਟ ਦੇ ਕਨੂੰਨ ਦੀ ਪਾਲਣਾ ਕਰਨ ਵਾਸਤੇ ਸਟੇਟ ਦੀ ਵਿਧਾਨਕ ਤੌਰ 'ਤੇ ਜ਼ਰੂਰੀ 60 ਦਿਨ ਦੀ ਸਮੀਖਿਆ ਵਾਸਤੇ ਸਟੇਟ ਡਿਪਾਰਟਮੈਂਟ ਆਫ ਹਾਉਸਿੰਗ ਐਂਡ ਕਮਿਊਨਿਟੀ ਡਿਵੈਲਪਮੈਂਟ (HCD) ਕੋਲ ਜਮ੍ਹਾਂ ਕਰਨ ਤੋਂ ਪਹਿਲਾਂ ਵਿਚਾਰ ਮੰਗਣਗੇ।

ਕਿਰਪਾ ਕਰਕੇ ਪ੍ਰਸ਼ਨ

ਲੁਇਸ ਪੈਟਲਾਨ (Luis Patlan), ਸਿਟੀ ਮੈਨੇਜਰ/ਡਾਇਰੈਕਟਰ ਆਫ ਪਲੈਨਿੰਗ ਐਂਡ ਡਿਵੈਲਪਮੈਂਟ, ਸਿਟੀ ਆਫ ਕੇਰਮੈਨ

ਇਹਨਾਂ ਨੂੰ ਭੇਜੋ:

ਫੋਨ: (559) 846-9387 | ਈਮੇਲ: [lpatlan@cityofkerman.org](mailto:lpatlan@cityofkerman.org)



## Actualización del Elemento Multi-Jurisdiccional de Viviendas del Condado de Fresno

Fresno County | Clovis | Coalinga | Fowler | Huron | Kerman  
Kingsburg | Mendota | Parlier | Reedley | San Joaquin | Sanger | Selma

# Sesión de Estudio Concilio Municipal

**Miercoles, 17 de junio 2015**

**6:30 p.m.  
Ciudad de Parlier**

**En la Sala del Concilio  
1100 E Parlier Ave.  
Parlier, CA**

El Condado de Fresno y 12 de las 15 ciudades en el condado están preparando un Elemento de Viviendas Multi-Jurisdiccional con la asistencia del Consejo de Gobiernos de Fresno (FCOG). El Elemento de Viviendas Multi-Jurisdiccional tiene por objeto abordar de manera más eficaz los problemas y las necesidades de viviendas de todo el condado a nivel local y regional. El Elemento Multi-Jurisdiccional de Viviendas preliminar ha sido publicado y será presentado a los tomadores de decisiones de las jurisdicciones participantes durante el mes de junio y julio del 2015.

El 17 de junio de 2015, la ciudad de Parlier llevará a cabo una sesión de estudio para repasar el Elemento de Viviendas Multi-Jurisdiccional preliminar. En esta sesión de estudio, el personal de la ciudad y el consultor contratado para este proyecto, presentarán una visión general del Elemento de Viviendas preliminar, facilitaran una discusión con la Comisión de Planeación y con el Concilio de la Ciudad y también solicitaran la opinión pública antes de entregar el documento al Departamento de Viviendas y Desarrollo Comunitario del Estado (HCD) que tendrá, por ley estatales, 60 días para revisar el Elemento de Viviendas Multi-Jurisdiccional.

**FAVOR DE DIRIGIR  
CUALQUIER PREGUNTA A:**

Bruce O'Neal, Planificador de la Ciudad de Parlier.  
Teléfono: (559) 256-4250 | Correo electrónico: [b.oneal@comcast.net](mailto:b.oneal@comcast.net)

## APPENDIX 1B: SPECIAL NEEDS FACILITIES IN FRESNO COUNTY

Table 1B-1 Residential Care Facilities (2014)

Facility	Address	Beds
The Acacia House	2805 W. Acacia, Fresno CA 93705	3
Alder Care Home	2340 South Adler Ave., Fresno, CA 93725	6
Allen Residential Holland House	5628 W. Holland, Fresno, CA 93722	6
Allen Residential Vista House	4591 N. Vista, Fresno, CA 93722	6
Anderson Community Care Facility	2534 East University Avenue, Fresno, CA 93703	6
Arden Drive Residential Home	3917 Arden Drive North, Fresno, CA 93703	8
Autumn Hills Guest Home, DbA Coo's Arf, LLC	5466 East Belmont Ave., Fresno, CA 93727	6
Avedikian Home #2	7237 N. Cecelia Avenue, Fresno, CA 93722	6
Baghetti-Home	2737 Norwich Avenue, Clovis, CA 93611	6
Barkers Group Home	4323 N. Holt, Fresno, CA 93705	6
Bolden Fremont Home	4702 W Norwich Ave., Fresno, CA 93722	6
Brewer Family Home	1133 East George, Fresno, CA 93706	4
Bryland Adult Residential Facility, LLC	510 E. Tower, Fresno, CA 93706	6
Burrus Adult Residential	157 N. Armstrong, Clovis, CA 93611	6
Calloway Adult Residential Facility	5292 W. Wildflower Ln.Code#1379, Fresno, CA 93725	6
Charlotte's Place, Inc.	4262 N. Glenn Ave., Fresno, CA 93704	6
The Chimes	3041 E. Clinton Avenue, Fresno, CA 93703	10
Clark Family Res.Inc. DbA Clark House	2545 N. Selland Ave., Fresno, CA 93722	6
Comfort Care Home	4484 N. Garden Ave., Fresno, CA 93726	6
Corpuz Adult Residential Facility	1536 Barstow Avenue, Clovis, CA 93611	6
Cotta-Brown Group Home II	4673 N Angus, Fresno, CA 93726	6
D & D Residential Inc.	5741 N. Katy Lane, Fresno, CA 93722	4
Dailey's Haven	4479 N. Eddy, Fresno, CA 93727	6
Dailey's Home Care	4690 East Hamilton, Fresno, CA 93702	6
DbA Canonizado's Clinton Home	1509 W. Clinton Avenue, Fresno, CA 93705	6
DbA Canonizado's Madison Home	5567 E. Madison Avenue, Fresno, CA 93727	6
Del Mundo Home	1645 Fowler, Clovis, CA 93611	6
Dial For Care, Inc.	1640 N Delno, Fresno, CA 93705	6
Dwight Home	5166 W. Lamona, Fresno, CA 93722	6
Eddie's Terrace	2693 South Bardell Avenue, Fresno, CA 93706	6
Eddie's Terrace #2	5041 E. Tower, Fresno, CA 93725	6
Eddie's Terrace #3	3450 W. Sierra, Fresno, CA 93711	6
Eddies Terrace #4	1415 W. Sierra, Fresno, CA 93711	6
Eddie's Terrace #5	6459 North Channing Avenue, Fresno, CA 93711	6
Eddie's Terrace #6	1283 West Twain Avenue, Fresno, CA 93711	6
Eddie's Terrace #7	1837 South Bush Avenue, Fresno, CA 93727	6
Esperance Center, North	10496 N. Armstrong, Clovis, CA 93612	6

Table 1B-1 Residential Care Facilities (2014)

Facility	Address	Beds
Farroll Home	1862 Florence Ave., Sanger, CA 93657	6
Fillmore Christian Garden	4826 E. Fillmore, Fresno, CA 93727	27
Floyd A.R.F.	226 Moody Ave., Clovis, CA 93619	5
G & S	4288 W. Michigan, Fresno, CA 93722	6
Garibay Home Ii	138 E. Bellaire Way, Fresno, CA 93704	4
Garibay-Holland Home	4850 E. Holland, Fresno, CA 93726	6
Garrett Christian Home	5642 E. Garrett, Fresno, CA 93727	6
Garrett House	5642 E. Garrett, Fresno, CA 93727	6
Hand Home	4741 N. Greenwood, Sanger, CA 93657	6
Haskins Residential Care	1037 South Chestnut Avenue, Fresno, CA 93702	18
Helping Hands	5277 N. Santa Fe Avenue, Fresno, CA 93711	6
Home Of Hope I	8623 N. Paula Ave., Fresno, CA 93720	6
Home Of Hope II Adult Residential Facility	1204 E. San Ramon, Fresno, CA 93710	6
House Of Trevelyn, The	121 E. Kaviland Avenue, Fresno, CA 93706	6
Huntington House, The	3655 E. Huntington, Fresno, CA 93702	6
Jay Homes, Inc.	5611 West Floradora Avenue, Fresno, CA 93722	4
Jones Home	5389 E. Lowe Avenue, Fresno, CA 93727	4
Jubilee Home Care Inc. #2	5943 W. Wathen Ave., Fresno, CA 93722	4
Jubilee Home Care, Inc.	4261 W. Capitola Avenue, Fresno, CA 93722	6
Kaviland Place	4657 E. Kaviland, Fresno, CA 93725	6
Kendall Home, The	4318 North First Street, Fresno, CA 93726	6
Kindred House #1	2396 S. Poppy, Fresno, CA 93706	6
Kings Royale	316 Caesar, Fresno, CA 93727	6
Kings Royale II, The	444 Pierce, Clovis, CA 93612	6
Laureen Adult Residential Facility	4429 North Laureen Avenue, Fresno, CA 9372	5
Loop #1	5663 W. Tenaya, Fresno, CA 93722	4
Loop #2	1342 San Jose, Fresno, CA 93711	6
Loop #3	7931 North Baird Avenue, Fresno, CA 93720	4
Los Altos Home	1870 North Cornelia Avenue, Fresno, CA 93722	6
Lynn Home	2715 North Helm Avenue, Clovis, CA 93612	6
M&B Group Homes	446 Laverne Ave., Clovis, CA 93611	6
Manning Home	767 Manning Avenue, Reedley, CA 93654	6
Mante's Board & Care Home	5624 West Olive, Fresno, CA 93722	6
Mante's Home	6588 N. Meridian, Fresno, CA 93710	6
Martin Family Home	1077 Toulumne Street, Parlier, CA 93648	6
Martin Family Home #2	2935 East Weldon Avenue, Fresno, CA 93703	6
Martin's Home-Homsy	345 North Homsy Avenue, Fresno, CA 93727	6
Mason Residential Care Facility	1775 W. Donner, Fresno, CA 93705	6
Mc Alister Residential Home	232 West Woodward, Fresno, CA 93706	6

Table 1B-1 Residential Care Facilities (2014)

Facility	Address	Beds
McWealth Care Inc	6167 N. Cornelia Ave., Fresno, CA 93722	4
Medina Res. Care Svcs., Ltd LLC Ramona Residence	1354 Ramona Ave., Clovis, CA 93612	6
Mi Casita Care Home	4879 E. San Gabriel, Fresno, CA 93726	6
Mi Casita Dos	296 W. Richert Avenue, Clovis, CA 93612	6
Michael Home	4828 E. Princeton, Fresno, CA 93703	6
Miller-Angelo Arf	5321 West Home Avenue, Fresno, CA 93722	6
Monsevais Res. Facility, Inc.-Dewey Home	6714 N. Dewey, Fresno, CA 93711	5
Monsevais Residential Facility	6622 N, Nantucket Ave., Fresno, CA 93704	6
Monsevais Residential Facility–Sample Home	3315 E. Sample, Fresno, CA 93710	4
Myles Community Service II	4664 E. Garrett, Fresno, CA 93725	6
Nelson's Community Care Facility	4836 North Sixth, Fresno, CA 93726	6
No Place Like Home	4269 W. Palo Alto Ave., Fresno, CA 93722	3
Ohannesian Home #2	10650 So. Frankwood Avenue, Reedley, CA 93654	6
Opoku-Ababio Adult Care	2723 E. Robinson Avenue, Fresno, CA 93726	6
Pathways	1511 W. Millbrae, Fresno, CA 93711	6
Pathways Adler Home	130 Adler Ave., Clovis, CA 93612	4
Patton Home	1270 N. Lucerne Lane, Fresno, CA 93728	6
Paul Home, The	4577 N. Sharon, Fresno, CA 93726	6
Psalm 23 Loving Care Residential	1085 W. Barstow Ave., Fresno, CA 93711	6
Reedley Home	3461 S. Usry Avenue, Reedley, CA 93654	6
Reyes Ranch LLC	20022 East American Ave., Reedley, CA 93654	4
Ruby's Valley Care Home	9919 South Elm Ave., Fresno, CA 93706	50
Runderson's Adult Resident Facility #2	728 Fresno Street, Fresno, CA 93706	3
Runderson's Adult Residential Facility	4935 East Tyler Avenue, Fresno, CA 93727	2
Safe Haven Claremont Community Care Home	905 Claremont Avenue, Fresno, CA 93727	4
Schexnayder's Home	6314 W. Dovewood Lane, Fresno, CA 93723	6
Sengsiri Home	1142 Carson Avenue, Clovis, CA 93611	6
Sunnyside Home	2540 S. Judy Avenue, Fresno, CA 93727	6
Sunshine Board And Care II	1642 W. Robinson Avenue, Fresno, CA 93705	6
Sunshine Board And Care II	4343 North Augusta Avenue, Fresno, CA 93726	6
Teilman Board And Care Home	1594 North Teilman Avenue, Fresno, CA 93728	6
Townsend House	6410 E. Townsend, Fresno, CA 93727	6
V & A Assisted Living	6101 N. Mitre Avenue, Fresno, CA 93722	6
V & A Assisted Living "Celeste Home"	1686 W. Celeste, Fresno, CA 93711	6
V&A Assisted Living	11140 S. Cherry Ave., Fresno, CA 93725	4
Valley Comfort Home, Inc.	6579 E. Fillmore Avenue, Fresno, CA 93727	6
Williams Community Integration	698 S. Dockery, Sanger, CA 93657	6
Williams-Whittle Residential Care Home #2	4112 W. Providence Avenue, Fresno, CA 93722	6
Williams-Whittle Residential Home	821 W. Valencia, Fresno, CA 93706	6

**Table 1B-1 Residential Care Facilities (2014)**

Facility	Address	Beds
Wilson Family Care Home	2145 Maple, Selma, CA 93662	4
Wood Adult Residential Facility	9325 Mc Call Avenue, Selma, CA 93662	4
Yarbrough Adult Residential	4602 W. Oslin, Fresno, CA 93722	4
Yellow Rose Residential Care Home-Hughes	4376 North Hughes Avenue, Fresno, CA 93705	6
Yellow Rose Residential Care Home-Norwich	3333 W. Norwich Avenue, Fresno, CA 93722	6
<b>Total Beds</b>		<b>753</b>

Source: California Department of Social Services Care Facility Search, as of October 2014.

Table 1 Emergency Shelters in Fresno County (2015)

Project Type	Organization Name	Project Name	Location	Target population	Victims of Domestic Violence	Total Beds
PSH	AspiraNet	AspiraNet Permanent Supportive Housing	Fresno	Single males and females (over 18)	N/A	10
ES	County of Fresno ETA	VOUCHERS	Fresno	Households with children	N/A	57
RRH	Fresno EOC	EOC ESG	Fresno	Single females and households with children	N/A	23
PSH	Fresno EOC	Phoenix	Fresno	Households with children	N/A	35
ES	Fresno EOC	Sanctuary Youth Shelter	Fresno	Unaccompanied males and females under 18	N/A	12
TH	Fresno EOC	TLC 1	Fresno	Single females and males plus households with children	N/A	24
TH	Fresno EOC	TLC 2	Fresno	Single females and males plus households with children	N/A	20
TH	Fresno EOC	TLC 3	Fresno	Single females and males plus households with children	N/A	40
ES	Fresno Housing Authority	Fresno First Step Homes	Fresno	Single females and males plus households with children	N/A	73
PSH	Fresno Housing Authority	VASH Fresno	Fresno	Single females and males plus households with children	N/A	241
PSH	Fresno Housing Authority	VASH Fresno	Fresno	Single females and males plus households with children	N/A	79
PSH	Fresno Housing Authority	Alta Monte	Fresno	Single males and females (over 18)	N/A	29
PSH	Fresno Housing Authority	S+C I	Fresno	Single females and males plus households with children	N/A	24
PSH	Fresno Housing Authority	S+C II	Fresno	Single females and males plus households with children	N/A	85
PSH	Fresno Housing Authority	S+C III	Fresno	Single males and females (over 18)	N/A	36
PSH	Fresno Housing Authority	S+C IV	Fresno	Single females and males plus households with children	N/A	56
PSH	Fresno Housing Authority	Santa Clara	Fresno	Single males and females (over 18)	N/A	24
PSH	Fresno Housing Authority	Santa Clara B	Fresno	Single males and females (over 18)	N/A	24
PSH	Fresno Housing Authority	Trinity Project	Fresno	Single males and females (over 18)	N/A	20
TH	Marjaree Mason Center	Clovis Shelter	Clovis	Single females and households with children	Yes	18



**APPENDIX 1B**

<b>Project Type</b>	<b>Organization Name</b>	<b>Project Name</b>	<b>Location</b>	<b>Target population</b>	<b>Victims of Domestic Violence</b>	<b>Total Beds</b>
ES	Marjaree Mason Center	Reedley House	Reedley	Single females and households with children	Yes	18
ES	Marjaree Mason Center	Domestic Violence Shelter	Fresno	Single females and households with children	Yes	93
TH	Marjaree Mason Center	Downtown Transition	Fresno	Households with children	Yes	16
TH	Marjaree Mason Center	Next Step	Fresno	Single females	Yes	8
TH	Marjaree Mason Center	Olson House	Fresno County	Single females and households with children	Yes	17
PSH	Mental Health Systems Inc.	Fresno Housing Plus II	Fresno	Single females and households with children	N/A	24
SH	Poverello House	Naomi's House	Fresno	Single females		24
TH	Spirit of Woman	SOW SHP	Fresno	Single females and households with children	N/A	19
PSH	Turning Point (TPOCC)	Family Villa	Fresno	Households with children	N/A	104
TH	Turning Point (TPOCC)	New Outlook	Fresno	Households with children	N/A	194
PSH	Turning Point (TPOCC)	STASIS	Fresno	Single males and females (over 18)	N/A	28
TH	Turning Point (TPOCC)	TLC	Fresno	Single males and females (over 18)	N/A	30
ES	VA Central CA Health Care System	HCHV/RT- Redux House	Fresno	Single males	N/A	36
ES	VA Central CA Health Care System	HCHV/RT-Thompson Veterans Home	Fresno	Single males	N/A	6
TH	Valley Teen Ranch	Transitional Living Home	Fresno	Single males	N/A	4
RRH	West Care	ESG	Fresno	Single males	N/A	7
TH	West Care	GPD HomeFront	Fresno	Single females and households with children	N/A	15
TH	West Care	GPD Veteran's Plaza	Fresno	Single males	N/A	28
RRH	West Care	SSVF	Fresno	Single females and males plus households with children	N/A	23
PSH	WestCare	Project Lift Off	Fresno	Households with children	N/A	45

Note: Project types: ES= Emergency Shelter; TH= Transitional Housing; SH= Safe Haven; PSH= Permanent Supportive Housing; RRH= Rapid Re-Housing

Source: Fresno Housing Authority, 2015.

# APPENDIX 2

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## APPENDIX 2 STRUCTURE

Appendix 2 is organized into separate appendices for each jurisdiction. The appendices are structured as follows:

1. **Implementation Programs:** Contains jurisdiction-specific implementation programs to be carried out over the planning period to address the regional housing goals.
2. **Sites Inventory:** Describes the jurisdiction-specific sites available to meet the RHNA.
3. **Constraints:** Identifies potential jurisdiction-specific governmental constraints to the maintenance, preservation, conservation, and development of housing.
4. **Review of Past Accomplishments:** Describes the progress implementing the previous housing element policies and actions.
5. **At-Risk Analysis:** Provides an analysis of the at-risk units by jurisdiction as well as the preservation options.

**APPENDIX 2A**

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# APPENDIX 2H: CITY OF MENDOTA

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## SECTION 2H-1: ACTION PLAN

### Regional Collaboration

#### Program 1: Regional Collaboration on Housing Opportunities

The Multi-Jurisdictional Housing Element provides an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level, and the 13 participating jurisdictions are committed to continuing the regional collaboration in the implementation of the Housing Element. By working together, the jurisdictions can share best practices, explore opportunities for further collaboration, and make the best use of limited resources.

#### Timeframe and Objectives:

- The County of Fresno Public Works and Planning Department, with assistance from the Fresno COG, will take the lead in coordinating Committee meetings.
- Continue to participate in the Countywide Housing Element Technical Committee to collaborate on housing program implementation and regional issues including, disadvantaged unincorporated communities (SB 244), infrastructure challenges, farmworker housing, homelessness, and fair housing.
- The Countywide Housing Element Technical Committee will meet at least biannually to evaluate successes in implementation of programs and to identify gaps and additional needs.
- The Committee will meet annually with the California Department of Housing and Community Development (HCD) to discuss funding opportunities and challenges in implementation of programs, and seek technical assistance from HCD and other State agencies in the implementation of housing programs and the pursuit of grant funding.
- The Committee will meet periodically with Fair Housing of Central California to discuss fair housing issues and opportunities for education.

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- The Committee will advocate on behalf of the Fresno region for more grant funding for affordable housing and infrastructure improvements.
- Continue to seek partnerships with other jurisdictions in the region and other agencies (such as the Housing Authority), housing developers, community stakeholders, and agricultural employers/employees to explore viable options for increasing the availability of farmworker housing in suitable locations in the region.
- Develop a directory of services and resources for lower-income households available in the region, and review and update it annually. Make the directory available on City/County websites and at City/County offices.

<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>Planning and Development Services Department (Planning Division) and Housing Program Manager</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 1.3, Policy 1.4, Policy 1.7, Policy 4.2, Policy 4.3, Policy 4.6</u>

**Program 2: Review Annexation Standards in Memorandum of Understanding**

All jurisdictions in Fresno County are subject to the City-County Memorandum of Understanding (MOU), which establishes procedures for annexation of land to cities. The City/County MOU encourages urban development to take place within cities and unincorporated communities where urban services and facilities are available or planned to be made available in an effort to preserve agricultural land. The MOU standards for annexation require that a minimum of 50 percent of annexation areas have an approved tentative subdivision map or site plan. While cities can take certain steps to “prezone” land in advance of annexation, the annexation of the land into the city limits is dependent upon private developers to request an annexation. In cities that are mostly built out within their current city limits, the MOU may limit the cities’ ability to accommodate future housing needs.

**Timeframe and Objectives:**

- The County of Fresno and the cities within the County shall work together to review and revise, as deemed appropriate by all parties, the standards for annexation contained in the Memorandum of Understanding between the County and the cities.

<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>Planning and Development Services Department (Planning Division)</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 1.1, Policy 1.3, Policy 1.4</u>

## Adequate Sites

### Program 13: Provision of Adequate Sites

The City of Mendota will provide for a variety of housing types and ensure that adequate sites are available to meet its Regional Housing Needs Allocation (RHNA) of 359 units. As part of this Housing Element update, the City has developed a parcel-specific inventory of sites suitable for future residential development. The suitability of these sites has been determined based on the development standards in place and their ability to facilitate the development of housing to meet the needs of the City’s current and future residents.

*Timeframe and Objectives:*

- Maintain and annually update the inventory of residential land resources;
- [Provide the inventory on the City website and make copies available upon request;](#)
- Monitor development and other changes in the inventory to ensure the City has remaining capacity consistent with its share of the regional housing need; and
- Actively participate in the development of the next RHNA Plan to better ensure that the allocations are reflective of the regional and local land use goals and policies.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.1, Policy 1.2, Policy 1.3, Policy1.4, Policy 1.5, Policy 1.6, Policy 1.7, Policy 1.8, Policy 1.9

**Program 24: Monitoring of Residential Capacity (No Net Loss)**

The City will monitor the consumption of residential acreage [and development on non-residential sites included in the inventory](#) to ensure an adequate inventory is available to meet the City’s RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower income households, the City will identify and if necessary rezone sufficient sites to accommodate the shortfall and ensure “no net loss” in capacity to accommodate the RHNA.

*Timeframe and Objectives:*

- Develop and implement a formal evaluation procedure pursuant to Government Code Section 65863 by 2016.
- Monitor and report through the HCD annual report process.
- If rezoning/upzoning is required to replenish the sites inventory for meeting the RHNA shortfall, the sites shall be large enough to accommodate at least 16 units per site at a minimum density of 20 units per acre, and shall be rezoned within two years.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.1, Policy 1.2, Policy 1.3, Policy 1.4, Policy 1.5, Policy 1.6



**Program 5: Water and Wastewater-Capacity Service**

The development viability of the vacant sites in the inventory is directly linked to the availability and capacity of public facilities and services. The City continues to work to address water supply issues and infrastructure capacity limitations.

Additionally, California Government Code Section 65589.7 requires water and sewer providers to establish specific procedures and grant priority water and sewer service to developments with units affordable to lower-income households. The statute also requires local governments to immediately deliver the housing element to water and sewer providers. The City of Mendota is the water and wastewater provider in the city.

**Timeframe and Objectives:**

- Continue to monitor water and wastewater capacity and make improvements, as appropriate and feasible, to better serve existing development and strive to accommodate the RHNA.
- Establish procedures by the end of 2016 for granting priority water and sewer service to developments with lower-income units in compliance with California Government Code Section 65589.7.
- Continue discussions with the State to secure funding for the installation of a new well FY 2017-2018.

<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>Planning and Development Services Department (Planning Division)</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 1.7</u>

## Affordable Housing Development and Preservation

### Program 63: Affordable Housing Incentives

The City continues to have needs for affordable housing for lower income households, especially for seniors, disabled (including persons for developmental disabilities), [farmworkers](#), the homeless, and those at imminent risk of becoming homeless. The City will continue to work with housing developers to expand affordable housing opportunities.

#### *Timeframe and Objectives:*

- Maintain a list of interested developers and annually contact developers to explore affordable housing opportunities, particularly opportunities for development on the two larger higher-density sites included in the Housing Element sites inventory (APNs 01306115 and 1220026).
- ~~Annually contact affordable housing developers to explore affordable housing opportunities.~~
- Continue to offer fee waivers, reductions, and/or deferrals to facilitate affordable housing development and special needs projects, particularly those located on infill sites.
- Continue to offer incentives such as density bonus and streamlined processing (such as pre-application consultation to identify potential issues early on and concurrent processing of required permits to the extent feasible) to facilitate the development of affordable housing, with an emphasis on housing opportunities for very low and extremely low income households, as well as special needs populations, such as the elderly, disabled (including developmentally disabled), farmworkers, the homeless, and those at risk of becoming homeless.
- ~~Continue to promote the State density bonus, flexible development standards, and other incentives to facilitate affordable housing development, by publicizing the incentives on the City website and by conducting pre-application consultation with developers regarding incentives available. Examples of flexible development standards include: reduced parking requirements; reduced requirements for curb, gutter and sidewalk construction; common trenching for utilities; and reduced water and wastewater connection fees.~~
- Continue to streamline the environmental review process for housing developments to the extent possible, using available State categorical exemptions and Federal categorical exclusions, when applicable.
- Monitor the State Department of Housing and Community Development’s website annually for Notices of Funding Ability (NOFA) and, where appropriate, prepare or support applications for funding for affordable housing for lower income households (including extremely low income households), such as seniors, disabled (including persons with developmental disabilities), [farmworkers](#), the homeless, and those at risk of homelessness.
- Expand the City’s affordable housing inventory by 110 units over the next eight years – 20 extremely low income, 40 very low income, and 50 low income units.

<b>Financing:</b>	HOME, CDBG, LIHTC, Multi-Family Housing Revenue Bond, and other funding sources as available
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.2, Policy 2.1, Policy 2.2, Policy 2.3, Policy 2.4, Policy 2.5, Policy 2.6, Policy 2.7

**Program 7: Farmworker Housing**

The farming industry is the foundation of the County’s economy base. According to the USDA, National Agricultural Statistics Service (NASS) 2012, about 58,600 workers were employed in farm labor throughout the County, indicating a significant need to provide housing for farmworkers and their families, particularly during peak harvest seasons.

**Timeframe and Objectives:**

- Continue to support and encourage other agencies and housing developers, such as the Fresno Housing Authority and Self-Help Enterprises, in the application of funds for farmworker housing, including State HCD and USDA Rural Development loans and grants and other funding sources that may become available.
- Continue to offer incentives such as density bonus and streamlined processing to facilitate the development of farmworker housing.
- Annually monitor the status of farmworker housing as part of the City’s annual report to HCD on Housing Element progress and evaluate if City efforts are effective in facilitating the provision of farmworker housing. If appropriate, make necessary changes to enhance opportunities and incentives for farmworker housing development.

<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>Planning Department</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 1.2, Policy 2.1, Policy 2.3, Policy 2.4, Policy 2.5</u>

**Program 478: Preserving Assisted Housing**

Preserving the existing affordable housing stock is a cost-effective approach to providing affordable housing in Mendota. The City must guard against the loss of housing units available to lower income households. There are 44 units at the Mendota Village Apartments that that are considered at risk of conversion to market rate by 2023. The City will strive to preserve these at-risk units as affordable housing.

***Timeframe and Objectives:***

- Monitor the status of any HUD receipt/approval of Notices of Intent and Plans of Action filed by property owners to convert to market rate units, and immediately upon notification of intent to terminate affordability restrictions, take the following actions:
  - Identify non-profit organizations as potential purchasers/ managers of at-risk housing units.
  - Explore funding sources available to purchase affordability covenants on at-risk projects, transfer ownership of at-risk projects to public or non-profit agencies, purchase existing buildings to replace at-risk units, or construct replacement units.
  - Ensure the tenants are properly noticed and informed of their rights and eligibility to obtain special Section 8 vouchers reserved for tenants of converted HUD properties.

<b>Financing:</b>	HOME, CDBG, LIHTC, Multi-Family Housing Revenue Bond, and other funding sources as available
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 3.6

**Program 89: Encourage and Facilitate Accessory Units (Second Units)**

A second unit (sometimes called an “accessory dwelling unit” or “granny flat”) is an additional self-contained living unit either attached to or detached from the primary residential unit on a single lot. It has cooking, eating, sleeping, and full sanitation facilities. Second units can be an important source of affordable housing given that they typically are smaller and have no associated land costs.

The Zoning Ordinance currently (2016) allows second units with a conditional use permit in all zones allowing single family homes on lots that exceed 6,000 square feet. However, State law requires that second units be permitted by right in these zones. Program 10, below, addresses this requirement. ~~The City permits second units ministerially in all residential zones.~~

**Timeframe and Objectives:**

- By 2018, consider fee reductions for second units.
- By 2019, implement a public education program advertising the opportunity for second units through the City website, and at the planning counter, ~~and in local utility bills.~~

<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>Planning and Development Services Department (Planning Division)</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 2.6</u>

## Removal of Governmental Constraints

### Program [5910](#): Zoning Code Amendments

In compliance with State laws, the City will amend its Zoning Code to address the provision of a variety of housing options, especially housing for special needs groups. Specifically, the City will amend the Zoning Code to address the following:

- ~~▪ **Emergency Shelters for the Homeless:** Identify a zone or zones where emergency shelters will be permitted by right and establish development standards as permitted by State law.~~
- ~~▪ **Transitional/Supportive Housing:** Consistent with Government Code, address the provision of transitional and supportive housing in the same manner as similar uses in the same zones.~~
- **Density Bonus:** Consistent with Government Code, a density bonus up to 35 percent over the otherwise maximum allowable residential density under the applicable zoning district will be available to developers who provide affordable housing as part of their projects. Developers of affordable housing will also be entitled to receive incentives on a sliding scale to a maximum of three, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided.
- **Farmworker/Employee Housing:** Comply the Employee Housing Act which requires farmworker housing up to 12 units or 36 beds be considered an agricultural use and permitted in any zone that permits agricultural uses, and employee housing for six or fewer employees are to be treated as a single family structure and permitted in the same manner as other dwellings of the same type in the same zone.
- **Group Homes:** Amend the Zoning Ordinance to allow group homes for six or fewer residents in all zones allowing single family residential uses. Additionally, amend the Zoning Ordinance to include provisions for larger group homes of seven or more residents.
- **Second Units:** Amend the Zoning Ordinance to allow second units as permitted by right in all zones allowing single family uses.
- **Manufactured Housing:** Amend the Zoning Ordinance to allow manufactured homes in all zones allowing single family residential uses.
- **Single Room Occupancy:** Amend the Zoning Code to address the provision of SRO housing.
- **Definition of Family:** Remove the definition of family in the Zoning Code, or amend the definition to ensure it does not differentiate between related and unrelated individuals, or impose a numerical limit on the number of persons in a family.
- **Reasonable Accommodation:** Establish a reasonable accommodation procedure to provide flexibility in policies, rules, and regulations in order to allow persons with disabilities access to housing.

The City will continue to monitor the effectiveness and appropriateness of the Zoning Ordinance in facilitating housing for the homeless and other persons with special needs and make amendments as necessary.

The City will also amend the Zoning Ordinance to establish consistent density standards between the R-3 Zone and the HDR General Plan Land Use Designation.

***Timeframe and Objectives:***

- ~~Amend Zoning Ordinance to address the provision of emergency shelters for the homeless and transitional/supportive housing by October 2015.~~
- Complete ~~remaining~~ Zoning Ordinance updates within one year of Housing Element adoption, unless otherwise noted in 2016.
- Address consistency with the HDR General Plan Designation and the R-3 Zone by 2019.
- Annually review the effectiveness and appropriateness of the Zoning Ordinance and process any necessary amendments to remove or mitigate potential constraints to the development of housing.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 4.1, Policy 4.2, Policy 4.3, Policy 4.4, Policy 4.5, Policy 4.6

**Program 4011: Lot Consolidation and Lot Splits**

The City’s vacant sites inventory is comprised of parcels of varying sizes, from small lots of less than half acre or large lots of over 20 acres; either case presents unique challenges to residential development, especially to multifamily housing development. The City will encourage lot consolidation or lot splitting to promote the efficient use of land for residential development pursuant to the Subdivision Map Act.

**Timeframe and Objectives:**

- Assist interested developers/property owners in identifying opportunities for lot consolidation or lot splitting.
- Process requests for lot consolidation and lot splitting concurrent with other development reviews.
- Offer incentives to developers to promote parcel consolidation and lot splits, such as priority permit processing and deferred development impact fees.
- Encourage the use of master plans/specific plans to provide a cohesive development strategy for large lots.

<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>Planning and Development Services Department (Planning Division)</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 1.1, Policy 1.2, Policy 1.5, Policy 2.4</u>



**Program 4412: Monitoring of Planning and Development Fees**

The City charges various fees to review and process development applications. Such fees may add to the cost of housing development.

**Timeframe and Objectives:**

- Continue to monitor the various fees charged by the City to ensure they do not unduly constrain housing development.
- As appropriate, consider incentives such as deferred or reduced fees to facilitate affordable housing development.

<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>Planning Department</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 4.1, Policy 4.2, Policy 4.3, Policy 4.4, Policy 4.5, Policy 4.6</u>

**Housing Quality**

**Program 64213: Fresno County Housing Assistance Rehabilitation Program (HARP)**

This program provides loans to qualifying homeowners in the unincorporated County and participating cities for the improvement of their homes. The City of Mendota is a participating city. Eligible improvements include energy efficiency upgrades and installations, health and safety and hazard corrections, and accessibility modifications. Loan terms under this program vary according to household income and the improvements and repairs that are needed.

***Timeframe and Objectives:***

- Promote available housing rehabilitation resources on City website and public counters.
- Refer interested households to County program with the goal of assisting four low income households during the planning period.

<b>Financing:</b>	CDBG and HOME funds
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 3.2, Policy 3.4, Policy 4.1

**Program [71314](#): Fresno County Rental Rehabilitation Program (RRP)**

This program provides no interest loans to qualifying property owners in the unincorporated County and participating cities for making improvements to their rental properties. The City of Mendota is a participating city. Eligible improvements include repairing code deficiencies, completing deferred maintenance, lead-based paint and asbestos abatement, HVAC repairs, energy efficiency upgrades, accessibility modifications, and kitchen and bathroom upgrades.

*Timeframe and Objectives:*

- Promote available housing rehabilitation resources on City website and public counters.
- Refer interested property owners to County program.

<b>Financing:</b>	HOME funds
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 3.2, Policy 3.4, Policy 4.1

**Program-[8 1415](#): Code Enforcement**

The City’s Building Department is in charge of the enforcing the City’s building codes with the objective of protecting the health and safety of residents.

*Timeframe and Objectives:*

- Continue to use code enforcement and substandard abatement processes to bring substandard housing units and residential properties into compliance with city codes.
- Refer income-eligible households to County housing rehabilitation programs for assistance in making the code corrections.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Building Department
<b>Relevant Policies:</b>	Policy 3.1, Policy 3.3

## Housing Assistance

### Program [91516](#): Fresno County Homebuyer Assistance Program (HAP)

City of Mendota participates in the County’s Homebuyer Assistance Program. This program assists lower income families with purchasing their first home by providing a zero interest, deferred payment loan that does not exceed 20 percent of the purchase price of the single family residence (plus loan closing costs). Households earning up to 80 percent AMI in unincorporated Fresno County and participating cities are eligible for this program.

*Timeframe and Objectives:*

- Promote available homebuyer resources on City website and public counters.
- Refer interested households to County program with the goal of assisting four households.

<b>Financing:</b>	HOME funds
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 2.8

**Program ~~4016~~17: First-Time Homebuyer Resources**

Mendota residents have access to a number of homebuyer assistance programs offered by the California Housing Finance Agency (CalHFA):

- Mortgage Credit Certificate (MCC): The MCC Tax Credit is a federal credit which can reduce potential federal income tax liability, creating additional net spendable income which borrowers may use toward their monthly mortgage payment. This MCC Tax Credit program may enable first-time homebuyers to convert a portion of their annual mortgage interest into a direct dollar for dollar tax credit on their U.S. individual income tax returns.
- CalPLUS Conventional Program: This is a first mortgage loan insured through private mortgage insurance on the conventional market. The interest rate on the CalPLUS Conventional is fixed throughout the 30-year term. The CalPLUS Conventional is combined with a CalHFA Zero Interest Program (ZIP), which is a deferred-payment junior loan of three percent of the first mortgage loan amount, for down payment assistance.
- CalHFA Conventional Program: This is a first mortgage loan insured through private mortgage insurance on the conventional market. The interest rate on the CalHFA Conventional is fixed throughout the 30-year term.

CalHFA loans are offered through local loan officers approved and trained by CalHFA.

***Timeframe and Objectives:***

- Promote available homebuyer resources on City website and public counters in 2016.
- Annually review funding resources available at the state and federal levels and pursue as appropriate to provide homebuyer assistance.

<b>Financing:</b>	CalHFA
<b>Implementation Responsibility:</b>	Planning and Development Department
<b>Relevant Policies:</b>	Policy 2.8

**Program [441718](#): Energy Conservation**

The City promotes energy conservation in housing development and rehabilitation.

*Timeframe and Objectives:*

- Consider incentives to promote green building techniques and features in 2017, [and as appropriate adopt incentives by 2018.](#)
- Continue to promote and support Pacific Gas and Electric Company programs that provide energy efficiency rebates for qualifying energy-efficient upgrades [by providing a link on the City website and making brochures available at City counters.](#)
- Expedite review and approval of alternative energy devices [\(e.g., solar panels\).](#)

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning and Development Department
<b>Relevant Policies:</b>	Policy 6.1, Policy 6.2, Policy 6.3

**Program 421819: Housing Choice Vouchers**

The Housing Choice Voucher (HCV) Program extends rental subsidies to extremely low and very low income households, including families, seniors, and the disabled. The program offers a voucher that pays the difference between the current fair market rent (FMR) as established by the HUD and what a tenant can afford to pay (i.e. 30 percent of household income). The Fresno Housing Authority administers the housing choice voucher program in Fresno County.

*Timeframe and Objectives:*

- Provide information on the HCV program on City website and public counters in 2016.
- Refer interested households to the Fresno Housing Authority and encourage landlords to register their properties with the Housing Authority for accepting HCVs.
- Work with the Housing Authority to disseminate information on incentives for participating in the HCV program throughout city neighborhoods with varying income levels to promote housing opportunities for all city residents.

<b>Financing:</b>	HUD Section 8
<b>Implementation Responsibility:</b>	Fresno Housing Authority
<b>Relevant Policies:</b>	Policy 2.2

**Program 431920: Fair Housing**

~~Residents in Mendota has access to fair housing services through the Fresno Housing Authority, Fair Housing and Equal Opportunity (FHEO) division of HUD, and the State Department of Fair Employment and Housing (DFEH). The City will assist in promoting fair resources available in the region.~~

*Timeframe and Objectives:*

- ~~Actively advertise fair housing resources at the public counter, community service agencies, public libraries, and City website.~~

<b>Financing:</b>	<del>CDBG; HOME; Other resources as available</del>
<b>Implementation Responsibility:</b>	<del>Fresno Housing Authority; FHEO; DFEH</del>

<b><u>Relevant Policies:</u></b>	<u>Policy 5.1, Policy 5.2</u>
<p><u>Residents in the Central Valley, including Fresno County, can access fair housing services provided by the Fair Housing Council of Central Valley (FHCCC). FHCCC offers mediation, counseling, advocacy, research, and fair housing training and workshops for residents as well as housing providers. Other fair housing resources include the Fresno Housing Authority, Fair Housing and Equal Opportunity (FHEO) division of HUD, and the State Department of Fair Employment and Housing (DFEH). The City will assist in promoting fair resources available in the region.</u></p>	
<p><b><u>Timeframe and Objectives:</u></b></p> <ul style="list-style-type: none"> <li>▪ <u>Participate in the Fresno Urban County’s efforts in updating the Analysis of Impediments to Fair Housing Choice required by the CDBG program.</u></li> <li>▪ <u>Work collaboratively with other jurisdictions in the region to provide education to lenders, real estate professionals, and the community at large.</u></li> <li>▪ <u>Actively advertise fair housing resources at the public counter, community service agencies, public libraries, and City website.</u></li> <li>▪ <u>Refer fair housing complaints to HUD, DEFH, Fair Housing Council of Central California, and other housing agencies, as appropriate.</u></li> </ul>	
<b><u>Financing:</u></b>	<u>General Fund</u>
<b><u>Implementation Responsibility:</u></b>	<u>City of Mendota; FHCCC; Fresno Housing Authority; FHEO; DFEH</u>
<b><u>Relevant Policies:</u></b>	<u>Policy 5.1, Policy 5.2</u>

## Quantified Objectives

The Housing Element must contain quantified objectives for the maintenance, preservation, improvement, and development of housing. The quantified objectives set a target goal to achieve based on needs, resources, and constraints. Table 2H-1 shows the quantified objectives for the 2015-2023 Housing Element planning period. These quantified objectives represent targets. They are not designed to be minimum requirements. They are estimates based on past experience, anticipated funding levels, and expected housing market conditions.

**Table 2H-1 Summary of Quantified Objectives, 2015-2023**

	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total</b>
New Construction	20	40	50	77	341	<b>528</b>
Rehabilitation	-	2	2	-	-	<b>4</b>
Homebuyer Assistance	-	-	4	-	-	<b>4</b>
Conservation (Subsidized Rental Housing and Public Housing)	-	343	343	-	-	<b>686</b>



## SECTION 2H-2: SITES INVENTORY

### AB 1233 Carry-Over Analysis

AB 1233 was signed into law on October 5, 2005, and applies to housing elements due on or after January 1, 2006. Specifically, the law states that if a jurisdiction fails to provide adequate sites in the prior planning period, within one year of the new cycle, the jurisdiction must rezone/upzone adequate sites to accommodate the shortfall. This requirement is in addition to rezoning/upzoning that may be needed to address the Regional Housing Needs Allocation (RHNA) for the new cycle.

This law affects the City of Mendota's 2015-2023 Housing Element, requiring the City to address its deficit in sites, if any, for the previous housing element cycle (2008-2015), extended from 2013 by legislation). The City of Mendota did not submit a fourth cycle (2008-2015) housing element for review and certification from HCD. Consequently, the fifth cycle housing element must demonstrate the City's ability in meeting its prior RHNA, and roll over any shortfall in sites to the new planning period. To determine any potential penalties, the analysis in this Housing Element uses the following approach outlined by HCD:

- Step 1: Subtracting the number of housing units constructed, under construction, permitted, or approved since 2006 to date by income/affordability level; and
- Step 2: Subtracting the number of units that could be accommodated on any appropriately zoned sites available in the city during the RHNA cycle.

### ***Units Built or Under Construction***

The City can count any building permits issued since January 1, 2006, the start of the Fourth Cycle RHNA period. As shown in Table 2H-2, Mendota has issued permits for 467 units since 2006, 351 of which were inventoried as lower-income units, [including 16 extremely low-income units, 48 very low-income units, and 287 low-income units](#). There were 220 deed-restricted lower-income units built in three affordable apartment complexes: La Amistad at Mendota, Lozano Vista Family Apartments, and Mendota Garden Apartments. All three developments were constructed in 2006 and were funded by low-income housing tax credits. Mendota has also issued permits for 131 lower-income single-family units that were financed through the USDA Section 502 Direct Loan Program. This program assists low- and very-low-income applicants obtain decent, safe and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. All 131 of these units were inventoried as [lower-income](#). The remaining 116 market-rate single family units were inventoried as above moderate-income.

Table 2H-2 Units Built or Under Construction Since 2006

Project/APN	Units by Income Level					Total Units	Description of Affordable Units
	ELI	VLI	LI	MI	AMI		
La Amistad at Mendota	8	24	8048	-	-	80	LIHTC
Lozano Vista Family Apartments	8	24	8048	-	-	80	LIHTC
Mendota Garden Apartments	0	0	60	-	-	60	LIHTC
USDA Loan Single family Units	-	-	131	-	-	131	USDA Section 502 Direct Loan Program
Market-rate Single Family Units			-	-	116	116	
<b>Total</b>	<b>16</b>	<b>48</b>	<b>351287</b>	<b>0</b>	<b>116</b>	<b>467</b>	

Source: City of Mendota, 2014.

### Vacant Land

In assessing if the City would incur any RHNA penalty from the previous planning period, this section examines the amount of vacant land available in the city with the potential for residential development. The [majority of the sites included in the](#) vacant land inventory described below as a part of the sites inventory for the Fifth Cycle Housing Element can be counted toward the Forth Cycle Housing Element RHNA ~~as well, since all theseso long as the~~ sites were available ~~during the Fourth Cycle RHNA period at~~ the start of the Housing Element planning period (i.e., June 30, 2008). ~~As shown in~~ Table 2H-6 ~~and identifies which sites had zoning in place during the Fourth Cycle RHNA. These sites with zoning in place have capacity~~ Figure 2H-1, Mendota has capacity for ~~810-283~~ units, including ~~222-188~~ lower-income units, ~~54-39~~ moderate-income units, and ~~534-56~~ above-moderate-income units.

Mendota can also retroactively count approved projects as vacant sites since the land was vacant during the previous RHNA cycle. Therefore, VTTM No. 5483, which is made up of 48.6 acres of land zoned R-1 and designated MDR, can be treated as a vacant site. Using the same assumptions as Table 2H-6, this site has capacity for 138 above moderate-income units. This capacity is included under vacant land in Table 2H-6.

## AB 1233 Carry-Over Analysis Summary

Table 2H-3 summarizes the AB 1233 carry-over analysis for Mendota. Based on units constructed and capacity from vacant sites, Mendota can accommodate its Fourth Cycle RHNA and will not have any carry-over into the Fifth Cycle RHNA. The ~~48-33~~ unaccommodated units in the moderate-income category are covered by the large surplus of ~~410-376~~ units in the lower-income categories.

**Table 2H-3 AB 1233 Carry-Over Analysis Summary, Mendota, 2006-2013**

Project	Units by Income Level					Total Units
	ELI	VLI	LI	MI	AMI	
<b>2006-2013 RHNA</b>	<b>45</b>	<b>46</b>	<b>72</b>	<b>72</b>	<b>124</b>	<b>359</b>
Units Constructed 2006-2013	<del>16354</del>	<del>48</del>	<del>287</del>	-	116	467
Vacant and Underutilized Sites (Table 2H-6)			<del>188222</del>	<del>3954</del>	<del>69672</del>	<del>284948</del>
<u>Capacity on site VTTM No. 5483</u>			=	=	138	138
<u>Surplus/(Deficit)</u>			<u>376</u>	<u>(33)</u>	<u>199</u>	<u>530</u>
<b>Unaccommodated Need from Fourth Cycle</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Source: City of Mendota, 2014

## Fifth Cycle Housing Element RHNA Analysis

For the Fifth Housing Element update, Mendota has been assigned a RHNA of 554 units, including 80 very low-income units, 56 low-income units, 77 moderate-income units, and 341 above moderate-income units.

### Units Built or Under Construction

Since the Fifth Cycle RHNA projection period runs from January 1, 2013, to December 31, 2023, Mendota's RHNA can be reduced by the number of units built or under construction since January 1, 2013. Table 2H-4 and Figure 2H-1 show units built or under construction since January 1, 2013 in Mendota.

VTTM No. 5483 Final Map is the portion of VTTM No. 5483 that is currently under construction. It consists of 28 single family homes and is inventoried as above moderate-income units. The remaining 200 lots of the approved tentative map are counted below under planned and approved projects.

**Table 2H-4 Units Built or Under Construction Since January 1, 2013, Mendota**

Project/APN	Units by Income Level					Total Units	Description of Units
	ELI	VLI	LI	MI	AMI		
Fermin's Furniture Mixed Use APNs 013-143-09 and 10					2	2	Two dwellings over a furniture store.
VTTM No. 5483 Final Map (012-190-40 & 41)					28	28	Part of larger VTTM No. 5483. Final map consists of 28 single family homes
Single Family Permits					3	3	Single family units
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>33</b>	<b>33</b>	

Source: City of Mendota, 2014.

### ***Planned or Approved Projects***

Mendota's RHNA can also be reduced by the number of new units in projects that are planned or approved, but not yet built. Table 2H-5 and Figure 2H-1 show an inventory of all residential projects that are (as of January 2015) approved or in the planning process and scheduled to be built by the end of the current Housing Element planning period (December 31, 2023). For each project the table shows the name of the development, number of units by income category, a description of the units, and the current status of the project.

The Ochoa Apartments project is an 11-unit apartment building that includes two deed-restricted affordable units. The applicant received three additional units over the maximum allowed density by including the two deed-restricted units. The two deed-restricted units were inventoried as low-income and the remaining nine units were inventoried as moderate-income based on unit sizes and expected rents.

After accounting for units already built and the VTTM No. 5483 Final Map included above, VTTM No. 5483 has 200 remaining single family homes that are inventoried as above moderate-income.

Table 2H-5 Planned or Approved Projects, Mendota, December 2014

Project	Units by Income Level					Total Units	Description of Units	Status
	ELI	VLI	LI	MI	AMI			
Ochoa Apartments (APN 013-223-21)			2	9		11	Two low-income units are deed-restricted, rest of units were inventoried as moderate-income based on expected rents.	Approved December 10, 2013
VTTM No. 5483 Final Map (012-190-40 & 41)					200	200	200 single family lots	Approved tentative map March 22, 2005
<b>Total</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>9</b>	<b>200</b>	<b>211</b>		

Source: City of Mendota, 2014.

### ***Vacant and Underutilized Land***

The Mendota Housing Element sites inventory uses the following assumptions:

- **Relation of density to income categories.** The following assumptions were used to determine the income categories according to the allowed densities for each site:
  - **Lower-income (LI) Sites.** Sites at least 0.5 acres in size that allow at least 20 units per acre were inventoried as feasible for lower-income (low- and very low-income) residential development. This includes sites zoned R-3, which allows up to 29 units per acre ([i.e., 1,500 minimum lot area per unit](#)). However, [the General Plan HDR designation limits development to 25 units per acre. Therefore](#) [sites zoned R-3 were inventoried with a maximum density of 25 units per acre based on the maximum for the High Density Residential land use designation.](#)
  - **Moderate-Income (MI) Sites.** Sites that are zoned R-2 allow for up to 11 dwelling units per net acre. These areas were inventoried as feasible for moderate-income residential development. Typical dwelling units include small and medium-sized apartments and other attached units. Sites that are less than 0.5 acres in size and zoned for R-3 were deemed too small to be inventoried as lower-income and were instead inventoried as moderate-income.
  - **Above Moderate-Income (AMI) Sites.** Sites with zoning that allows only single family homes at lower densities were inventoried as above moderate-income units. This includes sites zoned for R-1. Mixed Use sites were also inventoried as above-moderate-income units based on the assumptions described below.
- **Development Potential.** The inventory assumes build out of 80 percent of the maximum permitted density for all sites.

- **Assumptions for Mixed-use Zoning.** Sites that are zoned C-3 and designated General Commercial allow for mixed use projects through the planned unit development process. The General Plan states that the General Commercial designation “will provide for mixed-use activity in the downtown area.” The recently approved Fermin’s Furniture project is a recent example of the City approving mixed use projects downtown within the C-3 zone. The inventory conservatively assumes that one unit could be built on each C-3 site included in the inventory. These sites were inventoried as above moderate-income.

The River Ranch Specific Plan, which was adopted in 2014, includes approximately 641 acres of land in southern Mendota (see long-term development potential below). While most of this land is outside the current (2015) city limits, approximately 93 acres of vacant land zoned C-3 along the western edge of the specific plan area are within city limits. All 93 of these acres are within the Town Center Overlay District, which allows mixed use projects through the site plan review process. The Mendota Zoning Ordinance states that mixed use projects within this overlay district have a maximum FAR of 0.4. Assuming ground floor retail, an average of 900 square foot units, and 20 percent common area/hallway/stairway, mixed use is conservatively inventoried at eight above moderate-income units per acre.

- **Assumptions for Underutilized Sites.** The inventory includes six underutilized sites. These sites have been identified because the existing uses are not maximizing development potential that was identified in the General Plan. These sites exhibit redevelopment potential to higher-intensity residential uses. For each site, the City has evaluated overall site potential, potential for lot consolidation, and the status of existing uses.

Table 2H-6 identifies vacant and underutilized sites that are presently zoned for residential or mixed uses and suitable for residential development in Mendota. The locations of these sites are shown in Figure 2H-1. Based on permitted densities and the assumptions described above, the sites identified in Table 2H-6 can accommodate an estimated 810 units, including 222 lower-income units, 54 moderate-income units, and 534 above moderate-income units. Almost all of these sites are outside of FEMA 100-year flood zones and all are outside the FEMA 200-year flood zone. Table 2H-6 includes a column for environmental constraints identifying sites that are within the FEMA 100-year flood zone. These [two sites are actually on the same parcel \(APN 1220026 \). The parcel is designated MDR in the General Plan, but currently has incompatible zoning. The sites inventory assumptions are based on the more restrictive density requirements, either the zoning or the General Plan designation. The R-3 portion of the parcel has capacity for 34 moderate-income units and the R-1 portion of the parcel has capacity for 13 above moderate-income units. As shown in Table 2H-7, the City has a surplus capacity. So while these sites have been](#) included in the sites inventory, ~~but~~ they are not relied upon to meet the RHNA.

There are no additional environmental constraints that could hinder future development.

Table 2H-6 Vacant and Underutilized Sites, Mendota, January 1, 2013 – December 31, 2023

APN	Size (acres)	GP Land Use	Zoning	Existing Use	Density Range (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constrains	Zoning in Place for Fourth Cycle RHNA
						LI	MI	AMI			
01306115 (R-3 zoned portion of larger parcel)	7.18	HDR	R-3	Vacant	25.00	143			143	No	Yes
01319410	0.08	HDR	R-3	Vacant							
01319411	0.12	HDR	R-3	Vacant							
01319412	0.13	HDR	R-3	Vacant							
01319419	0.24	HDR	R-3	Vacant							
<i>subtotal</i>	<i>0.57</i>				<i>25.00</i>	<i>11</i>			<i>11</i>	No	Yes
01324213	0.66	HDR	R-3	Vacant	25.00	13			13	No	Yes
01320208	0.53	HDR	R-3	Vacant	25.00	10			10	No	Yes
01319311	0.59	HDR	R-3	Existing home on west end of parcel. East end is vacant.	25.00	11			11	No	Yes
01320113	0.15	HDR	R-3	Vacant							
01320114	0.20	HDR	R-3	Vacant							
<i>subtotal</i>	<i>0.35</i>				<i>25.00</i>		7		7	No	Yes
01324211	0.19	HDR	R-3	Vacant	25.00		3		3	No	Yes
01320102	0.19	HDR	R-3	Vacant	25.00		3		3	No	Yes
01319207	0.18	HDR	R-3	Vacant	25.00		3		3	No	Yes
01325127	0.17	HDR	R-3	Vacant	25.00		3		3	No	Yes
01325504	0.16	HDR	R-3	Vacant	25.00		3		3	No	Yes
01322116	0.16	HDR	R-3	Vacant	25.00		3		3	No	Yes
01319409	0.09	HDR	R-3	Vacant	25.00		1		1	No	Yes
01324212	0.07	HDR	R-3	Vacant	25.00		1		1	No	Yes
01325325	0.06	HDR	R-3	Vacant	25.00		1		1	No	Yes
01310220	0.34	MHDR	R-2	Vacant	11.00		2		2	No	Previously zoned R-3, but rezoned in 2010. Counted as R-2 for 4th Cycle.

Table 2H-6 Vacant and Underutilized Sites, Mendota, January 1, 2013 – December 31, 2023

APN	Size (acres)	GP Land Use	Zoning	Existing Use	Density Range (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constrains	Zoning in Place for Fourth Cycle RHNA	
						LI	MI	AMI				
01310416	0.28	MHDR	R-2	Vacant	11.00		2		2	No	<a href="#">Previously zoned R-3, but rezoned in 2010. Counted as R-2 for 4th Cycle.</a>	
01309226	0.22	MHDR	R-2	Vacant	11.00		1		1	No	<a href="#">Yes</a>	
01309236	0.33	MHDR	R-2	Vacant	11.00		2		2	No	<a href="#">Yes</a>	
01310414	0.54	MHDR	R-2	Vacant	11.00		4		4	No	<a href="#">Yes</a>	
01310517	0.17	MHDR	R-2	Vacant							<a href="#">01310517 rezoned from C-3 in 2010. Site counted with one AMI unit per parcel in 4<sup>th</sup> Cycle.</a>	
01310518	0.17	MHDR	R-2	Vacant								
01310519	0.17	MHDR	R-2	Vacant								
<i>subtotal</i>	<i>0.51</i>				11.00		4		4	No		
01310626	0.46	MHDR	R-2	Vacant	11.00						<a href="#">Site rezoned from C-3 in 2010. Site counted with one AMI unit per parcel in 4<sup>th</sup> Cycle.</a>	
01311706	0.17	MHDR	R-2	Vacant	11.00							
01311707	0.17	MHDR	R-2	Vacant	11.00							
01311708	0.17	MHDR	R-2	Vacant	11.00							
01311709	0.09	MHDR	R-2	Vacant	11.00							
01311710	0.24	MHDR	R-2	Vacant	11.00							
<i>subtotal</i>	<i>1.29</i>				11.00		11		11	No		
01906182S	60.14	GC	C-3 (TC Overlay)	Total of five rural residential homesteads are located at northern edge of site. Vast majority of the site is vacant.	Max of 0.4 FAR (See inventory assumptions)						<a href="#">TC Overlay added in 2014, but the C-3 zoning was in place. Site counted with one AMI unit per parcel in 4<sup>th</sup> Cycle.</a>	
01906158S	13.47	GC										
<i>subtotal</i>	<i>73.61</i>									471		
1220026 ( <a href="#">R-3 zoned portion of larger parcel</a> )	1.72	<del>HDR</del> MDR	R-3	Vacant	<del>25.006.0</del>		34		34	100-year flood	<a href="#">R-3 zoning was in place, but parcel was redesignated to MDR in 2009 General Plan.</a>	
1220026	4.81	MDR	R-1	Vacant	3.50				13	100-year flood	<a href="#">Yes</a>	



Table 2H-6 Vacant and Underutilized Sites, Mendota, January 1, 2013 – December 31, 2023

APN	Size (acres)	GP Land Use	Zoning	Existing Use	Density Range (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constrains	Zoning in Place for Fourth Cycle RHNA
						LI	MI	AMI			
(portion)											
<del>01311001</del>	<del>1.46</del>	<del>LDR</del>	<del>R-1</del>	<del>Vacant</del>	<del>3.50</del>	<del>-</del>	<del>-</del>	<del>4</del>	<del>4</del>	<del>No</del>	
01310315	0.62	LDR	R-1	Vacant	3.50			1	1	No	Yes
01322602	0.58	LDR	R-1	Underutilized home on portion of parcel	3.50			1	1	No	Yes
01311613	0.48	LDR	R-1	Vacant	3.50			1	1	No	Yes
01308613	0.46	LDR	R-1	Vacant	3.50			1	1	No	Yes
01321510	0.33	LDR	R-1	Underutilized home on portion of parcel	3.50			1	1	No	Yes
01324103	0.32	LDR	R-1	Vacant	3.50			1	1	No	Yes
01308719	0.27	LDR	R-1	Vacant	3.50			1	1	No	Yes
01308619	0.26	<del>LDR</del> LDRGC	<del>R-1</del> R-1C-3	Vacant	<del>3.50</del> 1 per site			1	1	No	Parcel was zoned R-1 during 4 <sup>th</sup> cycle, which also accommodates 1 unit
01309220	0.25	LDR	R-1	Vacant	3.50			1	1	No	Yes
01321309	0.25	LDR	R-1	Vacant	3.50			1	1	No	Yes
01322605	0.24	LDR	R-1	Underutilized home on portion of parcel	3.50			1	1	No	Yes
01317405	0.21	LDR	R-1	Vacant	3.50			1	1	No	Yes
01311304	0.19	LDR	R-1	Vacant	3.50			1	1	No	Yes
01320504	0.18	LDR	R-1	Vacant	3.50			1	1	No	Yes
01323037	0.18	LDR	R-1	Vacant	3.50			1	1	No	Yes
01309203	0.17	LDR	R-1	Vacant	3.50			1	1	No	Yes
01311812	0.17	LDR	R-1	Vacant	3.50			1	1	No	Yes
01322307	0.17	LDR	R-1	Vacant	3.50			1	1	No	Yes
01310205	0.17	LDR	R-1	Vacant	3.50			1	1	No	Yes
01307702	0.17	LDR	R-1	Vacant	3.50			1	1	No	Yes

Table 2H-6 Vacant and Underutilized Sites, Mendota, January 1, 2013 – December 31, 2023

APN	Size (acres)	GP Land Use	Zoning	Existing Use	Density Range (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constrains	Zoning in Place for Fourth Cycle RHNA
						LI	MI	AMI			
01322319	0.17	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01307513S	0.17	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01325213	0.17	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01321508	0.17	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01308726	0.17	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01307512	0.16	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01311811	0.16	LDR	R-1	Underutilized home on portion of parcel	3.50			1	1	No	<a href="#">Yes</a>
01319608	0.16	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01324116	0.16	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01324115	0.14	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01311102	0.14	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01311104	0.13	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01323035	0.13	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01308618	0.11	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01317408	0.10	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01308706	0.08	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01308727	0.06	LDR	R-1	Vacant	3.50			1	1	No	<a href="#">Yes</a>
01312308S	0.82	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Yes</a>
01325108	0.73	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Yes</a>
01311807	0.68	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Site rezoned from R-1 in 2010. Site counted as C-3 in 4<sup>th</sup> Cycle.</a>
01322511	0.56	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Yes</a>
01322214	0.49	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Yes</a>
<del>01311902</del>	<del>0.24</del>	<del>GC</del>	<del>C-3</del>	<del>Vacant</del>	<del>1 per site</del>	<del>-</del>	<del>-</del>	<del>1</del>	<del>1</del>	<del>No</del>	

Table 2H-6 Vacant and Underutilized Sites, Mendota, January 1, 2013 – December 31, 2023

APN	Size (acres)	GP Land Use	Zoning	Existing Use	Density Range (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constrains	Zoning in Place for Fourth Cycle RHNA
						LI	MI	AMI			
01322402	0.24	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Yes</a>
01322403	0.16	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Yes</a>
01322404	0.08	GC	C-3	Vacant	1 per site			1	1	No	<a href="#">Yes</a>
<b>Total Capacity Counted Toward Fifth Cycle RHNA (2013-2023)</b>						<u>188222</u>	<u>4354</u>	<u>52953</u> 4	<u>760810</u>		
<b>Total Capacity Counted Toward Fourth Cycle RHNA (2006-2013)</b>						<u>188</u>	<u>39</u>	<u>69</u>	<u>284</u>		

Source: City of Mendota, 2014.

## ***Prezoned Sites***

Mendota has prezoned two development areas (VTTM No. 5003 and VTTM No. 5922) in an effort to facilitate future annexation and development. These development areas are not within current city limits, but the City has done its part in making these areas available for future applicants. The City has opted to include these areas in the inventory, but it does not rely upon them to meet its RHNA. These areas are shown in Figure 2H-1.

VTTM No. 5003 is located in northern Mendota and includes APNs 013-050-12S, 013-050-45S, and 013-060-09S. The City certified an EIR for the annexation in 2005 and approved the development proposal in 2007. Later in 2007, Fresno LAFCo approved the annexation and extended the approval in 2008. Due to complications with LAFCo's conditions of approval, the applicant did not file a new extension request and the annexation approval expired in 2010. While the approved tentative map is still valid, the project requires a reinitiating of the annexation process. VTTM No. 5003 includes 9.67 acres of prezoned R-3 and 72.91 acres of prezoned R-1. Using the same assumptions as Table 2H-6, this area has capacity for 193 lower-income units and 204 above moderate-income units.

VTTM No. 5922 is located in western Mendota and includes APN 012-190-56ST. VTTM No. 5922 was submitted in 2008 and then stalled due to market conditions. The residential portion includes 52.55 acres of prezoned R-2. Using the same assumptions as Table 2H-6, this area has capacity for 462 moderate-income units.

## ***Long Term Development Capacity***

The River Ranch Specific Plan, which was adopted in 2014, includes approximately 641 acres of land in southern Mendota. Aside from 93 acres of land zoned C-3 along the western edge of the specific plan area, most of this land is outside the current (2015) city limits. The Plan includes 56 acres of Low Density Residential, 122 acres of Medium Density Residential, 83 acres of Medium-High Density Residential, and 12 acres of High Density Residential. The Plan anticipates a range of 1,135 to 2,141 units at full buildout. The unincorporated area of the Specific Plan is not prezoned and will require a developer to move forward with the annexation process. Due to uncertainty associated with the annexation timeline, the Specific Plan area was not counted towards the Fifth Cycle RHNA. However, the City anticipates the River Ranch Specific Plan being a key growth area in the future.

## ***RHNA Summary***

Table 2H-7 provides a summary of Mendota's ability to meet the 2013-2023 RHNA. After accounting for units built and under construction, planned or approved projects, [and capacity on vacant/underutilized sites within current city limits, and capacity on prezoned tracts](#), Mendota has a surplus in [all income categories and a total surplus of 1,359 units](#) [the lower-income and above moderate-income categories, but a remaining need of 25 moderate-income units. This remaining need for moderate-income units can be met by the surplus in the lower-income category. In addition, the City has prezoned a substantial amount of land outside the city limits within the Sphere of Influence, which could provide additional capacity to meet the RHNA once projects are ready to move forward with annexation.](#)

Table 2H-7 RHNA Summary, Mendota, January 1, 2013 – December 31, 2023

Project	Units by Income Level					Total Units
	ELI	VLI	LI	MI	AMI	
<b>2013-2023 RHNA</b>	40	40	56	77	341	554
Units Built or Under Construction (Table 2H-2)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	33	33
Planned or Approved Projects (Table 2H-5)	<u>0</u>	<u>0</u>	2	9	200	211
Capacity on Vacant Sites (Table 2H-6)			<u>188222</u>	<u>4354</u>	<u>529534</u>	<u>760849</u>
<b><u>Surplus Capacity/(Remaining Need) Based on Sites in Current (2015) City Limits</u></b>			<u>54</u>	<u>(25)</u>	<u>388</u>	<u>416</u>
Capacity from Prezoned Tracts <u>Outside City Limits</u>			193	462	204	859
<b><u>Total Surplus Capacity</u></b> <sup>1</sup>			<u>247281</u>	<u>437448</u>	<u>592630</u>	<u>1,276,359</u>

<sup>1</sup> Surplus Capacity is calculated by subtracting units built and under construction, planned or approved projects, capacity on vacant sites, and capacity on prezoned tracts from the total RHNA.

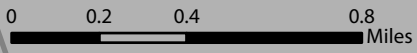
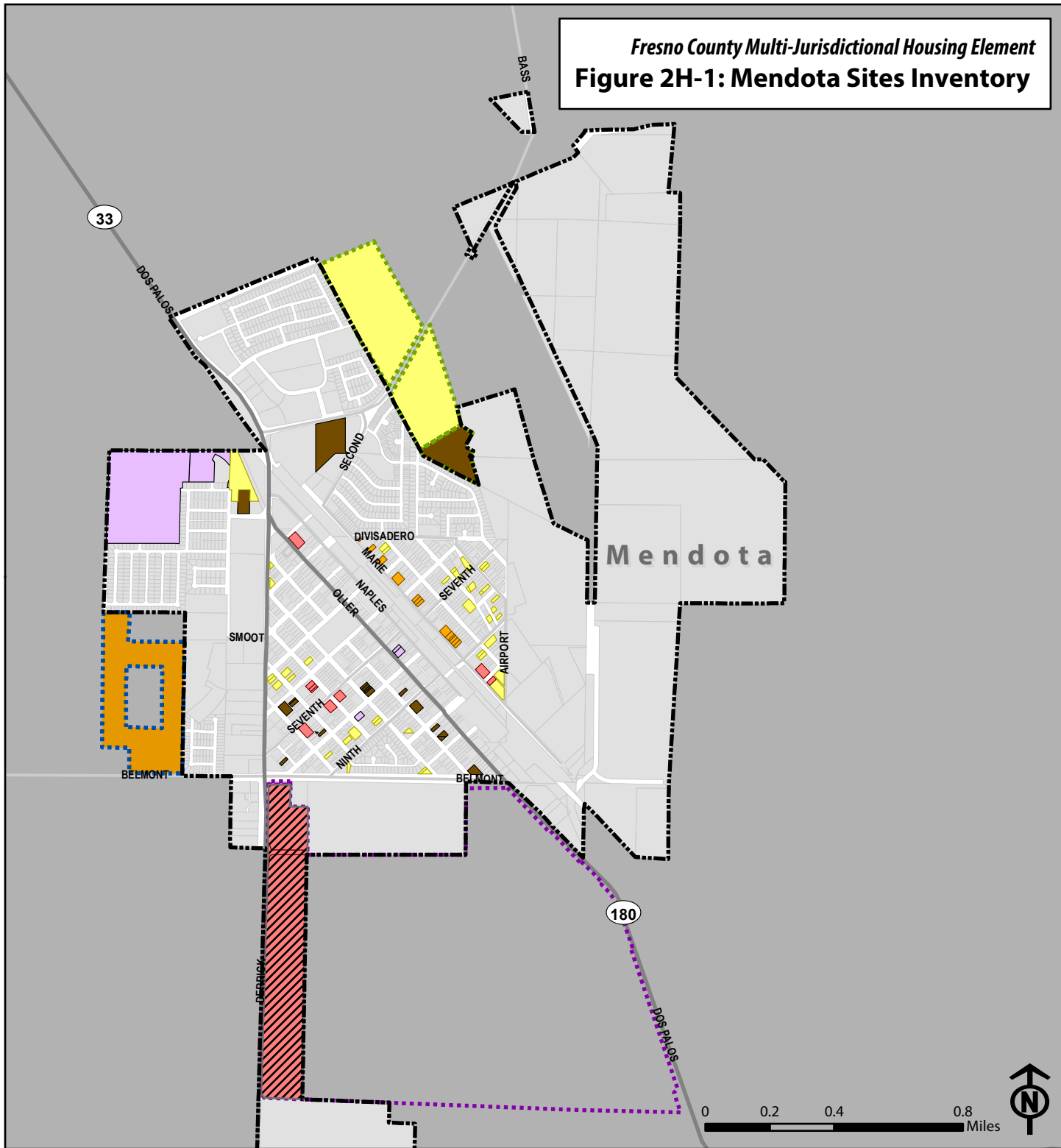
Source: City of Mendota, 2014.

## **Adequacy of Public Facilities**

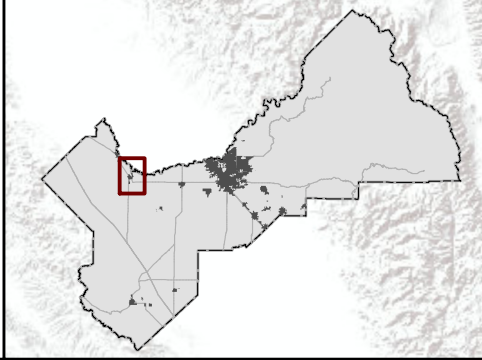
The City provides water service for residents. According to the Public Utilities Director and City Engineer, the City's water system has a remaining capacity for approximately 500 additional housing units, which is in line with the 2013-2023 RHNA. As part of its CIP, the City is investigating opportunities for funding via Prop 1 and the State Revolving Fund for installation of a new (additional) well in approximately FY 2018-2019.

The City also controls and administers the sewer system in the city. The existing sewer system has about 185 units of capacity. The City owns approximately 200 acres of vacant land abutting its wastewater treatment plant (WWTP). It is examining the possibility of growing non-edible crops and using its secondary-level treated waste water for irrigation. The City is investigating the feasibility of upgrading its WWTP to tertiary-level treatment. This would further expand the alternatives for disposal of the treated effluent. Finally, the City recently (November 2015) adopted a modified water and sewer rate structure that will assist in accommodating CIP-related infrastructure.

Fresno County Multi-Jurisdictional Housing Element  
**Figure 2H-1: Mendota Sites Inventory**



- |                                |                              |
|--------------------------------|------------------------------|
| City Limits                    | C-3                          |
| Approved or Under Construction | Town Center Overlay District |
| Highways                       | VTTM No 5922                 |
| R-1                            | VTTM No 5003                 |
| R-2                            | River Ranch Specific Plan    |
| R-3                            |                              |



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## SECTION 2H-3: CONSTRAINTS

### Land Use Controls

#### *General Plan*

##### Analysis

The Mendota General Plan was adopted in 2009 and includes four residential land use designations:

- ***Low-Density Residential:*** 1.0 to 3.5 dwelling units per acre;
- ***Medium-Density Residential:*** 3.6 to 6.0 dwelling units per acre, minimum lot size of 6,000 square feet;
- ***Medium/High Density Residential:*** 6.1 to 11.0 dwelling units per acre, maximum of one dwelling unit per 3,000 square feet of lot area, not to exceed four dwellings per lot; and
- ***High-Density Residential:*** 11.1 to 25.0 dwelling units per acre

##### Conclusion

Densities range from one dwelling unit per acre (du/ac) to 25 du/ac. The densities are sufficiently high to allow the development of affordable housing for all income levels. Minimum densities are included to maximize residential development on a limited supply of land as well as achieve a balance and variety of housing types.

##### Recommended Action

None required.

#### *Zoning Ordinance*

##### Analysis

Title 17 of the Mendota Municipal Code provides zoning provisions for the City. The Code contains a variety of residential zones:

- ***Single Family Residential Agricultural (R-A):*** The R-A district is intended primarily for application to areas located at the fringe of the city's corporate area, where denser population and full provision of urban services is inappropriate. It is intended to provide living areas which combine certain advantages of both urban and rural location by limiting development to very low-density concentrations of one family dwellings and permitting limited numbers of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature.
- ***Single Family Low Density (R-1-A):*** The R-1-A district is intended to provide living areas within the city where development is limited primarily to low-density concentrations of one family dwellings on a lot of not less than 12,000 square feet in area.
- ***Single Family Medium Density (R-1):*** The R-1 district is intended to provide living area within the city where development is limited primarily to low-density concentrations of one-family dwellings.



- ***Medium/High Density (R-2)***: The R-2 district provides for relatively high-density concentrations of residential uses in areas where such higher-density use is consistent with the General Plan and which are convenient to public facilities and services which enable such concentrations. The R-2 district is intended primarily for application to residential areas where proximity to neighborhood residential uses or major streets makes multifamily uses appropriate in the vicinity of single family dwellings.
- ***High Density Multiple Family (R-3)***: The R-3 district is intended primarily to provide for the development of high-density multiple-family residential structures, for the purposes of rental or sale to permanent occupants.
- ***High Density Multiple Family One Story (R-3-A)***: The R-3-A district is intended to provide for the development of medium-density multiple-family residential structures, limited to one story in height, for the purposes of rental or sale to permanent occupants.
- ***Mobile Home Park (MHP)***: The MHP mobile home park district is intended to provide for accommodation of residential mobile homes in unified parks.
- ***Urban Reserve (UR)***: The UR urban reserve district is an overlying district, intended to set aside undeveloped agricultural land for future land uses due to urban expansion, while preventing the development of land uses which might conflict with the future planned use of the area.

The Zoning Ordinance also allows residential as part of mixed-use planned developments in the Central Business and Shopping District (C-3). The City permits mixed-use through the planned development process to allow for modified development and public improvement standards, such that the benefits of the project to the public, the city, and the project proponent are greater than what would normally be possible under the default regulations.

### **Conclusion**

The City's Zoning Ordinance provides for a range of housing options and provides flexibility in the development standards to encourage mixed-use in the Central Business and Shopping District.

### **Recommended Action**

None required.

## Residential Development Standards

### Analysis

Table 2H-8 lists and describes the residential development standards required in Mendota. These development standards are typical and consistent with standards established in surrounding communities. [The density standard in the R-3 zones of 1,500 square foot per of lot area per dwelling unit is equal to 29 units per acre; however the General Plan limits density in the HDR designated areas to 25 units per acre. Despite the 1,500 minimum site requirement in R-3, the density in R-3 cannot exceed 25 units per acre unless a development qualifies for an affordable housing density bonus. The Housing Element sites inventory assumes a maximum density of 25 units per acre for sites zoned R-3. Limiting the density on R-3 zoned sites to 25 units per acre does not impact the City's ability to meet its lower-income RHNA.](#)

**Table 2H-8 Residential Development Standards, Mendota**

Zone District	Min. Lot Area (sq. ft.)	Min. Lot Area for PD (sq. ft.)	Lot Area per Dwelling Unit (sq. ft.)	Building Height (ft.)	Min. Yard Setback (ft.)			Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Building Coverage
					Front	Side	Rear			
R-A	24,000	n/a	24,000	30	30	10	20	120	120	30%
R-1A	12,000	9,000	12,000	30	30	10	20	75	100	30%
R-1	6,000	4,000	6,000	30	20	5	20	60	100	40%
R-2	6,000	3,000	3,000	30	20	5	20	60	100	50%
R-3	6,000	1,500	1,500	40	15	5	15	60	100	60%
R-3A	6,000	1,500	1,500	20	15	5	15	60	100	60%
MHP	1 acre	n/a	1,500	30	15	5	10	120	120	50%

Source: City of Mendota Zoning Ordinance, 2014.

### Parking

Table 2H-9 summarizes the residential parking requirements in Mendota.

**Table 2H-9 Residential Parking Standards, Mendota**

Type of Residential Development	Required Parking Spaces
Single family	1 parking space in a garage or carport for each dwelling
Duplex	1 parking space in a garage or carport for each dwelling unit. When there are 2 dwelling units on a single lot there must be 1.5 parking spaces for each dwelling unit, 1 of which must be in a carport or garage.
Multifamily	1 parking space for each dwelling
Housing for the elderly	1 space for every 3 dwelling units, or portion thereof, when such use is authorized by conditional use permit

Source: City of Mendota Zoning Ordinance, 2014.

### ***Open Space and Park Requirements***

The City requires subdivisions to dedicate land or pay an in lieu fee for neighborhood and community open space, park and recreational purposes. Mendota has adopted a standard that requires the construction and maintenance of five acres of parks per 1,000 residents. Recreational facility fees range from \$1,024 per unit for high density residential to \$1,365 per unit for low density residential.

### **Conclusion**

The Zoning Ordinance does not contain any unduly restrictive provisions. Building height, setbacks, lot areas, and parking are generally within the range of other small cities in the region. The parking requirements are similar to or less than other cities and do not pose a constraint to housing. The park fees are also slightly lower than average.

### **Recommended Action**

None required.

## **Growth Management**

### **Analysis**

The City does not have any growth restrictions that would impact the City's ability to meet its housing needs.

### **Conclusion**

Growth control is not a constraint to development in Mendota.

### **Recommended Action**

None required.

## **Density Bonus**

### **Analysis**

While the City has not adopted a density bonus ordinance into the Zoning Ordinance, the City has provided density bonuses to developers in the past, consistent with State law (GC §65915 et seq.).

### **Conclusion**

The Zoning Ordinance does not include a density bonus ordinance.

### **Recommended Action**

The Housing Element contains a program to adopt a density bonus ordinance to comply with State law.

## **Zoning for a Variety of Housing Types**

### **Analysis**

Table 2H-10 summarizes the housing types permitted and conditionally permitted under the Zoning Ordinance.

Table 2H-10 Residential Uses Permitted by Zone, Mendota

Residential Use	R-A	R-1-A	R-1	R-2	R-3	R-3-A	MHP	UR	C-3	M-1
Single Family Dwelling	P	P	P	P	P	P	-	P	-	=
Multifamily Housing	-	-	-	P	P	P	-	-	C <sup>1</sup>	=
Manufactured Housing	-	-	P	-	-	-	-	-	-	=
Mobilehome Parks	-	-	-	-	-	-	C	-	-	=
Farm Labor Housing	P <sup>2</sup>	-	-	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>		P <sup>2</sup>	-	=
Emergency Shelters	-	-	-	-	-	-	-	-	-	<u>P</u>
Transitional Housing	<u>-P</u>	<u>P-</u>	<u>P-</u>	<u>P-</u>	<u>P-</u>	<u>P-</u>	-	<u>P-</u>	-	=
Supportive Housing	<u>P-</u>	<u>P-</u>	<u>P-</u>	<u>P-</u>	<u>P-</u>	<u>P-</u>	-	<u>P-</u>	-	=
Single Room Occupancy	-	-	-	-	-	-	-	-	-	=
Group homes (6 or fewer)	-	-	-	-	-	-	-	-	-	=
Group homes (7 or more)	-	-	-	-	-	-	-	-	-	=
Second Residential Unit	C	C	C	C	C	C	-	<u>C-</u>	-	=
Mixed Use	-	-	-	-	-	-	-	-	C <sup>1</sup>	=

P: permitted, C: conditional use permit, -: not allowed, D: subject to Director review and approval.

<sup>1</sup> Residential uses allowed as part of a planned development for mixed use.

<sup>2</sup> Dwellings for hired agricultural employees on farms or ranches containing ten acres or more. Permanent Farm labor camps are expressly prohibited, however.

<sup>3</sup> Labor camps are permitted.

Source: City of Mendota Zoning Ordinance, [20142015](#).

The following is a description of the City's requirements for various housing types:

### **Multifamily**

Multifamily dwellings are permitted by right in the R-2, R-3, and R-3-A zones, and are conditionally permitted as part of mixed-use planned developments in the C-3 zone.

### **Manufactured Housing**

The Zoning Ordinance only permits manufactured housing in the R-1 zone. The Zoning Ordinance does not comply with State law, which requires the City to permit manufactured housing on a permanent foundation in all zones allowing single family homes.

### **Farmworker/Employee Housing**

The Zoning Ordinance includes some provisions for farm employee housing, but does not fully comply with State law. Under California Health and Safety Code 17021.5 (Employee Housing Act), farmworker housing up to 12 units or 36 beds must be considered an agricultural use and permitted in any zone that permits agricultural uses. The City permits agricultural uses in the UR and R-A zones and permits farm labor housing in these zones. However, while the zones allow dwellings for hired farm laborers, the zones expressly prohibit permanent farm labor housing.

In addition, the Employee Housing Act requires employee housing for six or fewer employees to be treated as a single family use and permitted in the same manner as other dwellings of the same type in the same zone. The City currently has no provisions for employee housing.

**Emergency Shelters**

The City recently (July 2015) amended will amend the Zoning Ordinance to comply with State law requirements for emergency shelters before adoption of the Housing Element. Title 17 of the Mendota Municipal Code has been amended to include the following definition:

*“Emergency shelter” means housing with minimal support for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.*

Emergency shelters will be allowed by-right (without any discretionary review) in the M-1 zone subject to development standards that are allowed per State law. Table 2H-11 shows the parcels that are vacant and zoned M-1. There are nine parcels totaling over 12 acres that are zoned M-1 and could potentially accommodate an emergency shelter by right. The 2013 Point-in-Time Count estimated that there were 2,799 homeless individuals in Fresno County, but only eight homeless individuals estimated for Mendota. The M-1 zone provides more than enough capacity to accommodate the City’s need for homeless shelters.

**Table 2H-11 Potential Emergency Shelter Sites**

APN	Acreage
01315228S	0.63
01315227S	2.13
01315226S	7.07
01314103S	1.13
01312101	0.17
01312301S	0.65
01312402	0.32
01312403	0.36
01314401	0.19
<b>Total</b>	<b>12.65</b>

Source: Mintier Harnish, 2014.

### **Transitional and Supportive Housing**

The City recently (July 2015) amended the Zoning Ordinance to comply with State law requirements for supportive and transitional housing. The City adopted the following definitions, which ensure compliance with State law:

"Supportive housing " means housing with no limit on length of stay that is occupied by the target population and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing is a residential use, and is allowed in all districts that allow residential uses subject only to the requirements and restrictions that apply to other residential uses of the same type in the same district.

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is a residential use, and is allowed in all districts that allow residential uses subject only to the requirements and restrictions that apply to other residential uses of the same type in the same district.

~~The Zoning Ordinance does not contain any provisions for transitional and supportive housing.~~

### **Single Room Occupancy Units**

The Zoning Ordinance does not contain any provisions for single room occupancy units.

### **Group Homes**

The Zoning Ordinance does not contain any provisions for group homes.

### **Second Units**

The Zoning Ordinance allows second units with a conditional use permit in all zones allowing single family homes on lots that exceed 6,000 square feet. However, State law requires that second units be permitted by right in these zones.

### **Conclusion**

In summary, amendments to the City's Zoning Ordinance are required to address the provision of a variety of housing types:

- **Manufactured Housing:** Mendota does not comply with State law because it does not allow manufactured homes in all zones allowing single family residential uses.
- **Farmworker/Employee Housing:** Mendota does not comply with the Employee Housing Act.

- ~~Emergency Shelters: Mendota does not comply with State law. The City's Zoning Ordinance does not include provisions for emergency shelters.~~
- ~~Transitional and Supportive Housing: Mendota does not comply with State law. The City's Zoning Ordinance does not include provisions for transitional and supportive housing.~~
- **Single Room Occupancy:** The City's Zoning Ordinance does not include provisions for SRO units.
- **Group Homes:** Mendota does not comply with the Lanterman Act. The City's Zoning Ordinance does not include provisions for group homes.
- **Second Units:** Mendota does not comply with State law; second units must be permitted by right in zones allowing single family homes.

### Recommended Action

The Housing Element includes an action to amend the Zoning Ordinance to address manufactured housing, farmworker and employee housing, -single room occupancy units, group homes, and second units. ~~The City will amend the Zoning Ordinance to comply with State law requirements for transitional/supportive housing and emergency shelters before adoption of the Housing Element. Emergency shelters will be allowed by right in the M-1 zone subject to development standards that are allowed per State law.~~

## On- Off-Site Improvement Standards

### Analysis

For residential projects the City typically requires both on- and off-site improvements. These can include curb/gutter and drainage facilities, sidewalks, paved streets, landscaping, and water and sewer service. Such improvements are often required as a condition of the subdivision map, or if there is no required map, improvements may be required as part of the building permit. Landscaping is required for all zoning districts. Such landscaping would include, but not be limited to, shrubbery, trees, grass, and decorative masonry walls. All landscaping is installed by the developer. Development of and connection to municipal water and sewer services are required as a condition of approving tract maps.

### Conclusion

Water service is necessary for a constant supply of potable water. Sewer services are necessary for the sanitary disposal of wastewater. Landscaping contributes to a cooler and more aesthetic environment in the city by providing relief from developed and paved areas. These off-site requirements allow for the development of much higher residential densities. In order to reduce housing costs, the City does not require improvements other than those deemed necessary to maintain the public health, safety, and welfare.

### Recommended Action

None required.

## Fees and Exactions

### Analysis

Table 2H-12 shows permit and processing fees in Mendota. Each project does not necessarily have to complete each step in the process (i.e., small scale projects consistent with General Plan and zoning designations do not generally require Environmental Impact Reports, General Plan Amendments, Rezones, or Variances).

**Table 2H-12 Permit and Processing Fees, Mendota**

Action	Fee
Site plan review	\$1,840
Lot line adjustment	\$1,680
Tentative parcel map	\$2,830
Final parcel map	\$2,710
Tentative subdivision map	\$4,470
Final subdivision map	\$3,840
Conditional use permit (minor)	\$1,010
Conditional use permit (major)	\$2,130
Conditional use permit revision or extension	\$580
<i>Plan review</i>	
Multifamily	95% of building permit fee
Single family	65% of building permit fee
Single family with master plan	100% of building permit fee
Annexation	\$3,270
<i>Environmental</i>	
Notice of Exemption	\$150
Negative Declaration	\$2,630
Mitigated Negative Declaration	\$3,170
EIR	\$2,050
Mitigation monitoring	Base +20% \$115/hour
General Plan Amendment	\$1,990
<i>Specific Plan</i>	
New	Base + 20%
Amendment	\$1,740
Rezone	\$1,510
Zoning text amendment	\$1,550

Source: City of Mendota, 2014.



Table 2H-13 shows development impact fees in Mendota for low-, medium-, and high-density development.

**Table 2H-13 Development Impact Fees, Mendota**

Category	Low-Density Residential Unit	Medium-Density Residential Unit	High-Density Residential Unit
City Management and General Services	\$218.81	\$218.81	\$164.71
Law Enforcement	\$591.49	\$591.49	\$443.62
Fire Protection	\$714.10	\$714.10	\$534.99
Storm Drainage <sup>1</sup>	\$1,723.15	\$676.24	\$324.59
Water Supply and Treatment	\$2,350.30	\$2,350.30	\$2,350.30
Wastewater and Treatment	\$1,947.56	\$1,947.56	\$1,947.56
Traffic Impact	\$690.05	\$690.05	\$414.77
Recreational Facilities	\$1,364.51	\$1,364.51	\$1,024.28
Water Connection Charges (per connection) <sup>2</sup>	\$420.77	\$420.77	\$420.77
Sewer Connection Charges (per connection) <sup>3</sup>	\$480.88	\$480.88	\$480.88
Sewer Interceptor <sup>4</sup> (assuming West Side)	\$616.37	\$616.37	\$493.09
<b>Total</b>	<b>\$11,117.99</b>	<b>\$10,071.08</b>	<b>\$8,599.56</b>

<sup>1</sup> Fee is assessed per acre at \$5,169.45/ac for low-density, \$5,409.89/ac for medium-density, and \$6,491.86/ac for high-density residential. Fee is based on the following assumptions: low density residential at 3 units/ac, medium density residential at 8 units/ac, and high-density residential at 20 units/ac.

<sup>2</sup> Assuming ¾ inch and 1 inch water service.

<sup>3</sup> Assuming 4 inch and 6 inch laterals.

<sup>4</sup> ~~South Side Sewer Interceptor: \$923.15 for R-1 and \$738.08 for R-3.~~

<sup>4</sup> West Side Sewer Interceptor: \$616.37 for R-1 and \$439.09 for R-3.

Source: City of Mendota, 2014.

In addition to City fees, several regional fees are also charged for residential development: Regional Transportation Mitigation and Indirect Source Review. For school fees, the Mendota Unified School District assesses a school impact fee of \$3.20 per square foot on all new residential development. Currently, there are no exemptions from the school impact fee, however, the school board will review and consider requests for exemption from the fee.

Table 2H-14 shows permit fees for single family and multifamily prototype developments. The single-family prototype is a 20-lot single-family detached residential development; with each home measuring 2,000 square feet of living area and a 440-square-foot garage. The estimated construction cost for this prototype unit before permit fees is about \$200,000. The plan check, permit, and impact fees account for an additional sum of ~~\$15,896~~23,396, or approximately ~~7.98.5~~ percent of the estimated construction cost. The multi-family prototype is a 20-unit, two-story multi-family housing development with each dwelling unit measuring 1,000 square feet. The estimated construction cost for this prototype before permit and impact fees is roughly \$170,000 per unit. In summary, the fees for plan check, permits, and development impact total ~~\$12,730~~16,430 per unit. This constitutes approximately ~~7.510.3~~ percent of the estimated construction cost. ~~In addition, the Mendota Unified School District assesses a school impact fee of \$3.20 per square foot on all new development.~~

**Table 2H-14 Prototypical Construction Fees**

Fee Description	Amount	
	Single-family	Multi-family
Entitlement Permit Processing	\$574	\$278
Plan Check and Building Permits	\$2,564	\$2,702
City Impact Fees	\$11,118	\$8,600
School Fee	\$6,400	\$3,200
Regional Impact Fees/Transportation Mitigation Fee <sup>1</sup>	\$1,640	\$1,150
Indirect Source Review <sup>2</sup>	\$1,100	\$500
<b>Total for Prototype</b>	<b>\$317,920</b>	<b>\$254,600</b>
<b>Total per Unit</b>	<b>\$15,896</b>	<b>\$12,730</b>

<sup>1</sup> The regional impact fee is the RTMF (Regional Transportation Mitigation Fee) collected by COG for all Fresno County cities.

<sup>2</sup> The Indirect Source Review fee is collected by the air district for projects larger than 50 units which generally are about \$500/unit.

Source: City of Mendota, 2015.

~~The regional impact fee is the RTMF (Regional Transportation Mitigation Fee) collected by COG for all Fresno County cities. Not included are Indirect Source Review fees collected by the air district for projects larger than 50 units which generally are about \$500/unit.~~

**Conclusion**

Permitting and development impact fees are an estimated 7.98.5 percent of the total development costs for single family development and 10.6.3 percent for multifamily. City fees are not considered a constraint to development.

**Recommended Action**

None required.

## Processing and Permit Procedures

### Analysis

Table 2H-15 provides estimated processing times for the most common requests in Mendota.

**Table 2H-15 Local Processing Times, Mendota**

Entitlement Type	Approving Entity	Time Frame <sup>1</sup>
Building Permit	Building Official	2-3 weeks
Site Plan Review - Minor	City Planner <sup>2</sup>	4-6 weeks
Site Plan Review - Major	City Planner <sup>3</sup>	4-10 weeks
Conditional Use Permit - Minor	City Planner <sup>4</sup>	4-6 weeks
Conditional Use Permit - Major	Planning Commission <sup>5</sup>	6-12 weeks
Planned Development (CUP)	Planning Commission <sup>6</sup>	6-12 weeks
Tentative Parcel Map	City Council <sup>7</sup>	10-30 weeks
Tentative Subdivision (Tract) Map	City Council <sup>8</sup>	30-60 weeks

<sup>1</sup> Assumes all relevant information provided and minimal revisions needed.

<sup>2</sup> Staff-level review of a permitted use involving minor changes to existing building(s), addition of less than 10% floor area, and/or minor site improvements.

<sup>3</sup> Staff-level review of a permitted use involving new construction.

<sup>4</sup> Staff-level review of a conditionally-permitted use otherwise meeting the requirements of minor site plan review. Includes site plan review.

<sup>5</sup> Planning Commission review of a conditionally-permitted use involving new construction. Includes site plan review.

<sup>6</sup> Planning Commission review of a planned development via the CUP - Major process, offering modified development standards in exchange for enhanced public benefit.

<sup>7</sup> City Council review (based on Planning Commission recommendation) of a proposal to create four or fewer lots.

<sup>8</sup> City Council review (based on Planning Commission recommendation) of a proposal to create five or more lots.

Source: *City of Mendota, 2014.*

For a typical project, an initial pre-consultation with the Planning Department, Engineering, and City Management is arranged to discuss the development proposal. Then a tentative parcel map application or a description of project must be filed with a site plan, which is first reviewed by the Planning Department and other agencies, such as Public Works, for consistency with City ordinances and General Plan guidelines. The plan is then approved through an administrative approval process. After the project is approved, the Building Department performs plan checks and issues building permits. Throughout construction, the Building Department will perform building checks to monitor the progress of the project.

Single family and multifamily residential uses are permitted uses in all residential zones where they are allowed (see Table 2H-10, above). Applications for single family or multifamily residential uses would be subject to minor site plan review to ensure consistency with the Zoning Ordinance and General Plan (4-6 weeks) and receiving a building permit (2-3 weeks). Minor site plan review is performed by the Planning Department staff. The City planner reviews and approves, approves with conditions, or denies a site plan review application in accordance with City codes and ordinances. To approve a site plan, the City planner must make all of the following findings:

1. The site plan is consistent with the requirements of the zoning ordinance;
2. The site plan is consistent with the general plan;
3. The following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety are protected, and there will be no significant adverse effect on surrounding properties or the environment:
  - a. Facilities and improvements;
  - b. Vehicular ingress, egress, and internal circulation;
  - c. Setbacks;
  - d. Height of buildings;
  - e. Location of services;
  - f. Walls;
  - g. Landscaping;
  - h. Lighting is so arranged as to reflect light away from adjoining properties; and
  - i. Signs.

These findings relate primarily to the physical characteristics and site planning considerations, and conformance with established standards. They do not constrain housing development.

One constraint to the timeliness in which applications and tract maps are processed is the requirement that if a subdivision or apartment complex is proposed near a highway, the City must consult with Caltrans. Given that two highways (Highway 180 and Highway 33) go through Mendota, the majority of projects require this consultation. Depending upon the type and scale of the project, this can add up to several months to a project timeline. The effects of this can be mitigated if the discussions are started early in the planning process simultaneously with other requirements.

## Conclusion

The development review process does not put an undue time constraint on the development of projects because of the close working relationship between City staff, developers, and the decision-making body. The time required to process a project varies greatly from one project to another and is directly related to the size and complexity of the proposal and the number of actions or approvals needed to complete the process. It should be noted that certain review and approval procedures may run concurrently. Mendota also encourages the joint processing of related applications for a single project. Such procedures save time, money, and effort for both the public and private sector and could decrease the costs for the developer by as much as 30 percent.

## Recommended Action

None required.

## Building Codes

### Analysis

The City of Mendota adopted the 2013 California Building Code. The City has not adopted any amendments to this code. The Building Department administers building code and enforcement services.

### Conclusion

The City has not made any local amendments to the Code that would impact the cost of housing.

### Recommended Action

None required.

## Constraints on Housing for Persons with Disabilities

### Analysis

#### ***California Building Code***

The City has adopted, and the Building Department implements, provisions of the 2013 California Building Code (Title 24). The City has not made any amendments to its building codes that would diminish the ability to accommodate persons with disabilities.

#### ***Definition of Family***

The definition of family is:

*"Family" means an individual, two or more persons who are related by blood or marriage or a group of not more than five persons not necessarily related by blood or marriage, living together in a dwelling.*

This definition does not comply with State law. The definition of family cannot impose a numerical limit on the number of unrelated persons.

**Zoning and Land Use Policies**

As previously stated, the Zoning Ordinance does not contain any provisions for group homes and therefore does not comply with State law.

**Reasonable Accommodation**

The City of Mendota does not have a specific reasonable accommodation ordinance. However, under the City's policies, anyone can apply for reasonable accommodation. Applications for retrofit are processed over-the-counter in the same process as for improvements to any single family home. There are no extra fees involved, and, for example, adding a wheelchair ramp to one's home or making a staircase handicap accessible, would not require a building permit. If a building permit is needed, such as for a complete bathroom remodel, the process is expedited because a permit can be processed over the counter by staff. Historically, there has never been a need to apply for a variance to accommodate the needs of persons with disabilities in Mendota. It is the City's intention to make the process as easy and streamlined as possible for persons with disabilities to modify their homes to make them more accessible. In the unlikely event that a variance were ever needed, it would require the approval of the Planning Commission which, at a minimum, can take a month to get processed.

**Conclusion**

Amendments to the City's Zoning Ordinance are required to address the definition of family and allow for group homes in residential zones. Additionally, while the City's policies have allowed for reasonable accommodation, it is recommended that the City adopt formal reasonable accommodation procedures in the Zoning Ordinance.

**Recommended Action**

The Housing Element includes an action to amend the Zoning Ordinance to address the definition of family, group homes, and reasonable accommodation procedures.

## SECTION 2H-4: REVIEW OF PAST ACCOMPLISHMENTS

This section reviews and evaluates the City's progress in implementing the 2004 Housing Element. It reviews the results and effectiveness of programs from the previous Housing Element planning period in order to make recommendations about the programs.

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
<b><i>Goal 1: Housing Opportunities and Accessibility</i></b>			
The City staff will increase its coordination with the State HCD staff to apply for the funding that is made available through the Housing and Emergency Shelter Trust Fund Act of 2002, including the Joe Serna Jr. Farmworker Housing Grant Program and the CalHome Program.	Ongoing	Nearly 400 units of affordable housing have been built since 2004 using LIHTC and other funding programs.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 6.</a> <del>Continue to apply for grant funding for affordable housing.</del>
The City of Mendota Redevelopment Agency will continue use redevelopment revenues for bond repayment and will set aside whatever is financially feasible up to 20 percent.	RDA eliminated	Effective February 1, 2012, all redevelopment agencies in the State of California were dissolved pursuant to AB 1X 26.	Delete program.
Prepare a <i>Project Information Brochure</i> outlining City participation and incentives, housing needs from the Housing Element (or other market source), a definition of the State and Federal funding for which the City is willing to apply, and other pertinent information. Distribute the brochure to local non-profit and for-profit development groups and regional agencies.	Not completed	Not completed due to budget constraints.	Delete program.
Continue to offer meetings with developers of proposed projects where developers have an opportunity to meet City staff to strategize about project design, City standards, necessary public improvements, and funding strategies.	Ongoing	The City continues to offer initial pre-consultation meetings with the Planning Department, Engineering, and City Management to discuss development proposals.	<a href="#">This is a routine staff function and is not included in the HE as a specific housing program.</a> <del>Continue.</del>
Use HOME funds and Program Income to assist households with first time homebuyer assistance after bond repayment is achieved.	Ongoing	The City receives HOME funds from the County to assist <a href="#">first time</a> homebuyers <del>with downpayment assistance.</del>	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 17.</a> <del>Continue program based on available HOME funds</del>
Develop a program to monitor the extent of residential, commercial, and industrial development on an annual basis. Sufficient detail should be provided to monitor employment growth and housing production. Monitor housing development costs on an annual basis to ensure affordability to a broad spectrum of City residents. Include information from the Fresno County Board of Realtors, Real Estate Associates, Multiple Listing Service, and the BIA to track housing development, sales, and listing costs.	Completed.	The City maintains detailed records of development approvals and building permits	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 3.</a> <del>Continue.</del>



Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
Using CDBG Planning/Technical Assistance grant funds, purchase or develop a computer program with spreadsheet and mapping capabilities to track development approvals, zone changes, and General Plan Land Use amendments.	Ongoing	The City utilizes various GIS tools to maintain an up-to-date inventory of development-related activities.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 3.</a> <del>Continue.</del>
Assist developers in site selection, and through the project approval process in order to construct 10 moderate- and above-moderate housing units.	Ongoing	The City continues to support developers through the approval process. There are sufficient opportunities for moderate- and above moderate-income housing.	Delete program.
Contact homeless service providers in Fresno County through the Fresno/Madera Continuum of Care and the Fresno County Sheriff’s Department to determine the number of homeless persons who have been residents of Mendota. Prepare a comprehensive report with recommendations for submittal to the City Council.	Ongoing through FMCoC	The FMCoC provides this information in its Point In Time Count.	<del>Continue to participate in FMCoC</del> <a href="#">Delete program.</a>
Actively support efforts of homeless service providers who establish short-term bed facilities for segments of the homeless population including specialized groups such as the mentally-ill and chronically disabled. Identify potential land that can be used for a homeless or transitional shelter should one be needed. Offer incentives to developers such as the waiving of development fees to construct a facility.	Not completed	<del>There are few permanent or long-term homeless in Mendota. Dedication of resources to this particular issue is unlikely to reap substantial benefits.</del> <a href="#">The City will continue to offer incentives for the development of housing and shelter for the homeless.</a>	<del>Delete program.</del> <a href="#">The City will continue to provide incentives for housing for the homeless through Program 6.</a>
Amend the current zoning ordinance to allow emergency shelters and transitional housing facilities without a Conditional Use Permit in multifamily zoning districts.	In process	The City <del>is in the process of</del> <a href="#">recently (July 2015) amending</a> the Zoning Ordinance to comply with State law and permit emergency shelters <del>in at least one zone</del> by right <a href="#">in the M-1 zone.</a> <del>This program is expected to be completed prior to adoption of the Housing Element Update.</del>	Delete. <del>Program will be implemented prior to adoption of the Housing Element.</del>
Investigate incentives and reporting procedures that can be implemented to encourage and monitor the development of housing opportunities for specialized housing needs, such as partnering with the Homeless Management Information System (HMIS)	Not completed	There are few permanent or long-term homeless in Mendota. Dedication of resources to this particular issue is unlikely to reap substantial benefits.	Delete program.

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
Amend the City's current housing rehabilitation program guidelines to include a grant to very low and low-income senior citizens and very low and low-income disabled persons and to improve accessibility and safety.	Ongoing	Mendota participates in the County Housing Assistance Rehabilitation Program (HARP).	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 13. Continue participation in County program</a>
Revise zoning ordinance to allow State licensed group homes, foster homes, residential care facilities, and similar State-licensed facilities, regardless of the number of occupants, deemed permitted by right in a residential zoning district, pursuant to State and Federal law.	Not completed	The City's Zoning Ordinance does not include provisions for group homes.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 10. Implement in next Housing Element planning period.</a>
Regularly monitor the City's ordinances, codes, policies, and procedures to ensure that they comply with the "reasonable accommodation" for disabled provisions.	Ongoing	The City of Mendota does not have a specific reasonable accommodation ordinance. However, under the City's policies, anyone can apply for reasonable accommodation.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 10. Adopt a formal reasonable accommodation procedure</a>
Work with farm owners and labor providers to determine the number of farmworkers who may be in need of additional housing in the area surrounding Mendota. The resulting report should address: permanent workers, seasonal resident workers, and migrant workers, including unaccompanied migrant workers. In addition, should the report demonstrate a need, the City, in conjunction with local developers, will identify potential sites and/or provide or seek financial assistance to prospective developers of the housing for farm labor through the Joe Serna Farmworker Grant Program.	Ongoing	Mendota continues to be a community based largely on agriculture. Provision of quality, affordable housing to the agricultural segment of the community is of vital importance.	<a href="#">Farmworker housing needs will be addressed as part of a regional effort as described in Program 1. Continue</a>
Revise the City's Zoning Code to ensure compliance with employee labor housing act, specifically H&S 17021.5 and 17021.6	Not completed	Mendota does not comply with the Employee Housing Act.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 10. Implement in next Housing Element planning period.</a>

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
Work with the Fresno Housing Authority and use all the influence the City has to obtain more Housing Vouchers for the Housing Authority.	Ongoing	The City continues to work with the Fresno Housing Authority to ensure residents have access to Housing Choice Vouchers.	Delete program. Outside the City's control.
Monitor average processing times for discretionary development permits on an annual basis.	Ongoing	The City continues to monitor constraints to development. The Housing Element also review times as part of the update. Processing times are not a constraint to development.	Delete program. Completed as part of Housing Element.
<b>Goal 2: Remove Constraints</b>			
Continue to promote a coordinated City review process among affected City departments to reduce delays and processing time.	Ongoing	The City continues to monitor constraints to development. The Housing Element is part of this process.	<a href="#">This is a routine staff function and is not included in the HE as a specific housing program</a> <del>Continue as a policy.</del>
Propose zoning and permit processing changes to further reduce housing costs and average permit processing time.	Ongoing	The City continues to monitor constraints to development. The Housing Element is part of this process.	Delete. Program does not have clear objectives.
Review current planning fees and where appropriate make changes to reflect the affordability of multifamily development.	Completed	The City continues to monitor constraints to development. The Housing Element is part of this process.	Modify program to consider fee waivers or deferrals for affordable housing. <a href="#">(Included in Program 6)</a>

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
Encourage developers to include second dwelling units as an integral part of their project and to plan for second dwelling units in the design of their projects by providing incentives such as fast-tracking to speed up the review process.	Ongoing	Two mixed-use developments containing three residential units have been approved. The City has amended its Zoning Ordinance to accommodate mixed use development in the C-3 zone.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 9.</a> <del>Continue</del>
Prepare an ordinance to implement AB 1866 regarding second units and density bonuses for moderate-income housing.	Not completed	The City has not adopted a density bonus ordinance. Second units are conditionally permitted in the R-A, R-1-A, R-1, R-2, R-3, R-3-A districts rather than being permitted by right. <a href="#">However, as the City has received applications for second units, the City has deferred to State law and allowed them by right.</a>	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 10.</a> <del>Include program to adopt density bonus ordinance and second unit provisions consistent with State law.</del>
Provide incentives to developers of residential projects, when feasible, who agree to provide the specified percentage of units mandated by State law at a cost affordable to very-low and/or low-income households or senior citizens such as waiving certain development fees.	Ongoing	Density bonus ordinance not yet completed.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 10.</a> <del>Include program to adopt density bonus ordinance.</del>
Publish the City's Housing Element and updates, Annual Action Plan and respective notices in all public facilities including City Hall, the community center, and the post office.	Completed	The City publishes all documents and notices.	Not a housing-specific program. Continue to implement but remove from Housing Element.
<b><i>Goal 3: Provide and Maintain an Adequate Supply of Sites for the Development of New Affordable Housing</i></b>			
Update the inventory of vacant land on a quarterly basis or as projects are constructed.	Completed	The Housing Element contains this information.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 3.</a> <del>Modify to review and update annually.</del>

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
<p>Establish a list of non-profit developers who would be interested in developing affordable housing in the City. Send these providers a development packet including multifamily vacant land inventory, services, and housing incentives.</p>	<p>Not completed.</p>	<p>Development within Mendota has largely focused on lower income categories.. Non-profit and other affordable housing builders are aware of Mendota and regularly engage staff about prospective projects.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 6.</a><del>Remove from Housing Element, as RHNA predominantly includes Moderate and Above-Moderate need.</del></p>
<p>Annually review the housing element for consistency with the general plan as part of its general plan progress report</p>	<p>Not completed</p>	<p>The City has not consistently implemented this program annually.</p>	<p><del>Continue</del><a href="#">Delete from the Housing Element, but continue to prepare annual reports. This is a basic requirement.</a></p>
<p>Encourage development of well-planned and -designed projects that provides for the development of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood by continuing to provide incentives such as allowing higher building intensities, reduced parking requirements, reduced set-back and yard requirements, allow for a higher building height, and greater floor area ratios in these zones. In addition, the City will work closely with the developer of these projects to expedite processing and permit procedures.</p>	<p>Ongoing</p>	<p>The City continues to encourage well-planned development. The City amended the Zoning Ordinance to encourage mixed-use developments using the Planned Development process, which allows for flexible application of development standards.</p>	<p><a href="#">Modify and C</a><del>continue</del> as a policy.</p>
<p>Work with the development community to identify the incentives and programs that will encourage the construction of three- and four-bedroom rental units.</p>	<p>Ongoing</p>	<p>Several recent affordable housing developments have included 3 and 4 bedroom units, including Lozano Vista (2006), La Amistad (2006), and Casa de Rosa (2005).</p>	<p>Continue to encourage larger affordable units <a href="#">as a policy</a>.</p>
<p>Monitor the amount of land zoned for both single family and multifamily development and initiate zone changes to accommodate affordable housing.</p>	<p>Completed</p>	<p>The Housing Element includes an inventory of land that demonstrates adequate sites for affordable housing.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 4.</a><del>Maintain adequate sites during the planning period.</del></p>

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
<p>Institute a program of lot consolidation to combine small residential lots into a larger lot to accommodate affordable housing production. Contact owners of vacant land and encourage them to consolidate by providing incentives such as fee waivers and fast-tracked timing to developers who provide affordable housing.</p>	<p>Note completed</p>	<p>The City has not been and is not in a position to provide economic incentives to subsidize residential development.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 11. Remove from Housing Element, as RHNA predominantly includes Moderate and Above-Moderate need.</a></p>
<p>Implement the minimum development densities established for each residential zoning district and prohibit development at a lower density. Encourage development at least at 14 units per acre in the R-2 zone with incentives such as reductions and modifications to development standards as needed.</p>	<p>Completed</p>	<p>The City updated the Zoning Ordinance to allow and encourage Planned Developments in residential zones as a way to reduce lot sizes and provide flexible development standards to achieve higher densities.</p>	<p>Delete program.</p>
<p>Implement the provisions of AB 2292 (Dutra) and prevent the down-zoning of a residential property used to meet the RHNA without a concomitant up-zoning of a comparable property.</p>	<p>Ongoing</p>	<p>The City continues to maintain an adequate inventory of sites to accommodate the RHNA, as demonstrated in the Housing Element.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 4. Continue as a policy.</a></p>
<p>Amend zoning ordinance to include a single-family residential district that has a minimum lot size of 5,000 square feet in order to encourage urban infill.</p>	<p>Completed</p>	<p>The City amended the Zoning Ordinance to allow lots as small as 4,000 square feet in the R-1 district for planned developments.</p>	<p>Delete program.</p>
<p><b>Goal 4: Preserve, Rehabilitate, and Enhance Existing Housing and Neighborhoods</b></p>			
<p>Continue to monitor new developments for compliance with City design standards. Revise the current zoning ordinance to reflect these goals.</p>	<p>Ongoing/ completed</p>	<p>The City continues to monitor new developments and enforce compliance with design standards and zoning ordinance.</p>	<p>Delete program.</p>
<p>Enforce existing regulations regarding derelict or abandoned vehicles, outdoor storage, and substandard or illegal buildings and establish regulations to abate weed-filled yards when any of the above is deemed to constitute a health, safety, or fire hazard.</p>	<p>Ongoing</p>	<p>The Code Enforcement Officer is responsible for enforcing regulations.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 15. Continue code enforcement efforts</a></p>

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
Supply energy and water conservation awareness brochures in all public meeting places.	Not completed	Given California's ongoing drought situation, the City will develop and provide brochures.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 18. Develop informational brochures for public use.</a>
Continue to use Redevelopment funds for public facilities.	RDA eliminated	Effective February 1, 2012, all redevelopment agencies in the State of California were dissolved pursuant to AB 1X 26.	Delete program.
Apply for and aggressively market CDBG and HOME single family housing rehabilitation funds to meet the goal of rehabilitating 47 units by 2007.	Ongoing through County program	The City participates in the County's housing rehabilitation program, which is funded by HOME funds. The City completed a housing conditions survey in 2011 to support continued participation in the rehabilitation program.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 14. Continue to participate in rehabilitation program.</a>
Expand rehabilitation program eligibility to include rental properties.	Not completed	The City participates in the County's housing rehabilitation program, <del>which is funded by HOME funds. This program only applies to owner-occupied housing.</del>	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 15. Delete program.</a>
Continue regular contact with the California Housing Partnership Corporation, the agency that monitors the at-risk units and owner notifications of intent to opt-out. Request to be placed on their email notification list.	Ongoing	No units were converted to market rate.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 8. Continue to monitor at-risk units</a>
<b><i>Goal 5: Provide Housing Free from Discrimination</i></b>			
Require that all recipients of locally-administered housing assistance funds acknowledge their understanding of fair housing law and affirm their commitment to the law.	Ongoing	This is part of normal City procedures.	<a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 20. Continue to further fair housing.</a>

Table 2H-16 Evaluation of 2004 Housing Element, Mendota

Program	Status	Evaluation	Recommendation
<p>Acquire and maintain fair housing materials, including all pertinent resource, posters, and information available through the Department of Fair Employment and Housing (DFEH) and Housing and Urban Development (HUD) to educate citizens on a variety of fair housing issues. Develop information flyers and brochures that highlight (1) disability provisions of both Federal and State fair housing laws and (2) familial status discrimination. Fair housing materials, brochures and flyers will be distributed at outreach events including school fairs, health fairs, and City-sponsored events. Collaborate with service agencies to distribute educational materials. Continue the bi-annual educational activities administered by the Fair Housing Program of Central California.</p>	<p>Ongoing</p>	<p>The City continues to collaborate with service agencies and the Fair Housing Council of Central California.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 20.</a><del>Continue.</del></p>
<p>Refer all housing discrimination referrals to the City Planner who will work with the complainant and refer complaints to the State Fair Employment and Housing Commission.</p>	<p>Ongoing</p>	<p>This is an ongoing policy.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 20.</a><del>Continue.</del></p>
<p><b><i>Goal 6: Encourage and Enhance Coordination of Housing</i></b></p>			
<p>Maintain membership in the Housing Authority to qualify City residents for Section 8 existing housing assistance administered by the Fresno Housing Authority. Provide information on the availability of County programs to qualified residents.</p>	<p>Ongoing</p>	<p>The City continues to participate in the Housing Authority Housing Choice Voucher Program.</p>	<p><a href="#">This program continues to be appropriate and is modified and incorporated as part of Program 19.</a><del>Continue.</del></p>



## Progress Toward the RHNA

Each jurisdiction in California is responsible for accommodating its share of the region's housing needs. The process of determining each jurisdiction's share of housing needs is called the Regional Housing Needs Assessment (RHNA). The RHNA projection period for the previous Housing Element was from January 1, 2006 to December 31, 2015 (as extended from June 30, 2013 by SB 375). The City of Mendota was assigned a RHNA of 359 units, divided into four income categories:

- Very Low-Income (less than 50 percent of the Area Median Income): 91
- Low-Income (50 to 80 percent of the Area Median Income): 72
- Moderate-Income (80 to 120 percent of the Area Median Income): 72
- Above Moderate-Income (greater than 120 percent of the Area Median Income): 124

Table 2H-17 summarizes the City's accomplishments in meeting the RHNA during the previous RHNA projection period.

**Table 2H-17 Units Built During 2006-2013 RHNA Projection Period, Mendota**

	Very Low-income Units	Low Income Units	Moderate Income Units	Above Moderate Income Units	Total Units
2006-2013 RHNA	91	72	72	124	359
Units Built 2006-2015 <sup>1</sup>	175	176	0	116	467
Percent of RHNA Met	192	244	0	94	130

<sup>1</sup>Lower-income units were split evenly between very low- and low-income categories

Source: City of Mendota, 2014.

## SECTION 2H-5: AT RISK

Table 2H-18 shows assisted housing units in Mendota. There are 686 assisted affordable units in Mendota and 44 units at the Mendota Village Apartments are at risk of expiring in the next 10 years.

**Table 2H-18 At Risk, Mendota**

Name	Address	Target Population	Funding Source	# of Units	# of Affordable Units	Affordable Units Expiration	Risk Level
Mendota Village Apartments	1100 Second Street	Large Family	LIHTC, USDA Section 515	44	44	2023	At risk
The Village at Mendota	647 Perez Avenue	Large Family	LIHTC	81	80	2058	Not at risk
Casa de Rosa Apartments	654 Lozano Street	Large Family	LIHTC	81	80	2060	Not at risk
La Amistad at Mendota	300 Rios Street	Large Family	LIHTC	81	80	2061	Not at risk
Lozano Vista Family Apartments	800 Garcia Street	Large Family	LIHTC	81	80	2061	Not at risk
Mendota Gardens Apartments	202 I Street	Non-targeted	LIHTC, USDA	60	59	2036	Not at risk
Mendota Portfolio (Site A)	570 Derrick Avenue	Non-targeted	LIHTC	81	79	2042	Not at risk
Mendota Apartments	778 Quince Street	Non-targeted	Public Housing	60	60	In perpetuity	Not at risk
Mendota Farm Labor Housing	241 Tuft Street	Farmworkers	Public Housing	60	60	In perpetuity	Not at risk
Rios Terrace	424 Derrick Avenue	Non-targeted	Public Housing	24	24	In perpetuity	Not at risk
Rios Terrace II	111 Straw Street	Non-targeted	Public Housing	40	40	In perpetuity	Not at risk
<b>Total</b>				<b>693</b>	<b>686</b>		
<b>Total At Risk</b>				<b>--</b>	<b>44</b>		

Source: California Housing Partnership, 2015.

As previously stated, there are three methods to preserve the at-risk units: acquisition and rehabilitation, replacement, or a rent subsidy.

### **Acquisition and Rehabilitation**

The estimated total cost to acquire and rehabilitate each unit is \$117,225. Roughly, the total cost to acquire and rehabilitate the 44 at-risk units is \$5.2 million.

### **Replacement**

To replace the 44 at-risk units, at \$170,370 per unit, would cost an estimated \$7.5 million.

## ***Rent Subsidy***

Rent subsidies vary based on a resident's income. As previously stated, the subsidy needed to preserve a unit at an affordable rent for extremely low-income households would be an estimated \$351 per month, or \$4,212 per year. For 30 years, the subsidy would be about \$126,360 for one household. Subsidizing all 44 units at an extremely low-income rent for 30 years would cost an estimated \$5.6 million.

The subsidy needed to preserve a unit at an affordable rent for very low-income households would be an estimated \$176 per month or \$2,112 per year. For 30 years, the subsidy would be about \$63,360 for one household. Subsidizing all 44 units at a very low-income rent for 30 years would cost an estimated \$2.8 million.

The subsidy needed to preserve a unit at an affordable rent for lower-income households would be an estimated \$293 per month, or \$3,516 per year. For 30 years, the subsidy would be about \$105,480 for one household. Subsidizing all 44 units at a low-income rent for 30 years would cost an estimated \$4.6 million.

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2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
www.hcd.ca.gov



October 9, 2015

Mr. Tony Boren, Executive Director  
Fresno Council of Governments  
2035 Tulare Street, Suite 201  
Fresno, CA 93721

Dear Mr. Boren:

**RE: Review of the Fresno County Multi-Jurisdictional 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting the multi-jurisdictional draft housing element for Fresno County and the cities of Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma. The housing element was received for review on August 12, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. In addition, the Department considered comments from Leadership Council for Justice and Accountability pursuant to GC Section 65585(c).

The Department commends the collaborative efforts of Fresno Council of Governments (Fresno COG) and the participation of all of its member jurisdictions in the multi-jurisdictional housing element process. The Department appreciates the opportunity to partner and work with Fresno COG through the planning and implementation process. While the draft element addresses many statutory requirements, revisions will be necessary to comply with State housing element law (GC, Article 10.6). The findings listed in the body of this letter apply to all jurisdictions contained in the multi-jurisdictional element. This letter also includes a separate appendix for each jurisdiction for specific findings that apply only to that jurisdiction. The findings applicable to all jurisdictions in the main body of the draft housing element are as follows:

1. *Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element (Section 65588 (a) and (b)).*

The review requirement is one of the most important features of the element update. The review of past programs should analyze the jurisdiction's accomplishments over the previous planning period, evaluate the effectiveness of actions and revise current programs as appropriate based on this evaluation.

While the draft housing element contains various data toward addressing this statutory requirement, the element should be revised to show how programs are being modified based on the evaluation of past progress and effectiveness of efforts to address the housing needs of the community. The essential piece of this requirement is to reflect on past efforts and additional efforts that can improve future results. The element does not seem to provide a connection between review of previous programs and current programs. For example, in some cases, past programs were effective and appropriate to continue but have not been included in the element. In other cases, a program was not implemented due to reasons such as a lack of resources but an appropriate response is not apparent in the current program. As a result, applicable current programs should be revised based on the review of past efforts.

2. *An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (GC 65583 (a)(2)).*

The element identifies the age of the housing stock (page 2-28). However, it must include an estimate of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, the code enforcement agency, or from knowledgeable profit or nonprofit developers or organizations. For additional information, see [http://www.hcd.ca.gov/hpd/housing\\_element2/EHN\\_HousingStockChar.php](http://www.hcd.ca.gov/hpd/housing_element2/EHN_HousingStockChar.php).

3. *Include 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 (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Zoning for Lower-Income Households: The element identifies 15 units per acre as being appropriate to accommodate housing for lower-income households. However, the element may need additional analysis, as follows:

- *For jurisdictions utilizing densities less than 20 units per acre to accommodate the housing needs of lower-income households, the element must include analysis to support the density assumption for lower income affordability. For example, the element relies upon a listing of developments and their affordability but does not provide sufficient analysis of the listing such as the age of the property and/or description of experience in the zone to determine affordability to different income groups. Further, the analysis includes a generic statement about construction and land costs but should also relate that statement to financial feasibility at the identified densities and include discussion of land costs at various densities. The analysis could also consider additional information from developers of housing affordable to lower-income households regarding financial feasibility.*

- *For jurisdictions utilizing densities of at least 20 units per acre, no analysis is required other than identifying sufficient sites to accommodate the RHNA for lower-income households (Section 65583.2(c)(3)).*

Suitability and Availability of Infrastructure: The housing element includes a general description of public facilities throughout the County; however the element must describe the existing and planned infrastructure availability and capacity within each jurisdiction. Furthermore, the element must include a description of how the infrastructure capacity associated with the identified development potential in each jurisdiction can accommodate all the regional housing need. For your consideration, choosing a regional approach to this requirement may involve meeting additional planning requirements as described below under Other Elements of the General Plan.

Also, for your information, GC Section 65589.7 requires water and sewer providers to establish specific procedures and grant priority water and sewer service to developments with units affordable to lower-income households. The statute also requires local governments to immediately deliver the housing element to water and sewer providers. In providing service providers a copy of the housing element, the Department recommends including a cover memo describing the housing element, including housing needs and share of the regional housing need.

4. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter (Section 65583(a)(7)).*

*Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households. (GC Section 65583(c)(2)).*

The element contains a general analysis and estimation of the number of farmworkers in the region. However, the element should supplement the analysis with additional data in order to better quantify the number of farmworkers and analyze their special housing needs. Local officials, special needs service providers or representatives, and City and County social and health service providers may be able to assist with information to complete the analysis. For additional information, please see the enclosed data for your consideration and *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/HN\\_SHN\\_home.php](http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php).

In addition, although each jurisdiction has an Affordable Housing Incentive program, given the extent of needs throughout the region, each jurisdiction should include programs to address the housing needs of farmworkers. The program must include specific actions and timeframes. For additional information, see the *Building Blocks* at our Department's website at [http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_assist.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_assist.php).

5. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land-use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

The element notes that most jurisdictions participating in the multi-jurisdictional effort lack staff and resources (page 1A-9). The Department acknowledges these challenges in terms of preparing the plan and the crucial work of implementing the plan. For these reasons, the Department encourages the multi-jurisdictional effort to recognize and explore methods to address these challenges. Potentially, these challenges represent an opportunity to enhance and continue the collaborative efforts of the multi-jurisdictional effort and the Department is committed to assist Fresno COG and its participating members.

6. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing (Section 65583(c)(1)).*

Some jurisdictions have pending zoning amendments to facilitate a variety of housing types such as emergency shelters and transitional and supportive housing. In some cases, the element includes a program to complete the zoning amendments and in other cases, the housing element appears to anticipate the zoning amendments being completed prior to adoption by the statutory due date. For those jurisdictions with pending zoning amendments and no accompanying program, the element may need to add a program if the zoning amendments are not going to be completed as anticipated. Regarding the requirement for local governments to identify a zone permitting emergency shelters, the Department may not be able to find the jurisdiction in full compliance with housing element law.

7. *The housing program shall promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin or color (Section 65583(c)(5)).*

Fair Housing Programs must demonstrate a process to address fair housing complaints and describe how fair housing information is disseminated in a variety of methods and locations throughout each jurisdiction and the timing of education efforts. Some housing elements do not contain all these components and should be revised as appropriate. In addition, jurisdictions could consider additional actions facilitating consistency with requirements to affirmatively further fair housing, including regional approaches through the Fresno multi-jurisdictional effort. For additional information and a sample program, see the Building Blocks at our Department's website at [http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_eho.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_eho.php).

8. *The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals (Section 65583(c)(7)).*

The element states that general plan consistency must be maintained during the planning period; however, the element should describe how jurisdictions intend to maintain consistency throughout the planning period. For example, the element could include a program to conduct an internal consistency review of the General Plan as part of the annual General Plan implementation report required by Section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the Building Blocks at [http://www.hcd.ca.gov/hpd/housing\\_element2/OR\\_coastal.php](http://www.hcd.ca.gov/hpd/housing_element2/OR_coastal.php)

9. *Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)(8)).*

While the housing element includes a general summary of the public participation process and some comments, it should describe how those comments are incorporated into the document. For example it appears in many cases, particularly related to comments on the draft, that revisions were not incorporated to address public comments. The Department encourages the multi-jurisdictional effort to work collaboratively with its stakeholders to better address the housing and community development needs of the region. Also, during the period between this draft element and the adoption of the final housing element, the multi-jurisdictional effort and each jurisdiction must continue efforts to achieve public participation including from low and moderate income households, special needs populations or representative organizations such as those commenting on this draft.



In addition, the Department encourages the multi-jurisdictional effort 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 County, including mapping and GIS services. The multi-jurisdictional collaborative effort is a tremendous opportunity to regionally evaluate demographic patterns and potential strategies to further fair housing. Department staff are available to work with Fresno COG and the multi-jurisdictional effort toward developing innovative approaches to the region's housing and community development needs. For more information, please contact the Department and see our website at <http://www.hcd.ca.gov/housing-policy-development/docs/san-joaquin-fair-housing020915.pdf>.

10. Other Elements of the General Plan: Various elements of the general plan are now required to be updated upon adoption or revision of the element. For example, safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard and management information and the land-use element must address disadvantaged communities. Internal consistency must be evaluated upon amendment of the general plan. For information, refer to [www.hcd.ca.gov/hpd/hrc/plan/he/ab\\_162\\_stat07.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf) and the Governor's Office of Planning and Research at website [opr.ca.gov/docs/SB244\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf).

Also, on or before the next adoption of the housing element, GC Section 65302.10(b) (SB 244) requires that each city and county review and update the Land-Use Element of its general plan. The update shall be based on available data, including, but not limited to, the data and analysis developed pursuant to GC Section 56430, of unincorporated island, fringe, or legacy communities inside or near its boundaries. The Department encourages the multi-jurisdictional effort to jointly consider these timing provisions and welcomes the opportunity to facilitate innovative methods to meet these requirements. For additional information, please see the Technical Advisory issued by the Governor's Office of Planning and Research at [http://opr.ca.gov/docs/SB244\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf).

The enclosed Appendices describe findings that apply to individual jurisdictions. Once the findings applicable to multi-jurisdictional draft element and the individual appendices are revised and adopted to address the requirements identified by the Department, the element will comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008), each local government must adopt the element within 120 calendar days from the statutory due date of December 31, 2015 for Fresno COG. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on adoption requirements, please visit our website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

The Department commends the leadership efforts of Fresno COG and all local governments in participating in the multi-jurisdictional effort. Multi-jurisdiction coordination and participation can result in benefits to the region and its communities and can serve as a model for similarly situated regions throughout California. The Department is committed to continue working with Fresno COG and its participating jurisdictions and welcomes the opportunity to meet in Fresno and discuss alternatives to meeting statutory requirements. If you have any questions or need additional technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

Enclosure

cc: Dwight Kroll, Director, City of Clovis  
Sean Brewer, Assistant Director, City of Coalinga  
Corina Burrola, Planning Secretary, City of Fowler  
Alan Weaver, Director, Fresno County  
Jack Castro, City Manager, City of Huron  
John Kunkel, Interim City Manager, City of Kerman  
Bryant Hemby, Assistant Planner, City of Selma  
Holly Owen, Director, City of Kingsburg  
Matt Flood, City Planner, City of Mendota  
Shun Patlan, Director, City of Parlier  
Kevin E. Fabino, Director, City of Reedley  
Dan Spears, Director, City of Sanger  
Lupe Estrada, City Planner, City of San Joaquin

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
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2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
www.hcd.ca.gov



October 9, 2015

\*\*\*\*CORRECTED\*\*\*\*

Mr. Matt Flood, City Planner  
Planning and Economic Development Department  
City of Mendota  
643 Quince Street  
Mendota, CA 93640

Dear Mr. Flood:

**RE: Review of Mendota's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting Mendota's draft housing element through the Fresno County multi-jurisdictional effort. The element was received for review on August 12, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. In addition, the Department considered comments from Leadership Council for Justice and Accountability pursuant to GC Section 65585(c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (GC, Article 10.6). Please refer to the Appendix of this letter and enclosed letter to Fresno County Council of Governments (Fresno COG) which describes the Departments findings. Once the element is revised and adopted to address these requirements, the element will comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008), Cities must adopt the housing element within 120 calendar days from the statutory due date of December 31, 2015 for Fresno COG. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on adoption requirements, please visit our website at:  
[http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

The Department is committed to continue working with Mendota and Fresno COG. If you have any questions or need technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,

Glen A. Campora  
Assistant Deputy Director

Enclosure

## APPENDIX CITY OF MENDOTA

The following changes, in addition to those listed above, would bring Mendota's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov/hpd](http://www.hcd.ca.gov/hpd). Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at [www.hcd.ca.gov/hpd/housing\\_element2/index.php](http://www.hcd.ca.gov/hpd/housing_element2/index.php) and includes the Government Code addressing State housing element law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *Include 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 (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Unaccommodated Need from the 4<sup>th</sup> Cycle Planning Period: Table 2H-2 indicates that 351 housing units affordable to low income households were constructed during the 4<sup>th</sup> cycle planning period. The table must be revised to indicate the affordability of the constructed units by income category, i.e. very low-, low-, moderate-, and above moderate-income households to determine whether there is an unaccommodated need for each income category. For additional information, see Department's AB 1233 Memorandum at [http://www.hcd.ca.gov/hpd/hrc/plan/he/ab\\_1233\\_final\\_dt.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf) and *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/GS\\_reviewandrevise.php](http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php).

Realistic Capacity: The housing element indicates that the R-3 zoning district has a maximum density of 29 units per acre and the High Density Residential general plan designation has a maximum density of 25 units per acre (page 2H-15). A program should be revised, or added, to the housing element to remove, or address, this inconsistency.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the*

*need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Fees and Exaction: Clarify whether Tables 2H-12, 2H-13, and 2H-14 include all applicable fees, including school, County and Regional impact fees.

## **B. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land-use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

To address the program requirements of GC Section 65583)(c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include:

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 4: Preservation of Assisted Housing. The element indicates the City has 44 units at-risk of conversion to market rate. Where appropriate, identify specific

timelines/benchmarks for the implementation or completion of each program action and include a quantified objective for preserving the at-risk units.

Program 11: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 12: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

- 2. Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

- 2. The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
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2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
www.hcd.ca.gov



February 9, 2016

Mr. Matt Flood, City Planner  
Planning and Economic Development Department  
City of Mendota  
643 Quince Street  
Mendota, CA 93640

Dear Mr. Flood:

**RE: Review of Mendota's 5<sup>th</sup> Cycle (2015-2023) Revised Draft Housing Element**

Thank you for submitting the City of Mendota's revised draft housing element update, as part of the Fresno County multi-jurisdictional effort. The element was received for review on December 8, 2015, along with revisions received on February 4 and 8, 2016. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by various communications with Ms. Chelsey Payne, the City's consultant. In addition, the Department considered comments from Leadership Council of Justice and Accountability pursuant to GC Section 65585(c).

The revised draft element meets the statutory requirements described in the Department's October 9, 2015 review. The revised element will comply with State housing element law (GC, Article 10.6) when it is adopted and submitted to the Department, in accordance with GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2015 for Fresno COG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

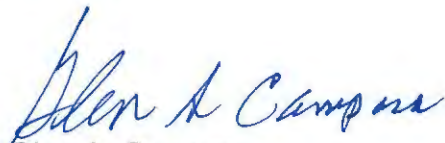
Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established legacy communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. Additional information can be obtained from these two Technical Advisories issued by the Governor's Office of Planning and Research at: [http://opr.ca.gov/docs/SB244\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf)  
[http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

Also, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html>.

The Department commends the City for participating in the multi-jurisdictional effort. Multi-jurisdictional coordination and participation can result in benefits to the region and Mendota. The Department appreciates the hard work and dedication Ms. Chelsey Payne, the City's consultant, provided in preparation of the housing element and looks forward to receiving Mendota's adopted housing element. If you have any questions or need technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,



Glen A. Campora  
Assistant Deputy Director



Attachment D

**City of Mendota**  
**2015-2023 Housing Element**  
**Responses to Comments**

*March 2016*

## **Introduction**

An initial study was prepared for the 2015-2023 Housing Element (“Project”) and circulated with a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for a 30-day public review and comment period starting January 7, 2016 and ending February 6, 2016. A total of two letters were submitted to the City in response to the NOI. A list of those letters is provided herein. Please note that written responses to these comments are not required under the California Environmental Quality Act (CEQA) pursuant to Section 15074; however, to foster public participation and in the interest of cooperative communications with interested parties, the City has elected to prepare written responses to agency comments. Pursuant to Section 15074(b), “Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process.” The following comments will be presented to the City Council for consideration as required.

<b>Letter</b>	<b>Description</b>	<b>Date</b>
A	State Water Resources Control Board	01/14/16
B	United States Army Corps of Engineers	01/25/16
C	Fresno Local Agency Formation Commission	01/29/16

## Comment by State Water Resources Control Board



**State Water Resources Control Board**  
Division of Drinking Water

January 14, 2016

Matt Flood, Economic Development Manager  
City of Mendota  
643 Quince Street  
Mendota, CA 93640

RE: City of Mendota  
System No. 1010021  
2015-2023 Housing Element Initial study – Mitigated Negative Declaration

Dear Mr. Flood:

The State Water Resources Control Board, Division of Drinking Water (Division) has received copies of the Initial Studies for the 2015-2023 Housing Elements for the City of Mendota.

The Division's role in reviewing this Initial Study is to ensure compliance with all drinking water standards, regulations and statutes is not impacted by the proposal. The City is regulated under the Safe Drinking Water Act via a domestic water supply permit issued by the Division. Section 9(a) of the Initial Study does not adequately address issues related to the domestic water supply system source capacity for the housing element evaluation. Especially during this time of drought, it is critical to ensure adequate water sources are available to meet existing and planned growth prior to growth taking place. California Code of Regulations, Title 22, California Waterworks Standards, Section 64554 outlines requirements for meeting maximum and peak hourly demands. Each Initial Study should include this evaluation.

If you have any questions regarding this matter, please contact me at (559) 447-3300.

Sincerely,

A handwritten signature in black ink that reads "Betsy S. Lichti".

Betsy S. Lichti, P.E.  
Senior Sanitary Engineer, Fresno District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

cc: Christopher Brown, Director of Environmental Services  
MIG  
1500 Iowa Avenue, Suite 110  
Riverside, CA 92507

## **Response to State Water Resources Control Board**

The State Water Resources Control Board (SWRCB) asserts that the Initial Study should have included an analysis of maximum and peak hour domestic water demand pursuant to California Code of Regulations, Title 22, Section 64554 (New and Existing Source Capacity) in ensuring compliance with all applicable drinking water standards, regulations, and statutes. The *New and Existing Source Capacity* regulations identify the requirements for public water systems to meet Maximum Daily Demand (MDD) and Peak Hourly Demand (PHD). These regulations and others found in Article 2 (Permit Requirements) are directed at the operators of public water systems as requirements for securing a domestic public water system permit. The City's Public Utilities Department will comply with all applicable regulations in ensuring that adequate water supply is provided to meet demand as future housing development occurs as required by State law. Considering the proposed project is a planning-level program that does not directly authorize construction of any housing, the analysis of adequate water supply was conducted in comparison to the Department's water supply planning identified in its Urban Water Management Plan (UWMP) and through the analysis of the Housing Element consistency with the City's General Plan Environmental Impact Report (EIR). When preparing a programmatic document, establishing a plan's consistency with the goals, policies, forecasting, and future assumptions of the regional plan (in this case the UWMP) provides the foundation for making impact determinations regarding how considerable a plan's cumulative impacts are on regional resources, as well as the general impacts that future development will have under that plan (in this case the proposed Housing Element). It is assumed that the Public Utilities Department will abide by all applicable State and Federal regulations established to provide safe, adequate drinking water. Furthermore, as discussed in the Initial Study *Utilities and Service Systems* discussion, future housing development will be evaluated for the need to proceed through the environmental review process; actual, physical impacts that may occur in respects to service system capabilities will be identified, and mitigation incorporated, as necessary. All future housing development proponents are assumed to comply with applicable Department requirements including payment of fees and connecting to city water facilities in consistency with Department Standards. This comment provides no evidence supporting the argument that the Department needs to engage in source capacity analysis due to the proposed Housing Element in order to meet its permit requirements. Based on the analysis provided in the Initial Study and in consideration of this response, the City finds that a *No Impact* determination remains the appropriate outcome of the analysis of the proposed Housing Element's effects on water supply. No portion of this response includes new or significant information that was not previously identified in the Initial Study.

## Comment by the United States Army Corps of Engineers



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

January 25, 2016

Regulatory Division SPK-2016-00064

City of Mendota  
Attn: Mr. Matt Flood  
643 Quince Street  
Mendota, California 93640

Dear Mr. Flood:

We are responding to your January 6, 2016, request for comments on the City of Mendota 2015-2023 Housing Element Update project. The project site is located in the City of Mendota, Fresno County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools and marshes. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

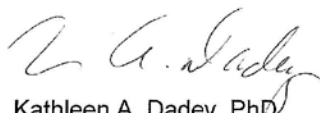
To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Aquatic Resource Delineation Reports" and "Final Map and Drawing Standards for the South Pacific Division Regulatory Program" under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

-2-

Please refer to identification number SPK-2016-00064 in any correspondence concerning this project. If you have any questions, please contact Evan Kreklow Carnes at our California South Regulatory Branch, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at [Evan.G.KreklowCarnes@usace.army.mil](mailto:Evan.G.KreklowCarnes@usace.army.mil), or telephone at 916-557-7506. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,



Kathleen A. Dadey, PhD  
Chief, California South Branch  
Regulatory Division

cc:

Mr. Matthew Scroggins, Central Valley Regional Water Quality Control Board,  
[MScroggins@waterboards.ca.gov](mailto:MScroggins@waterboards.ca.gov)

## **Response to the United States Army Corps of Engineers**

This letter is informational and provides guidance to the city on the applicability of Section 404 permitting requirements, the necessity for jurisdictional delineations, and the preparation of alternatives when considering potential impacts to wetlands. This letter does not question the adequacy of the analysis provided in the Initial Study and no additional explanation or edits to the Initial Study are required.

## Comment by the Fresno Local Agency Formation Commission



### Fresno Local Agency Formation Commission

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January 29, 2016

Matt Flood, Manager  
City of Mendota, Economic Development Department  
643 Quince Street  
Mendota, California 93640

Dear Mr. Flood:

**Subject: City of Mendota 2015-2023 Housing Element Update, Fifth Round**

Thank you for including the Fresno Local Agency Formation Commission (LAFCo) in the environmental review process for the subject project. On behalf of LAFCO, the following comments are provided for your agency's consideration.

LAFCO's is authorized by the Legislature to assist local governmental agencies to advantageously plan for their current and future needs of by appropriately matching growth with municipal services and resources. The Legislature recognized that providing housing for persons and families of all incomes is necessary for the social and fiscal well-being of the state.<sup>1</sup>

Pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), Fresno LAFCo regulates, through approval or denial, of boundary changes proposed by a local agency or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommend reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas;
- Identify and address disadvantaged unincorporated communities; and,
- Conduct service reviews of municipal services provided in the county.

CKH provides that LAFCOs consider regional growth goals and polices established by "collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or sub-regional basis."<sup>2</sup> The result of this is to not only to involve LAFCO in housing issues by specifically emphasizing fair share housing needs, but to also give LAFCO the formal ability to consider regional growth goals as established by regional agencies, such as the Council of Governments (COG). LAFCo

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<sup>1</sup> Government Code Section 56001.

<sup>2</sup> Government Code Section 56668.5.



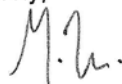
January 29, 2016  
Page 2

praises the City's collaboration with its fellow local agencies on the Fresno Multi-Jurisdictional 2015-2023 Housing Element coordinated by the Fresno COG.

Because the Commission regulates City growth, it is to the City's benefit that its long-range planning efforts, as well as municipal service planning, take the Commission's objectives into consideration. Future applications made LAFCo will be evaluated based on the request's consistency with CKH, and the Commission's Policies, Standards and Procedures. You are encouraged to review these documents and incorporate their requirements and standards into the future applications to the Commission. Links to these documents are provided below in footnotes.<sup>3,4</sup>

Thank you for the opportunity to review and comment on the City of Mendota 2015-2023 Housing Element Update, Fifth Round. Please feel free to contact this office with any questions or comments.

Sincerely,



George W. Uc  
LAFCo Analyst

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<sup>3</sup> <http://fresnolafco.org/documents/cortese%20knox%20act.pdf>.

<sup>4</sup> <http://www.fresnolafco.org/documents/PSP-FINAL.pdf>

## **Response to the Fresno Local Agency Formation Commission**

This is an informational comment letter summarizing the authority granted to the Fresno Local Agency Formation Commission (LAFCo) by state law and the LAFCo objectives. The letter also recommends that the City consider the objectives of LAFCo in its planning efforts and regarding future applications for changes in municipal services. The City recognizes the need to collaborate with LAFCo and other service providers when considering changes in municipal services and will coordinate with LAFCo upon application for such changes. This letter does not question the adequacy of the analysis provided in the Initial Study and no additional explanation or edits to the Initial Study are required.

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA IN THE MATTER  
OF ADOPTION OF A NEGATIVE DECLARATION  
PREPARED IN CONJUNCTION WITH THE 2015-  
2023 HOUSING ELEMENT**

**RESOLUTION NO. 16-21**

**WHEREAS**, pursuant to Government Code § 65580, *et seq.*, all cities and counties in California are required to adopt and update the housing element of their general plans at specified intervals; and

**WHEREAS**, such adoption or update will require amendment of the City of Mendota General Plan Update 2005-2025 (General Plan) (the "Project"); and

**WHEREAS**, amendment of a general plan constitutes a "project" pursuant to the California Environmental Quality Act, Public Resources Code § 21000, *et seq.* ("CEQA") and the CEQA Guidelines, California Code of Regulations, § 15000, *et seq.*; and

**WHEREAS**, as the agency primarily responsible for carrying out said project, the City of Mendota assumes the role of lead agency pursuant to CEQA; and

**WHEREAS**, City staff prepared an initial study and environmental checklist for the Project in accordance with Appendix G of the CEQA Guidelines, and on December 14, 2015, the City Planner made a preliminary determination the project could not have a significant impact on the environment, and that adoption of a negative declaration would be appropriate; and

**WHEREAS**, on December 16, 2015, a notice of intent to adopt the negative declaration was published in English and Spanish in the *Firebaugh-Mendota Journal*, said notice indicating a public review period starting on December 18, 2015 and ending on January 19, 2016, proposing Planning Commission consideration of the CEQA document and project at its January 19, 2016, regular meeting, and supposing a recommendation of approval, proposing City Council consideration of the CEQA document and project at its February 9, 2016, regular meeting; and

**WHEREAS**, because the notice of intent was not concurrently provided to the Fresno County Clerk, and the initial study and proposed negative declaration were not concurrently forwarded to the State Clearinghouse of the Governor's Office of Planning and Research, City staff corrected these issues and extended the time for public review of the proposed negative declaration; and

**WHEREAS**, the notice of intent was provided to the Fresno County Clerk on January 6, 2016, indicating a public review period starting on January 7, 2016, and ending on February 6, 2016, and proposed Planning Commission and City Council hearing dates of February 16, 2016 and March 8, 2016, respectively; and

**WHEREAS**, the initial study and proposed negative declaration were forwarded to the State Clearinghouse of the Governor's Office of Planning and Research on January 8, 2016, initiating a 30-day comment period, said comment period ending on February 8, 2016, due to the 30<sup>th</sup> day falling on a Sunday; and

**WHEREAS**, due to the extension of the public review period, the City of Mendota accepted comments on its initial study and proposed negative declaration for a period starting on December 18, 2015 and ending on February 8, 2016; and

**WHEREAS**, comment letters were provided by the Fresno Local Agency Formation Commission, the State Water Resources Control Board, and the United States Army Corps of Engineers, none of which materially affected the preliminary determination of the City Planner, and responses to which have been provided to the City Council for its consideration; and

**WHEREAS**, at a regular meeting on February 16, 2016 the Mendota Planning Commission conducted a public hearing and adopted Resolution No. PC 16-01 by a vote of 5-0, forwarding a recommendation to the City Council that it adopt the negative declaration and the housing element update; and

**WHEREAS**, on March 9, 2016, a notice was published in English and Spanish in the *Firebaugh-Mendota Journal*, announcing that the City Council would conduct a public hearing at its March 22, 2016, regular meeting to consider adoption of a negative declaration and the 2015-2023 Housing Element; and

**WHEREAS**, on March 22, 2016, the Mendota City Council did conduct a public hearing at which considered public commentary, the preliminary determination of the City Planner, and the recommendation of the Planning Commission regarding a finding that adoption of the 2015-2023 Housing Element could not have a significant impact on the environment; and

**WHEREAS**, the City Council finds that it cannot be fairly argued, nor is there any substantial evidence in the record, that the project will have a significant impact on the environment, either directly or indirectly; and

**WHEREAS**, based upon the initial study/environmental checklist and the record, the project will not individually or cumulatively have an adverse impact on environmental resources.

***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***

- 1) The City Council of the City of Mendota hereby determines that any impacts resulting from adoption of the 2015-2023 Housing Element will be less than significant; and
- 2) The City Council finds: (1) that it has independently reviewed and analyzed the Initial Study and Negative Declaration for the Project, and has considered the information contained therein and in the record before it, prior to acting on the Project; (2) that the Initial Study and Negative Declaration for the Project have been completed in compliance with CEQA and consistent with the CEQA Guidelines; and (3) the Initial Study and Negative Declaration for the Project represents the independent judgment and analysis of the Board.
- 3) The City Council finds, based on the whole record before it, including but not limited to the Initial Study and Negative Declaration for the Project, that there is no substantial evidence that the Project will have a significant effect on the environment, and that the Negative Declaration reflects the City Council's independent judgment and analysis.
- 4) The City Council of the City of Mendota hereby affirms the preliminary determination of the City Planner and the recommendation of the Planning Commission and adopts the negative declaration as attached hereto, with the initial study and environmental checklist remaining a part of the City's records; and
- 5) The City Council of the City of Mendota hereby directs the City Manager to effect filing of a notice of determination with the County Clerk of the County of Fresno as required by CEQA.

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Robert Silva, Mayor

**ATTEST:**

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at Mendota City Hall on the 22<sup>nd</sup> of March, 2016 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Matt Flood, City Clerk

## NEGATIVE DECLARATION

**LEAD AGENCY:** City of Mendota  
643 Quince Street  
Mendota, CA 93640

**PROJECT TITLE:** City of Mendota 2015-2023 Housing Element

**STATE CLEARINGHOUSE:** 2016011016

**ADDRESS/LOCATION:** No address; the Housing Element is a policy document applicable within the entirety of the corporate boundary of the City of Mendota

**PROJECT APPLICANT:** City of Mendota; Vince DiMaggio, City Manager

**PROJECT DESCRIPTION:** The Housing Element is a State-mandated element of the City of Mendota's General Plan. It describes and analyzes housing and demographic information, constraints to provision of affordable housing, and expectations for new housing construction during the 2015-2023 planning period. It also outlines policies and programs that the City will implement during the planning period in an effort to ensure that all segments of the community have access to quality housing.

**CONTACT PERSON:** Jeffrey O'Neal, AICP, City Planner; 559.655.3291

The City Council of the City of Mendota has reviewed the proposed Project described herein along with the initial study prepared pursuant to the California Environmental Quality Act (CEQA), and has found that this Project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The project does not have possible environmental effects which are individually limited but cumulatively considerable; "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.
5. Mitigation measures  were,  were not made a condition of the approval of the project.

On March 22, 2016, based upon a recommendation from the Mendota Planning Commission, the Mendota City Council adopted Resolution No. 16-21, determining that the above Project would have no significant effect on the environment. Copies of the 2015-2023 Housing Element and other documents relating to the Project may be examined by interested parties at Mendota City Hall, 643 Quince Street, Mendota, CA 93640.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
Hon. Robert Silva, Mayor

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA IN THE MATTER  
OF APPROVAL OF A GENERAL PLAN  
AMENDMENT ADOPTING THE 2015-2023  
HOUSING ELEMENT**

**RESOLUTION NO. 16-22**

**WHEREAS**, pursuant to Government Code § 65580, *et seq.*, all cities and counties in California are required to adopt and update the housing element of their general plans at specified intervals; and

**WHEREAS**, such adoption or update will require amendment of the City of Mendota General Plan Update 2005-2025 (General Plan); and

**WHEREAS**, at a regular meeting on February 16, 2016 the Mendota Planning Commission conducted a public hearing and adopted Resolution No. PC 16-01 by a vote of 5-0, making preliminary findings and forwarding a recommendation to the City Council that it amend the General Plan by adoption of the 2015-2023 Housing Element; and

**WHEREAS**, on March 9, 2016, notice was published in English and Spanish in the *Firebaugh-Mendota Journal*, announcing that the City Council would conduct a public hearing at its March 22 regular meeting to consider adoption of the 2015-2023 Housing Element; and

**WHEREAS**, at a regular meeting on March 22, 2016, the Mendota City Council did conduct a public hearing at which considered public commentary, the preliminary determination of the City Planner, and the recommendation of the Planning Commission regarding a finding that adoption of the 2015-2023 Housing Element could not have a significant impact on the environment; and

**WHEREAS**, a said regular meeting on March 22, 2016, the Mendota City Council did adopt Resolution No. 16-21, determining that adoption of the 2015-2023 Housing Element could not have a significant impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The City Council of the City of Mendota affirms the following preliminary findings of the Mendota Planning Commission:
  - a. The proposed amendment ensures and maintains internal consistency with General Plan land uses and objectives, policies, programs, and actions of all elements of the General Plan and would not create any inconsistencies.
  - b. The proposed amendment will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working within the City of Mendota.

- c. The 2015-2023 Housing Element establishes appropriate goals, policies, and programs to address such issues as adequate sites, affordability, governmental constraints, preservation of housing and neighborhoods, housing accessibility, and energy conservation.
  - d. The Housing Element has been prepared in conformity with the provision of State law requirements of California Government Code Article 10.6 and adoption of the 2015-2023 Housing Element is the final requirement under Government Code § 65585(g).
2. The City Council of the City of Mendota hereby amends the City of Mendota General Plan Update 2005-2025 to incorporate by reference the 2015-2023 Housing Element, said 2015-2023 Housing Element, replacing in its entirety the 2002-2007 Housing Element of the General Plan adopted in 2004, and said amendment being the first (1<sup>st</sup>) amendment to the Housing Element for Calendar Year 2016.

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Robert Silva, Mayor

**ATTEST:**

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at Mendota City Hall on the 22<sup>nd</sup> of March, 2016 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Matt Flood, City Clerk



**A G E N D A I T E M - S T A F F R E P O R T**

**DATE:** March 18, 2016

**TO:** Honorable Mayor and City Council Members

**FROM:** Vince DiMaggio, City Manager  
John P. Kinsey, City Attorney

**SUBJECT:** Second Reading and Adoption of Proposed Ordinance No. 16-02: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control)

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**ISSUE:**

Consideration of an ordinance modifying Chapter 9.05 of the Mendota Municipal Code. This would entail repealing existing Chapter 9.05, and replacing Chapter 9.05 with new provisions relating to the regulation of noise.

**BACKGROUND:**

The City of Mendota has recently determined there is a need to update, enhance, and clarify the provisions in the Mendota Municipal Code that concern noise and noise control. Specifically, City Staff has determined that greater clarity is needed for both the Code Enforcement Personnel and the public. City Staff has also identified a need to update Chapter 9.05 to more clearly align with the standards set forth in the Noise Element of the Mendota General Plan Update 2005-2025.

As a result, City Staff has prepared a draft ordinance that would repeal existing Chapter 9.05 (Excessive Noise). That chapter would be replaced with an entirely new Chapter 9.05 (Noise Control).

The City Council introduced the proposed Ordinance on March 8, 2016, and conducted a public hearing at that time.

**ANALYSIS:**

The proposed Ordinance has several features:

Section 9.05.010 states that the title of the Chapter is the “City of Mendota Noise Control Ordinance.”

Consistent with the General Plan Update, Section 9.05.020 states that the policy of the Chapter is “to prevent noise from interfering with human activities and protect the community from the lawful effects of exposure to excessive noise, monitoring an amiable community in which to live for residents of the city.”

Section 9.05.030 provides the definitions for the Chapter.

Section 9.05.040 provides objective noise measures that articulate the maximum found levels allowed in the City. These levels were taken from the General Plan Update 2005-2025.

Section 9.05.050 provides the standards for measuring noise levels when there is a complaint or an inquiry concerning a noise issue.

Section 9.05.060 prohibits noise disturbances.

Section 9.05.070 provides general exceptions to the Chapter. These exceptions would not be considered noise disturbances, even if they exceeded the thresholds in Chapter 9.05.040. The exceptions include:

- Construction and delivery activities performed in a manner consistent with the Mendota Municipal Code
- Certain construction performed by property owners.
- Power garden equipment during daytime hours.
- Motor Vehicles operated in a manner consistent with the Vehicle Code.
- Animal sounds, with the exception of continuous or incessant barking.
- Emergency and safety devices
- School activities, bands, and entertainment.

Section 9.05.080 provides a permitting process. The Amplified Music Permit will be replaced by a general permit for all events, circumstances, and gatherings that could exceed the noise thresholds, which will be call a Permit to Exceed Noise Levels. You should note that the Section preserves many of the conditions contained in the current version of the code.

Section 9.05.090 provides that the administration of the Chapter.

Section 9.05.100 provides that violations of the chapter are a public nuisance, and enforceable under Chapter 8.20 of the Mendota Municipal Code, assuming the City Council adopts the revised version of the Code. Note that the City’s representatives charged with the administration of this Chapter 9.05 have the discretion to issue warnings to persons who have violated this Chapter 9.05 for the first time.

**CEQA.** Staff has found that the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, and in the alternative, the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

**RECOMMENDATION:**

Motion to waive further reading of Ordinance No. 16-02.

Adopt Ordinance No. 16-02: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control)

Attachments

**Ex. "A":** [Proposed] Ordinance No. 16-02: An Ordinance of the City Council of the City of Mendota, California, Repealing Chapter 9.05 (Excessive Noise) of the Mendota Municipal Code and Adopting New Chapter 9.05 (Noise Control)

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MENDOTA, CALIFORNIA,  
REPEALING CHAPTER 9.05 (EXCESSIVE  
NOISE) OF THE MENDOTA MUNICIPAL  
CODE AND ADOPTING NEW CHAPTER  
9.05 (NOISE CONTROL).**

**ORDINANCE NO. 16-02**

**WHEREAS**, in accordance with the Mendota General Plan update, it is the policy of the city to prevent noise from interfering with human activities and protect the community from the lawful effects of exposure to excessive noise, monitoring an amiable community in which to live for residents of the city; and

**WHEREAS**, the City seeks to enhance and clarify its existing rules and regulations relating to excessive noise within the City; and

**WHEREAS**, City Staff has prepared a revised version of Chapter 9.05 of the Mendota Municipal Code, which would replace the existing version of Chapter 9.05; and

**WHEREAS**, the City Council desires to amend the Mendota Municipal Code by repealing the existing version of Chapter 9.05 of the Mendota Municipal Code, and adopting new Chapter 9.05 (Noise Control); and

**WHEREAS**, the proposed Ordinance was introduced at the last regularly scheduled City Council meeting on March 8, 2016, and a public hearing was duly noticed and held by the Council.

**NOW THEREFORE**, the City Council of the City of Mendota ordains as follows:

**SECTION 1.** Chapter 9.05 (Excessive Noise) **REPEALED**. Chapter 9.05 – Excessive Noise of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.

**SECTION 2.** Chapter 9.05 (Noise Control) **ADOPTED**. Chapter 9.05 – Noise Control is hereby added to Title 9 (Public Peace and Welfare) of the Mendota Municipal Code and adopted to read as follows:

**Chapter 9.05**  
**NOISE CONTROL**

**Sections:**

**Section 9.05.010 – Title**

**Section 9.05.020 – Declaration of Policy**

**Section 9.05.030 – Definitions**

**Section 9.05.040 – Basic Noise Regulation**

**Section 9.05.050 – Noise Level Measurement**

**Section 9.05.060 – Noise Disturbance Prohibited**

**Section 9.05.070 – Special Provisions and Exceptions**

**Section 9.05.080 – Permit to Exceed Noise Levels**

**Section 9.05.090 – Administration**

**Section 9.05.100 – Violations**

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**Section 9.05.010 – Title**

This Chapter shall be known as the “City of Mendota Noise Control Ordinance.”

**Section 9.05.020 – Declaration of Policy**

The City Council of the City of Mendota finds and determines that, in accordance with the Mendota General Plan update, it is the policy of the city to prevent noise from interfering with human activities and protect the community from the lawful effects of exposure to excessive noise, monitoring an amiable community in which to live for residents of the city.

## Section 9.05.030 – Definitions

As used in this chapter:

- (a) “Ambient” is the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- (b) “Construction” means the act or process of building including but not limited to site preparation, alteration, repair, remodeling, assembly, erection or similar action, of buildings, structures, pavement, flat work and other works including the use of power equipment in connection with activities therewith. Construction activities do not include radios or other forms of amplified music on a construction site.
- (c) “Delivery” means delivery of building materials or equipment to any construction project.
- (d) “Emergency” means an unforeseen combination of circumstances which require immediate action.
- (e) “Noise disturbance” means any source of sound which exceeds the noise limitations permitted in Section 9.05.040 of this Chapter. For purposes of this section sources of sound shall include but not be limited to the following: amplified music, loudspeakers, radios, televisions, stereos, musical instruments, powered toys or models, swimming pools or spas, pile drivers, air compressors, paint sprayers, motors, pumps, blowers, air conditioners, cooling towers, ventilating fans, forklifts, loaders, tractors, animals, concerts, mechanical equipment, human voices, electrical appliances, vacuum cleaners, powered equipment, chain saws, motor vehicles and attached equipment not operated on a street or highway.
- (f) “Noise level” means the maximum continuous sound level or repetitive peak level measured using the “A” scale set on “slow.”
- (g) “Sound level” shall be expressed in decibels (dBA) as defined by the American National Standards Institute using the A-level scale.
- (h) “Vehicle” means any device by which any person or property may be propelled, moved or drawn upon a highway or street or private property.

### **Section 9.05.040 – Basic Noise Regulation**

Except as otherwise permitted under this chapter, no person shall cause and no property owner shall permit on such owners' property, a noise produced by any person, machine, animal or device, or any combination thereof, in excess of the sound level limits set forth in this section to emanate from any property, public or private, beyond the property line. Any sound in excess of the sound level limits set forth in this section shall constitute a noise disturbance. For purposes of determining sound levels, sound level measurements shall be made at any location on the receiving property.

<b>Sound Level Limits</b>		
Daytime	7:00 a.m. – 7:00 p.m.	55 dBA
Evening	7:00 p.m. – 10:00 p.m.	50 dBA
Nighttime	10:00 p.m. – 7:00 a.m.	45 dBA

- (a) In the event the alleged offensive noise contains a steady, audible tone, such as a whine, beating, pulsating, throbbing, or hum, the standards set forth in this Section 9.05.040 shall be reduced by five dB.
- (b) In the event the ambient sound level equals or exceeds the sound level limit then the limit shall be five dBA over the ambient sound level.

### **Section 9.05.050 – Noise Level Measurement**

The location selected for measuring noise levels shall be at any point on the exterior of the affected property. The affected property shall be either (i) the address from which any complaint was received, or (ii) if no complaint has been received, from the border of the property emitting the sounds at issue.

### **Section 9.05.060 – Noise Disturbance Prohibited**

- (a) Any and all excessively annoying, loud or unusual noises or vibrations such as offend the peace and quiet of persons of ordinary sensibilities and which interfere with the comfortable enjoyment of life or property and affect at the same time an entire neighborhood or any considerable number of persons shall be considered a noise disturbance.
- (b) It shall be unlawful to create, permit, allow, or maintain a noise disturbance in the city.

## **Section 9.05.070 – Special Provisions and Exceptions**

The basic noise regulation specified in Section 9.05.040 may be exceeded without permit in any instances listed below. At all other times, noise from such activities shall not exceed the basic noise regulation established in Section 9.05.040:

- (a) Construction.
  - (1) Construction and delivery are exempt from the basic noise regulation during the times and on the days when construction activities are allowed pursuant to the terms and provisions of the Mendota Municipal Code.
  - (2) Residents/property owners when personally operating equipment are exempt from the basic noise regulation when they are personally undertaking construction activities to maintain or improve their property between the hours of ten a.m. and five p.m. Such activities are restricted to the use of hand and power tools only.
  - (3) At all times loud and raucous noise emanating from any construction or delivery site, whether in the form of broadcast or amplified music or any other form, which is audible on any property other than the property from which it emanates, is prohibited.
- (b) Power Garden Equipment.
  - (1) Power garden equipment including but not limited to, leaf-blowers, vacuums, power mowers, rototillers, and other similar equipment are exempt from the basic noise regulation between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday, 10:00 a.m. and 5:00 p.m. on Saturdays and Sundays.
  - (2) Heavy duty equipment including but not limited to wood-chippers, chain-saws, stump-removers and other similar equipment are exempt from the basic noise regulation between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday only.
  - (3) All garden, maintenance and construction equipment used in the city must be equipped with a muffler where applicable and be in good repair.
- (c) Motor Vehicles. Motor vehicles may be operated on public streets and highways within the city in accordance with the noise emission standards prescribed by the state Vehicle Code. It is the city's policy that all sworn personnel be trained in the enforcement of this section of the Vehicle Code.



- (d) Animals. Sounds from animals are exempt unless such animal howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for a period of more than 10 minutes or intermittently for more than one hour.
- (e) Emergency and Safety Devices. The provisions of this chapter shall not apply to:
  - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
  - (2) The emission of sound in the performance of emergency response; or
  - (3) The emission of sound in connection with the protection of the health and safety of Mendota residents or their property during emergency conditions. Warning devices necessary for the protection of public safety, as for example, police, fire and ambulance sirens, and train horns, shall be exempted from the provisions of this chapter.
- (f) School bands, and school athletic and entertainment events are exempt from this Chapter.

#### **Section 9.05.080 – Permit to Exceed Noise Levels**

- (a) The director may grant a permit to waive time and noise level limitations on equipment when it is required to protect lives or property.
- (b) Special events or circumstances, including but not limited to events or gatherings where amplified music will exceed the thresholds articulated in Section 9.05.040, may warrant temporary exception to noise levels established in this section. Such permit must be sought at least forty-eight hours prior to the date and time of the event, circumstance, or gathering. In such cases application for a permit may be made to the director, stating in writing:
  - (1) The name, address and telephone number of the property owner responsible for the activity;
  - (2) If the event, circumstance, or gathering anticipates the use of a disk jockey (DJ), band, or other purveyor of music, the name, address, and telephone number of the contact person for such DJ, band, or purveyor of music; and

- (3) The purpose for which such permit is applied, the date and beginning and ending time thereof, and a description of the sound-producing or sound-amplifying device to be used, together with a full statement of reasons justifying noncompliance.
- (c) The fee for the Permit to Exceed Noise Levels shall be set by resolution of the City Council.
  - (d) A permit under this section shall be issued or may be denied at the time of application based upon a balancing of the interests of the applicant against those of surrounding residents, to include consideration of duration of the permit, frequency of occurrence, number of persons benefited by the activity and other similar factors.
  - (e) As a condition of any Permit to Exceed Noise Levels, the applicant shall agree as follows:
    - (1) Permit holders shall not allow any person attending their event to impede traffic or intrude into the public right-of-way. Violation of this section is a violation of the Permit to Exceed Noise Levels.
    - (2) Any Permit holder who has an event, at which alcohol is served or provided, in which more than fifty (50) persons are in attendance, shall have present at the event a security guard, licensed by the state of California, for every fifty (50) persons. Failure to provide a security guard for every fifty (50) persons is a violation of the Permit to Exceed Noise Levels.
    - (3) No more than four Permits to Exceed Noise Levels shall be allowed for any residentially zoned property within any twelve-month period.
    - (4) Any violation of this Chapter 9.05, or a violation of any Amplified Music Permit under the prior version of this Chapter, shall be grounds for the denial of a subsequent application for a Permit to Exceed Noise Levels.
  - (f) Any permit issued under this section may only waive the time and noise limitations of this Chapter until midnight and after 7:00 a.m. The director may impose restrictions on any permit, based (i) the volume, intensity and duration of the proposed noise; (ii) whether the nature of the noise is usual or unusual; (iii) the nature of zoning of the area within which the noise will emanate; (iv) the time of day or night in which the noise will occur; and (v) whether the noise is recurrent, intermittent, or constant.

- (g) An appeal from the decision by the director on a permit to exceed noise levels shall be in writing and state the facts upon which an error, omission or abuse of discretion is alleged. All appeals shall be made within ten calendar days from the date of the decision. The appeal shall be made to the city clerk who shall place the item on the agenda for next available city council meeting which shall be at least fifteen calendar days from the date of appeal. All interested parties shall have the opportunity to speak on the item at the city council meeting. The city council shall act on the appeal within sixty days of the hearing and may affirm, reverse or modify the decision of the director, based upon appropriate findings.
- (h) All permits issued under this chapter shall be issued for a limited time period.

### **Section 9.05.090 – Administration**

The provisions of this chapter shall be administered by the director and his or her authorized representatives, except where expressly provided otherwise. All other officers and employees of the city shall assist and cooperate in the administration and enforcement of this chapter.

### **Section 9.05.100 – Violations**

Violations of this Chapter 9.05 are hereby declared to be a public nuisance, and are enforceable under Chapter 8.20 of the Mendota Municipal Code. The City's representatives charged with the administration of this Chapter 9.05 have the discretion to issue warnings to persons who have violated this Chapter 9.05 for the first time.

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**SECTION 3.** The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

**SECTION 5.** The adoption of any provision of this Ordinance does not affect any prosecution, civil action or administrative proceeding for any ordinance violation committed prior to the effective date of this ordinance; does not waive any fee, penalty, license or permit requirement due or in effect on the date this ordinance is adopted; and does not affect the validity of any bond or cash deposit posted, filed or paid pursuant to the requirements of any Ordinance.

**SECTION 6.** Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

**SECTION 7.** This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

\* \* \* \* \*

The foregoing ordinance was introduced on the 8<sup>th</sup> day of March, 2016 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 22<sup>nd</sup> day of March, 2016 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Robert Silva, Mayor

ATTEST:

\_\_\_\_\_  
Matt Flood, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Kinsey, City Attorney

# A G E N D A I T E M - S T A F F R E P O R T

**DATE:** March 18, 2016

**TO:** Honorable Mayor and City Council Members

**FROM:** Vince DiMaggio, City Manager  
John P. Kinsey, City Attorney

**SUBJECT:** Second Reading and Adoption of Proposed Ordinance No. 16-03: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement, Chapter 8.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement)

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## **ISSUE:**

Consideration of an ordinance modifying the public nuisance abatement procedures in the Mendota Municipal Code. This action would include the repeal of three existing chapters of the Mendota Municipal Code: (i) Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement; (ii) Chapter 8.24 (Trash and Junk); and (iii) Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code. These chapters would be replaced by new Chapter 8.20 (Public Nuisance Abatement).

## **BACKGROUND:**

The City of Mendota has recently determined there is a need to update, enhance, and clarify the provisions in the Mendota Municipal Code that concern public nuisance abatement. Specifically, City Staff has determined that greater clarity is needed for both the Code Enforcement Personnel and the public, as well as greater uniformity in terms of the City's treatment of various types of nuisances.

As a result, City Staff has prepared a draft ordinance that would repeal three chapters of the Mendota Municipal Code: (i) Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement; (ii) Chapter 8.24 (Trash and Junk); and (iii) Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code. That chapter would be replaced with an entirely new Chapter 8.20 (Public Nuisance Abatement). The City Council introduced the proposed Ordinance on March 8, 2016, and conducted a public hearing at that time.

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## **ANALYSIS:**

The proposed Ordinance has several features:

Section 8.20.010 states that the title of the Chapter is the “City of Mendota Public Nuisance Abatement Ordinance.”

Section 8.20.020 articulates the policies the policies underlying the new Chapter.

Section 8.20.030 provides the definitions for the Chapter.

Section 8.20.040 designates the responsibility for enforcement of the Chapter. This includes the right of entry, and the right to interpret the Chapter.

Section 8.20.050 makes it unlawful for any person, corporation or other entity to keep, maintain or deposit on any property any public nuisance. The Section also articulates several categories of public nuisances, including rubbish and junk; fire code violations; abandoned vehicles; certain weeds; dead or decayed landscaping; attractive nuisances; certain activities within public sidewalks and rights of way; parking on unpaved surfaces; zoning ordinance violations; pay telephones if used for gang activity; violations of the Mendota Municipal Code; blighted buildings; Mendota Housing Code violations; violation of the nuisance control provisions of the Mendota Municipal Code; the drying or handing of laundry in front yards or visible side yards; violations of the State Housing Code; excessive direct lighting; graffiti; encroachments onto public property; abandoned furniture and appliances; certain service stations that are not being operated; and any public nuisance as defined in the civil code.

Section 8.20.060 provides the range of procedures Code Enforcement may use to enforce Chapter 8.20, which include (A) issuance of a notice of violation; (B) issuance of a notice and order; (C) summary abatement; (D) an administrative citation; and (E) referral to the City Attorney to institute legal action.

The Notice of Violation (NOV) procedures are contained in Section 8.20.070. This section contains the requirements for the content of the NOV. It also provides for service of the NOV.

The Notice and Order (N&O) procedures are contained in Section 8.20.080. This section contains the requirements for the content and service of the N&O. The N&O is also recorded pursuant to Subdivision (c).

Section 8.20.090 includes the procedures for appeal. Appeals may be made to the City Manager within 10 days. Appeals of any decision by the City Manager may be appealed to the City Council within 5 days.

Section 8.20.100 provides the procedures for summary abatement, which may be employed in emergency situations – *i.e.*, “[w]henver the Director determines that a public nuisance is imminently dangerous to life, health, safety or adjacent property such that it requires immediate correction or elimination . . . .”

Administrative Citations may be issued pursuant to Section 8.20.110, which in turn references Chapter 1.16 and 1.20 of the Mendota Municipal Code.

Section 8.20.120 allows persons to seek extensions to perform abatement work.

Section 8.20.130 includes the procedures for failure to comply with a N&O once it becomes final. The failure to comply is a misdemeanor. The Director may issue an administrative citation, refer the matter to the City Attorney, or proceed with administrative abatement. The Section also includes the procedures for administrative abatement in subdivision (c) and also Section 8.20.140.

Section 8.20.150 includes the procedures for recovery of cost of abatement.

Section 8.20.160 explains that the provisions of Chapter 8.20 shall not affect the rights of private persons against any person causing a nuisance.

Section 8.20.170 contains a severability provision.

**CEQA.** Staff has found that the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, and in the alternative, the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

**RECOMMENDATION:**

Motion to waive further reading of Ordinance No. 16-03.

Adopt Ordinance No. 16-03: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement, Chapter 8.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement).

Attachments

**Ex. "A":** [Proposed] Ordinance No. 16-03: An Ordinance of the City Council of the City of Mendota, California, (A) Repealing Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement, Chapter 8.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code and (B) Adopting Chapter 8.20 (Public Nuisance Abatement)

**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENDOTA, CALIFORNIA, (A) REPEALING CHAPTER 8.20 (WEEDS, RUBBISH, AND/OR NUISANCE ABATEMENT), CHAPTER 8.24 (TRASH AND JUNK), AND CHAPTER 8.28 (PUBLIC NUISANCE) OF THE MENDOTA MUNICIPAL CODE AND (B) ADOPTING CHAPTER 8.20 (PUBLIC NUISANCE ABATEMENT).** **ORDINANCE NO. 16-03**

*WHEREAS*, the City Council finds and determines that the City of Mendota has not undergone a comprehensive review of its nuisance abatement procedures for many years, although some amendments have been adopted to address specific issues; and

*WHEREAS*, to promote clarity and uniformity, City staff has prepared revisions to the public nuisance abatement provisions of the Mendota Municipal Code, which contemplate the consolidation of Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement), Chapter 8.24 (Trash and Junk), and Chapter 8.28 (Public Nuisance) into a revised version of Chapter 8.20 (Public Nuisance Abatement); and

*WHEREAS*, the amendments will clarify regulations and update enforcement provisions; and

*WHEREAS*, the City Council desires to amend the Mendota Municipal Code by repealing the existing version of Chapters 8.20, 8.24, and 8.28 of the Mendota Municipal Code, and adopting new Chapter 8.20 to replace those provisions; and

*WHEREAS*, the proposed Ordinance was introduced at the last regularly scheduled City Council meeting on March 8, 2016, and a public hearing was duly noticed and held by the Council.

***NOW THEREFORE***, the City Council of the City of Mendota ordains as follows:

**SECTION 1.** Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement) **REPEALED.** Chapter 8.20 (Weeds, Rubbish, and/or Nuisance Abatement) of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.

**SECTION 2.** Chapter 8.24 (Trash and Junk) **REPEALED.** Chapter 8.24 (Trash and Junk) of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.



**SECTION 3.** Chapter 8.28 (Public Nuisance) **REPEALED.** Chapter 8.28 (Public Nuisance) of the Mendota Municipal Code is repealed upon the effective date of this Ordinance.

**SECTION 4.** Chapter 8.20 (Public Nuisance Abatement) **ADOPTED.** Chapter 8.20 (Public Nuisance Abatement) is hereby added to Title 8 (Health and Safety) of the Mendota Municipal Code and adopted to read as follows:

## **Chapter 8.20**

### **PUBLIC NUISANCE ABATEMENT**

#### **Sections:**

**Section 8.20.010 – Title**

**Section 8.20.020 – Declaration of Policy**

**Section 8.20.030 – Definitions**

**Section 8.20.040 – Responsibility for Enforcement**

**Section 8.20.050 – Public Nuisance**

**Section 8.20.060 – Proceedings for Enforcement**

**Section 8.20.070 – Notice of Violation**

**Section 8.20.080 – Notice and Order**

**Section 8.20.090 – Appeal**

**Section 8.20.100 – Summary Abatement**

**Section 8.20.110 – Administrative Citation**

**Section 8.20.120 – Extension of Time to Perform Work**

**Section 8.20.130 – Failure to Comply with Final Order**

**Section 8.20.140 – Administrative Abatement**

**Section 8.20.150 – Recovery of Cost of Abatement**

**Section 8.20.160 – Remedies of Private Parties**

**Section 8.20.170 – Severability**

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**Section 8.20.010 – Title**

This Chapter shall be known as the “City of Mendota Public Nuisance Abatement Ordinance.”

**Section 8.20.020 – Declaration of Policy**

The City Council of the City of Mendota finds and determines as follows:

- (a) The city desires develop and maintain a reputation for well-kept properties, and that the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties;
- (b) There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the city;
- (c) The existence of such conditions as described in this article, is injurious and inimical to the public health, safety and welfare of the residents of the city and contributes substantially and increasingly to the deterioration of neighborhoods;
- (d) Unless correct measures are undertaken to alleviate such existing conditions, and assure the avoidance of future problems in this regard, the public health, safety and general welfare and specifically the social and economic standards of the community will be depreciated;
- (e) The abatement of such conditions will improve the general welfare and image of the city; and
- (f) The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.
- (g) The purposes of this article are to safeguard, remedy and prevent the decay and deterioration of our community by elimination of public nuisances. The procedures established in this article are cumulative and in addition to any other remedy established by law.

## Section 8.20.030 – Definitions

As used in this chapter:

- (a) “Attractive Nuisance” means any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.
- (b) “Blight” means the condition of a specific property or group of properties which would be offensive in the eyes of the public as compared to the standard of maintenance of the property pursuant to this Chapter; where the conditions are visible from public streets or right of ways and substantially detract from the aesthetics and economic value of the neighboring properties including health and safety hazards, public nuisance, crime, neglect and deterioration of property.
- (c) “Blighted building” means a vacant residential, commercial or industrial building that reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental to nearby property or property values. A blighted building includes a vacant building that is not being actively maintained, actively monitored, or actively secured. To actively maintain, monitor and secure a vacant building, the owner or his or her agent must comply with all sections of this chapter and do all of the following:
  - (1) Maintain all yards in compliance with any applicable development permits. If there are no applicable development permits, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with landscaping installed and maintained in a trimmed, live and healthy condition;
  - (2) Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition;
  - (3) Remove all trash, debris and graffiti within seventy-two (72) hours of their placement or abandonment on the property;
  - (4) Maintain the building in continuing compliance with all applicable state and local codes and regulations and any applicable city issued permits;
  - (5) Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to, the use and sale of

controlled substances, prostitution and criminal street gang activity;  
and

- (6) Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the city manager or his designee. For purposes of securing the building, boarding-up windows and doors shall be a disfavored technique and may only be used when it is determined by the city manager or his designee that no other reasonable alternative exists. When a building is boarded, the owner shall comply with the requirements of this section, unless the city manager or his designee requires alternative standards.
- (d) “Decorative Landscaping” means decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, bark, or synthetic lawn, and does not include pavement with asphalt, cement or any other impervious surface.
- (e) “Director” includes any person authorized to issue citations pursuant to Mendota Municipal Code Section 1.16.040.
- (f) “Excessive direct lighting” means the light emanating from any property which is bright, unusual, or unnecessary and which disturbs the peace or quiet of nearby property or which would cause annoyance or discomfort to a reasonable person of normal sensitivity in the area. The term “excessive direct lighting” does not include diffused light which is shielded or directed away from adjoining property and, therefore, does not shine directly onto another property.
- (g) “Inoperative Vehicle” means any motor vehicle that cannot be moved under its own power.
- (h) “Landscaping” means at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live or synthetic lawn materials, and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed. Notwithstanding the above, all unpaved areas of a park strip may be landscaped with decorative landscaping, so long as weed block is used.
- (i) “Overgrown” means grass, lawn blades, or weeds that are:

- (1) Over twelve (12) inches long or any ground covering plant material that extends over twelve (12) inches onto a public street, curb, gutter, or sidewalk or;
  - (2) Over six (6) inches long or any ground covering plant material that extends over six (6) inches on to the public street, curb, gutter or sidewalk when the condition exists in combination with one or more other violations under this Article.
- 
- (j) “Park Strip” means that portion of a street right of way that lies between the sidewalk and the outside edge of a street, gutter, or gutter lip, including a driveway approach. Where no curb exists, “park strip” shall mean the area of property from the sidewalk to the edge of the street pavement.
  - (k) “Property” means any lot or parcel of land. For purposes of this definition, “lot or parcel of land” shall include any alley, sidewalk, park strip or unimproved public easement abutting such lot or parcel of land. Further, for the purpose of this definition, “unimproved public easement” shall not include an exposed irrigation canal.
  - (l) “Record Owner” means the person to whom land is assessed as shown on the last equalized assessment roll of the county or current title owner of record, if different.
  - (m) “Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something else attached to the ground.
  - (n) “Vacant building” means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, vacant shall mean fifty percent (50%) or more of the units are unoccupied or occupied by unauthorized persons.
  - (o) “Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
  - (p) “Weed Block” means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

### **Section 8.20.040 – Responsibility for Enforcement**

- (a) Authority: The Director shall be responsible for the administration and enforcement of this article. For such purposes, the Director shall have the powers of a law enforcement officer. The Director shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.
- (b) Right of Entry: Whenever necessary to make an inspection to enforce any provision of this article, or whenever the director has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises a public nuisance as defined in Section 8.20.050 of this Chapter, the Director may enter such building or premises to inspect the same or to perform any duty imposed upon the Director by this article, including the abatement of any public nuisance, pursuant to Section 1.12.010.
- (c) Responsibilities Defined: Owners remain liable for violations of duties imposed by this article even though an obligation is also imposed on the occupants of the building. Buildings, structures, premises and parts thereof shall be maintained in a nuisance free condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building or premises may be reinspected.

### **Section 8.20.050 – Public Nuisance**

It is unlawful for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property in this city to keep, maintain or deposit on said property any public nuisances.

The City Council, by adoption of this ordinance declares, the keeping, maintaining or depositing of any of the following to be a public nuisance:

- (a) Rubbish or junk, including but not limited to refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth.
- (b) Any violation of the Uniform Fire Code, and such amendments as adopted by the State of California, as adopted by the city pursuant to Section 15.24.010, *et seq.*

- (c) The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, except as expressly hereinafter permitted. Except as expressly permitted by law, it shall be unlawful, and an infraction, for any person to keep, store, or maintain upon any premises under his control any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof. Criminal prosecution pursuant to this section shall not preclude, nor be precluded by, abatement of such vehicles or parts thereof pursuant to the provisions of this chapter.
- (d) The following weeds:
  - (1) Weeds which bear seeds of a downy or wingy nature.
  - (2) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.
  - (3) Weeds which are otherwise noxious or dangerous.
  - (4) Puncture vines and tumbleweed.
  - (5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
  - (6) Dry grass and grass likely to become dry, stubble, brush, litter or other flammable material which endangers the public safety creating a fire hazard, as defined in the Uniform Fire Code as adopted by the city pursuant to Section 15.24.010, *et seq.*
- (e) Dead, decayed or hazardous trees, residue from a fire or demolition such as concrete or brick foundations and flatwork, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.
- (f) Any attractive nuisance.
- (g) Except as expressly permitted or required by law, exhibition, storage or repair of merchandise, signs (temporary, portable, or permanent or other forms of advertisement), bicycle racks, vending machines, or other obstructions upon any public sidewalk, median island, street, alley or public easement;
- (h) Except as expressly authorized by law, park or store any vehicle upon an unpaved surface. It shall be presumed that the owner of the property and/or the person or entity occupying the property authorized the parking of the vehicle. It shall also be presumed that the registered owner of the vehicle parked the vehicle on the unpaved surface. The property owner,

occupant and registered owner of the vehicle may all be held responsible for a violation of this subsection.

- (i) Yard landscaping that has become so overgrown or uncontrolled as to create a fire hazard, obstruction to traffic or otherwise a blight to the neighborhood.
- (j) Violation of the zoning ordinance.
- (k) Any pay telephone installed and maintained outside of a building (building does not include a phone booth) constitutes a public nuisance if:
  - (1) It is repeatedly tagged with graffiti and not cleaned within 48 hours of notice to the owner of the pay telephone; or,
  - (2) It is neglected or damaged to such an extent as to present a visual blight; or,
  - (3) It is habitually used by known gang members as designated by the City of Mendota Police Department and in the reasonable opinion of the City of Mendota Police Department is used in or facilitates gang activity; or,
  - (4) The pay telephone has been abandoned or has otherwise remained inoperative for a period of thirty (30) days as of the effective date of this article; or
  - (5) The Director determines the pay telephone otherwise constitutes a public nuisance consistent with Sections 3479 and 3480 of the California Civil Code Sections.

The city shall not remove or cause to be removed a pay telephone when that telephone constitutes a public nuisance under this article, unless the Director has issued a notice and order (pursuant to Section 8.20.080) ordering the telephone owner to do, within at least thirty (30) days, one or more of the following to eliminate the public nuisance or otherwise voluntarily remove the pay telephone: (A) Block incoming calls; (B) Remove the ringer on the phone; (C) Shut off the key pad after the initial number is dialed to eliminate "beeper" use; (D) Make the telephone inoperative for designated time periods; (E) Add lighting; (F) Change the type of enclosure of the telephone; (G) Limit calls to emergency 911 calls; (H) Contract with a service that provides weekly maintenance of the pay telephone; and (I) Any other means the Director determines appropriate for the elimination of the nuisance.



This provision does not preclude City from taking any other legal action including instituting legal action or issuing administrative citations to abate the nuisance.

- (l) Any violation of the Mendota Municipal Code wherein said violation has been declared a public nuisance.
- (m) Blighted building.
- (n) Any condition described in Section 15.36.020.
- (o) Any violation of the noise control provisions described in Chapter 9.05.
- (p) The drying or hanging of laundry, clothing, or other items made of fabric, with the exception of flags, on any front or side yard portion of any property in a manner that is visible from a “public road” or “alley” as defined in Section 16.08.010.
- (q) Any violation of the State Housing Code, including but not limited to any limitations regarding the maximum number of occupants allowable for the dwelling.
- (r) Excessive direct lighting.
- (s) Any building or structure that is marked or defaced with spray paint, dye, or like substance in a manner commonly described as graffiti, and which is visible from public or private property when the observer is standing in a normal or customary place from which to observe the alleged nuisance or which is found when observed during an inspection pursuant to a warrant;
- (t) Any unpermitted obstruction of or encroachment on public property, including, but not limited to, any public street, highway, sidewalk, curb, gutter, park, building or any other public improvement;
- (u) Except for the authorized commercial storage and display of products and/or goods, where there is abandoned or unused furniture, appliances, sinks, toilets, cabinets or other fixtures, or equipment stored in a place and which is visible from public or private property when the observer is standing in a normal or customary place from which to observe, or which is found when observed during an inspection pursuant to a warrant.
- (v) Gasoline service stations which are not in operation and are boarded up, abandoned, or have removed dirt and other materials from the ground and left open excavations, even if the open excavations have been fenced, for a period of sixty (60) days, unless such station has sought and received remediation plans from a local, state or federal agency relative to the management of hazardous or toxic waste and said actions are pursuant to said remediation plan;

- (w) Any public nuisance known at common law or in equity jurisprudence or as defined pursuant to Part 3 (Commencing with Section 3479) of Division 4 of the California Civil Code.

### **Section 8.20.060 – Proceedings for Enforcement**

Notwithstanding any other remedies available by law and except as otherwise provided in the Mendota Municipal Code, whenever the Director has inspected or caused to be inspected any property and has determined that there exists a public nuisance upon said property, the Director may commence any of the following proceedings, to cause the abatement of the public nuisance:

- (a) Issue a notice of violation; and/or,
- (b) Issue a notice and order; and/or,
- (c) Summarily abate; and/or,
- (d) Issue an administrative citation; and/or,
- (e) Request the City Attorney to institute legal action; and/or,
- (f) Perform Administrative Abatement.

### **Section 8.20.070 – Notice of Violation**

- (a) The Director, in his or her discretion, may issue a notice of violation to the record owner and/or occupant of the property upon which a public nuisance exists. This issuance of a notice of violation is not a prerequisite to any other action, including issuance of a notice and order or administrative citation. The notice of violation is a nonappealable warning with direction to correct the violation. The notice of violation shall include all of the following:
  - (1) Name of the property's record owner;
  - (2) Street address of the property in violation;
  - (3) The code sections in violation;
  - (4) A description of the property's condition which violates the applicable codes;
  - (5) A deadline or specific date to correct the violations listed in the notice of violation;
  - (6) Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline,

including but not limited to: administrative remedies; criminal prosecution; civil action; administrative abatement; civil penalties; revocation of permits; recordation of notice of violation.

- (b) Service of a notice of violation may be served upon the record owner by regular first class mail or personal service. Service is effective on the date of mailing, or personal service.

#### **Section 8.20.080 – Notice and Order**

- (a) Issuance: Whenever the Director has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exists thereon, the Director may serve a notice and order. The notice and order shall contain:
  - (1) The street address and/or assessor’s parcel number, sufficient for identification of such property.
  - (2) Reference to all code sections violated together with a brief description of the condition which constitutes the public nuisance.
  - (3) Establish a reasonable time to secure any required permits, commence and complete required work to permanently eliminate the public nuisance identified in the notice and order.
  - (4) A statement that materials involved in public nuisances shall be disposed of in a legal manner.
  - (5) A statement that if the abatement is not commenced and completed within the time specified, the Director will proceed with further action, including administrative abatement at the expense of the responsible party, and/or administrative citation, and/or legal action.
  - (6) A statement that any person having any interest in the property or in the materials located thereon may appeal from the notice and order provided the appeal is made in accordance with the provisions of Section 8.20.090.
  - (7) That a “notice of pending administrative action” may be immediately filed against the property in the Office of the County Recorder of the County of Fresno. If the notice and order becomes final, as described in this article, the notice and order may be recorded against the property in the Office of the County Recorder.

- (b) Service:
- (1) The notice and order, or any amended notice and order, shall be served upon the following parties: (A) The record owner of the property; and, (B) Any person, entity or corporation occupying or in apparent control of the property.
  - (2) Service shall be completed in the following manner: (A) Personal service; or (B) Posting the notice conspicuously on or in front of the property; or, (C) By regular mail.
  - (3) Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which the service was made.
- (c) Recording: At the time the notice and order is served, the Director may file in the Office of the County Recorder, a notice of pending administrative action. If the notice and order becomes final pursuant to Section 8.20.090, the Director shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. Whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance and the property described in the certificate; or the notice and order is rescinded by the hearing officer upon appeal; or whenever the city abates the nuisance and the abatement costs have been paid, the Director shall file a new certificate with the County Recorder that the nuisance has been abated.

### **Section 8.20.090 – Appeal**

Any person entitled to service under subsection (b) of Section 8.20.070 may appeal from any notice and order of the Director pursuant to the following provisions:

- (a) Within ten (10) days from the date of service of any notice and order of the Director, any person entitled to service under subsection (b) of Section 8.20.070, or any owner or person occupying or controlling such lot, property or premises affected, may appeal to the City Manager. Such appeal shall be in writing and shall be filed with the City Clerk, and shall state the facts upon which the error, omission or abuse of discretion is alleged. An administration fee of twenty-five dollars (\$25.00) shall accompany any appeal filed. The fee may be waived by the City Manager or his or her authorized designee if financial inability can be reasonably shown. Application for a waiver shall be in the form of a letter signed by the owner or appropriate designee. The City Manager or his or her authorized designee shall hold a public hearing not less than five calendar

days nor more than twenty (20) calendar days from receipt of both a written appeal and the administrative fee.

- (b) The decision of the City Manager or his or her authorized designee thereupon shall be final and conclusive unless a written appeal is made to the City Council within five business days of the decision of the City Manager or his or her authorized representative. Such appeal shall be in writing and shall be filed with the City Clerk. An additional administration fee of twenty-five dollars (\$25.00) shall accompany any appeal filed. Such fee may be waived by the City Manager or his or her authorized designee if financial inability can be reasonably shown. Application for a waiver shall be in the form of a letter signed by the owner or appropriate designee. The City Clerk shall notify the appellant in writing no later than seven days prior to the scheduled hearing of the time, date and place of the hearing by mailing such notice to him or her at the address stated in his or her written appeal.
- (c) The city council shall hear the appeal as scheduled in the notice. The city council may take up to thirty (30) days to hear this matter and vote on any appeal. The city council's decision on the issue shall be final.
- (d) Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions outlined above shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order to abate, administrative penalty or any portion thereof.

### **Section 8.20.100 – Summary Abatement**

- (a) Whenever the Director determines that a public nuisance is imminently dangerous to life, health, safety or adjacent property such that it requires immediate correction or elimination, the Director may remove or otherwise abate the public nuisance without prior notice to the responsible person. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the nuisance, including but not limited to:
  - (1) Suspend any special permit issued by the City, including but not limited to development entitlements; and/or
  - (2) Remove tall weeds and grass or other material creating the imminent threat to life, health, safety or adjacent property; and/or
  - (3) Physically remove or eliminate a condition or conditions creating the imminent threat to life, health, safety or adjacent property; and/or

- (4) Suspend a particular use of property creating the imminent threat to life, health, safety or adjacent property; and/or
  - (5) Post the premises as unsafe or dangerous with an order against occupancy and/or use; and/or
  - (6) Take any other action appropriate under the circumstances.
- (b) Upon completion of the summary abatement, the Director shall notify the record owner of the property and the occupant if any, of the following:
- (1) The property location;
  - (2) The condition of the property;
  - (3) The violation;
  - (4) Any action by the Director taken to summarily abate the immediate threat to life, health, safety or adjacent property and the costs incurred therein;
  - (5) The right to appeal the action taken by the Director, in accordance with the provisions of Section 8.20.090. If no appeal is filed within the time prescribed, the action of the Director shall be final.
- (c) The costs incurred by the city summarily abating the violation may be recovered by the city pursuant to Section 8.20.150.

#### **Section 8.20.110 – Administrative Citation**

The Director may issue an administrative citation pursuant to Chapters 1.16 and 1.20 of the code. Appeal of an administrative citation issued under this section may be made pursuant to Section 8.20.090.

#### **Section 8.20.120 – Extension of Time to Perform Work**

Upon receipt of a written request from any person required to conform to the notice order or final order, the Director, in his/her discretion, may grant an extension of time within which to complete said abatement, if the Director determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Director shall have the authority to place reasonable conditions on any extensions he may grant pursuant to this section.

### **Section 8.20.130 – Failure to Comply with Final Order**

- (a) After any notice and order of the Director made pursuant to this article shall have become a final order, either by decision of the hearing officer affirming or modifying the same, or by failure to file an appeal within the time prescribed herein, no person or entity shall fail, neglect, or refuse to obey any such order. Any such person or entity who fails to comply with any such order is guilty of a misdemeanor.
- (b) If, after the notice and order of the Director made pursuant to this article has become a final order, as described in subsection (a) above, and the responsible party has failed to timely comply with the final order, the Director may:
  - (1) Issue administrative citations pursuant to Chapter 1.16; and/or,
  - (2) Request the City Attorney to exercise his/her discretion in the alternative, or cumulatively, to institute court action; and/or,
  - (3) Proceed with administrative abatement as provided in subsection (c).
- (c)
  - (1) Except where abatement will require the demolition or removal of a structure, the Director may proceed with administrative abatement by removing the public nuisance at the expense of the responsible party.
  - (2) Where abatement will require the demolition or removal of a structure, city or its agent shall not abate said nuisance without first obtaining an order from the City Manager. An order approving abatement in such circumstances may be obtained either (A) after an appeal of the notice and order, if the notice and order is appealed to the City Manager and the City Manager so grants; or, (B) by the city scheduling and noticing a nuisance abatement hearing before the City Manager.
  - (3) Notice of a nuisance abatement hearing shall be served in the same manner as the notice and order. The notice shall state the time, place and location for hearing, how the city intends to abate the nuisance, the estimated cost of abatement, including administrative time, and that said abatement will be done at the expense of the owner. The hearing shall be set no earlier than 10 calendar days from the date of service. At the time and place set for hearing, city shall establish the existence of the condition constituting a public nuisance as defined in this ordinance, that a notice and order was properly served on the person(s) responsible, that said person(s) have failed to timely abate the nuisance, and

that notice of the abatement hearing was properly served on the person(s) responsible. The City Manager shall make findings regarding the existence of the nuisance, the proper service of the notice and order and the notice of the abatement hearing and shall confirm or deny the request to abate.

#### **Section 8.20.140 – Administrative Abatement**

- (a) Abatement of the nuisance may in the discretion of the Director be performed by city forces or by a contractor retained pursuant to the provisions of this Code.
- (b) The Director may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.
- (c) No officer, agent or employee of the city shall be personally liable for any damage incurred or alleged to be incurred as a result of any act required, permitted or authorized to be done or performed in the discharge of his duties pursuant to this article.
- (d) Upon completion of the abatement, the costs of abatement may be collected under the provisions of Section 8.20.150 of this Code.

#### **Section 8.20.150 – Recovery of Cost of Abatement**

- (a) Record of Cost of Abatement. Whenever a nuisance is not voluntarily abated by a property owner, the city may abate the nuisance and collect or otherwise recover the costs of such abatement as provided in this chapter. The city shall keep an itemized account of the costs involved in abating the nuisance. The city shall post conspicuously on the property and shall also mail to the owner of the property, and other persons described in Section 8.20.070, a statement including:
  - (1) What abatement action has been taken;
  - (2) An itemization of removal, repair, administrative, and all other costs incurred, including, but not limited to costs of actual abatement of the nuisance, costs to inspect the property, prepare notices, staff time to discuss violations with property owners, prepare specifications and contracts, inspect work, mail and print documents;



- (3) That the total costs incurred are due and payable within thirty days from the date of this notice;
- (4) That if the owner fails to make payments within thirty days from the date of this notice or within the time extended by agreement with the finance director, the amount will be charged to the owner on the next regular tax bill and recorded as a lien against the property; and
- (5) The date, time and place for a hearing before the city council during which the owner may contest the amount charged pursuant to subdivision (3) of this subsection.

This statement shall be posted on the property and served upon the persons described in Section 8.20.070 at least seven calendar days prior to the date specified in the notice. At the time fixed for the hearing on the statement of costs, the city council shall consider the statement and protests or objections raised by the person liable to be assessed for the cost of the abatement. The city council may revise, correct or modify the statement as it considers just and thereafter shall confirm the statement by council resolution.

- (b) **Cost of Abatement of Special Assessment Against the Property.** If the property owner does not pay the cost of abating the nuisance within thirty days after the city council confirms the cost of abatement the cost shall constitute a lien upon the real property and shall be collected as a special assessment against the real property. A copy of the confirmation shall be delivered to the tax collector for the city, whereupon it shall be the duty of said tax collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and shall be collected at the same time and in the same manner as ordinary municipal taxes. The assessment shall continue until it is paid, together with interest at the rate of ten percent per year computed from the date of confirmation of the statement until the same time and in the same manner as ad valorem real property taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ad valorem real property taxes. All laws applicable to levy, collection and enforcement of ad valorem real property taxes apply to this special assessment.
- (c) **Notice of Special Assessment.** When a special assessment is charged against property as provided in this chapter, the city shall file in the office of the county recorder a certificate substantially in the following form:

NOTICE OF SPECIAL ASSESSMENT

CLAIM OF THE CITY OF MENDOTA

*Pursuant to the authority vested by the provisions of Chapter 8.20 of the city of Mendota Municipal Code, the city council of the city of Mendota did on or about the day of \_\_\_\_\_, 20\_\_ cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the city council of the city of Mendota did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ assess the cost of such rehabilitation, repair, or demolition upon the real property hereinafter described, and the same has not been paid nor any part thereof; and that said city of Mendota does hereby claim an assessment on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$ \_\_\_\_\_; and the same shall be an assessment upon said real property until the same has been paid in full and discharged of record.*

*The real property hereinbefore mentioned, and upon which an assessment is claimed, is that certain parcel of land lying and being in the city of Mendota, County of Fresno, State of California, and particularly described as follows:*

*(description of property)*

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
*City Manager of the City of Mendota, California*

*(ACKNOWLEDGMENT)*

**Section 8.20.160 – Remedies of Private Parties**

The provisions of this Chapter shall in no way adversely affect the right of the owner, lessee or occupant of any such lot to recover all costs and expenses required by this Chapter from any person causing such nuisance.

## **Section 8.20.170 – Severability**

If any section, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. The Council hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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**SECTION 5.** The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act, Public Resources Code, § 21000, *et seq.* ("CEQA"), pursuant to Section 15060(c)(2) of the CEQA Guidelines, on the grounds that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, on the grounds that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for causing a significant effect on the environment.

**SECTION 6.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

**SECTION 7.** The adoption of any provision of this Ordinance does not affect any prosecution, civil action or administrative proceeding for any ordinance violation committed prior to the effective date of this ordinance; does not waive any fee, penalty, license or permit requirement due or in effect on the date this ordinance is adopted; and does not affect the validity of any bond or cash deposit posted, filed or paid pursuant to the requirements of any Ordinance.

**SECTION 8.** Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

**SECTION 9.** This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

\* \* \* \* \*

The foregoing ordinance was introduced on the 8<sup>th</sup> day of March, 2016 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 22<sup>nd</sup> day of March, 2016 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Robert Silva, Mayor

ATTEST:

\_\_\_\_\_  
Matt Flood, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Kinsey, City Attorney

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## **PUBLIC WORKS REPORT**

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**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** CRISTIAN GONZALEZ, PUBLIC WORKS DIRECTOR  
**VIA:** VINCE DIMAGGIO, CITY MANAGER  
**SUBJECT:** PUBLIC WORKS MONTHLY REPORT  
**DATE:** MARCH 22, 2016

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### **STREETS AND ROADS**

- The City's street sweeper continues to operate on its normal schedule, Mondays, Wednesdays and Fridays. When significant rain prohibits street sweeping activities on sweeping days, the street sweeper will sweep the skipped route the following day, assuming the weather allows.
- ATP (Active Transportation Plan) project on Bass avenue is near completion. The installation of the light poles is set for this week.
- The LED street and park light retrofit continues. Approximately 130 fixtures, which include Belmont and Oller remain to be replaced over the next few weeks. Over 450 fixtures, including 7th Street fixtures have already been replaced with brighter high efficient fixtures. The project includes more than 600 fixtures within the City streets and parks all to be completed by the mid April.

### **PARKS AND PUBLIC BUILDINGS**

- Public Works continues to focus on controlling weeds on public property.
- The playground at Rojas is still under construction. Crews are performing the final grading work and will be installing the engineered wood chips before the end of March.

### **ANIMAL CONTROL**

- Animals impounded: 33
- Animals euthanized: 29
- Animals redeemed by owner: 4

- Graffiti abated: 3
- Citations issued: 4

### **ADULT OFFENDER WORK PROGRAM**

- AOWP working public right of way and alley weed abatement.

### **BUILDING PERMITS ISSUED**

- A list of new permits is attached to the report.

### **PLANNING**

- A SPR was submitted for the construction of a 10,000 square foot retail building within the EIZ (economic incentive zone). Staff approved and set conditions within the expedited time frame.
- A SPR (site plan review) for a new trucking business on Naples is still pending.

### **STAFFING FOR PUBLIC WORKS**

- 6 full time employees
- 4 part time employees
- 1 full time/part time (Proteus)

### **FUEL STOCK**

- Unleaded: 3,120 gallons
- Diesel: 3,700 gallons

## Permits Issued

Report Date Range : 02/16/2016 to 03/16/2016

Permit #	Type of Permit	Date Issued	Valuation	Job Address
20150013	329(b) Roof Mounted 4KW Solar Photovoltaic System per CEC 2013	3/1/2016	16,000.00	683 Peach
20160045	329(b) INSTALL 14PV PANELS; ROOFMOUNT: COMP; 3.64 KW	2/17/2016	8,000.00	619 Peach Ave
20160046	329(b) INSTALL 25PV PANELS; ROOFMOUNT: COMP; 6.5 KW	2/17/2016	14,300.00	611 Peach Ave
20160047	329(b) INSTALL 13 V PANELS; ROOFMOUNT: COMP; 3.38 KW	2/17/2016	7,400.00	643 Peach Ave
20160048	329(b) INSTALL 9 PV PANELS; ROOFMOUNT: COMP; 2.34 KW	2/17/2016	5,100.00	603 Peach Ave
20160049	329(b) INSTAL 30PV PANELS; ROOFMOUNT: COMP; 7.8 KW	2/17/2016	17,200.00	610 Peach Ave
20160050	329(b) SOLAR; INSTALL 51PV PANELS; ROOFMOUNT: COMP; 13.26KW INSTALL 75A/2P MAIN CIRCUIT BREAKER	2/19/2016	29,300.00	297 Marie St
20160051	329(b) SOLAR; INSTALL 32PV PANELS; ROOFMOUNT: TILE; 8.32KW	2/19/2016	18,300.00	280 Maldonado St
20160052	434(a) PORCH- PATIO	2/22/2016	3,000.00	101 PETRY ST
20160053	437(a) UPGRADE EXISTING CELL TOWER EQUIPMENT. STRENGTHEN TOWER.	2/24/2016	27,000.00	468 Oller St
20160054	434(b) REPLACING 38 GALLON WATER HEATER	2/24/2016	1,600.00	251 Black Ave
20160056	434(a) ELECTRIC/ PLUMBING/ FRAMING/ MECHANICAL REPAIR	2/24/2016	5,500.00	251 Gregg Ct N
20160057	434(a) Gas Pressure Test	2/25/2016	150.00	667 Tule
20160058	437(a) INSTALLATION OF WATER SUPPLY AND DRAIN FOR NEW SINK	2/25/2016	300.00	773 Oller St
20160059	329(b) SOLAR: INSTALL 19PV PANELS; ROOFMOUNT: COMP; 4.94 KW	2/26/2016	10,900.00	220 Holmes Ave
20160060	329(b) SOLAR PANELS: P.V INSTALLATION, ROOF MOUNT 6.885KW; 27 PANELS (COMPROOF) 100A MAIN WILL BE UPGRADED TO 125A END-FED BREAKER	3/1/2016	24,000.00	216 K St

## Permits Issued

Report Date Range : 02/16/2016 to 03/16/2016

Permit #	Type of Permit	Date Issued	Valuation	Job Address
20160061	329(b) ADDENDUM; SYSTEM UPSIZE: INSTALL 32 PV PANELS; 8.32 KW * INVERTER TYPE CHANGED ON PV5	3/4/2016	18,300.00	142 Elm Ave
20160062	329(b) ADDENDUM; SYSTEM UPSIZE: INSTALL 17 PV PANELS, 4.42 KW LAYOUT CHANGED ON (PV2) TYPE OF INVERTER CHANGED (PV5)	3/4/2016	9,700.00	163 Elm Ave
20160063	329(b) SOLAR: INSTALL 32PV PANELS; ROOFMOUNT: COMP; 8.32KW INSTALL NEW 100A/2P MAIN CIRCUIT BREAKER	3/11/2016	18,300.00	617 Lozano St
20160064	329(b) SOLAR: INSTALL 16PV PANELS; ROOF MOUNT: COMP; 4.16KW	3/11/2016	9,100.00	240 Mccabe Ave
20160065	329(b) SOLAR: INSTALL 17PV PANELS; ROOFMOUNT: COMP 4.42KW	3/11/2016	9,700.00	621 Oxnard St
20160066	329(b) ADDENDUM TO 20160044 REVISION TO LAYOUT ONE LINE UPDATED TO SHOW AC COMBINER BOX	3/11/2016	20,000.00	461 Rio Frio St
20160067	329(b) ADDENDUM TO 20160041 ONE LINE UPDATED TO SHOW NEW MAIN SERVICE PANEL UPGRADE	3/11/2016	21,000.00	843 Quince St
20160068	MISC DRILL, INSTALL, DEVELOP AND SAMPLE THREE GROUNDWATER MONITORING WELLS	3/11/2016	7,500.00	1243 Oller St & 1267 Oller
20160069	434(a) REPLACING COOLER AND FURNACE	3/11/2016	4,400.00	918 2nd St
20160070	437(a) ADDING A WALL AND BATHROOM	3/15/2016	2,000.00	713 Oller St
20160071	MISC PATIO ADDITION	3/16/2016	5,000.00	630 De La Cruz St
20160072	329(b) SOLAR; INSTALL 18 PV PANELS; ROOF MOUNT: COMP; 4.68W	3/16/2016	10,300.00	601 Oxnard St

Total Number of Permits List 28