



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 November 16, 2023

SUBJECT: Amendment to Text Application No. 384

Amend section 855-P of the Fresno County Zoning Ordinance to provide a 25% Local Density Bonus for affordable housing developments with at least 50% lower income units.

APPLICANT: County of Fresno

STAFF CONTACT: Derek Chambers, Planner
(559) 600-2753

Yvette Quiroga, Principal Planner
(559) 600-0533

RECOMMENDATION:

- Recommend that the Board of Supervisors approve Amendment to Text Application No. 384 to allow affordable housing developments with at least 50% lower income units to qualify for a 25% Local Density Bonus as a matter of right; and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

EXHIBITS:

1. Proposed Amendment to Zoning Ordinance Section 855-P
2. Draft Ordinance

ENVIRONMENTAL ANALYSIS:

It has been determined, pursuant to section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notice of public hearing was published in the Fresno Business Journal on November 3, 2023.

PROCEDURAL CONSIDERATIONS

Adoption of a Zoning Ordinance amendment is a legislative act requiring action by the Board of Supervisors. The Planning Commission's action is advisory to the Board. If adopted by the Board, the amendment will become effective 30 days thereafter.

BACKGROUND INFORMATION:

State law mandates density bonus provisions for all jurisdictions per California Government Code Sections 65915 – 65918 with the intent to encourage the development of affordable and senior housing. The County of Fresno adopted Density Bonus provisions to comply with state law in November of 2020 as part of a General Plan Amendment No. 563 and Amendment to Text No. 380. This section has been amended since to comply with additional changes to State density Bonus requirements. The current proposal, which adopts local standards, would exceed state Density Bonus Requirements.

Inclusion of the proposed Local Density Bonus will help facilitate development of new housing opportunities for lower income households and individuals within unincorporated areas of the County. Further, the proposed Local Density Bonus will also improve the County's ability to maintain a compliant Housing Element by allowing greater opportunities to satisfy the County's Regional Housing Needs Allocation (RHNA) obligation.

It is important to note that the ability to access the Local Density Bonus is conditioned solely on the inclusion of at least 50% of the total units being reserved as lower income housing units and that the development has access to community water and wastewater systems. No other requirements must be met, and no other conditions are applied. The Local Density Bonus encourages applicants to construct affordable housing units in exchange for an increase in density in a residential housing development. If approved, an applicant who reserves at least 50% of the development for lower income housing would be allowed to construct at a 125% unit density as a matter of right. Lower income housing thresholds are defined in California Health and Safety Code § 50079.5.

PROPOSED AMENDMENT

Exhibit 1 attached to this staff report provides details regarding the proposed amendment to Zoning Ordinance section 855-P. A summary of the proposed amendment is listed below:

Amend section 855-P (Property Development Standards – Special Standards for Density Bonus to Implement Affordable Housing Incentives) of the Zoning Ordinance to add subsection 855-P.5 titled "Local Density Bonus" to allow affordable housing development with at least 50% lower income units to qualify for a 25% local density bonus as a matter of right. The lower income units as defined in California Health and Safety Code § 50079.5, must be preserved for lower income households for the same amount of time as required by Government Code section 65915. For the purposes of calculating state density bonus, per Government Code section

65915, the baseline density shall be inclusive of the development's standard maximum permitted density plus the local density bonus.

PUBLIC COMMENTS:

No public comments have been received in support of or in opposition to the proposed Zoning Ordinance amendment.

CONCLUSION:

Staff recommends approval of Amendment to Text Application No. 384 as detailed in Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Action

- Recommend that the Board of Supervisors approve Amendment to Text Application No. 384 as detailed in Exhibit 1 and as documented in the draft Ordinance (Exhibit 2); and
- Direct the Secretary to prepare a Resolution forwarding the Commission's recommendation for approval to the Board of Supervisors.

DC:JP

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AMENDMENT TO TEXT APPLICATION NO. 384

Zoning Ordinance Section 855-P will be added to as follows:

SECTION 855-P.5 Local Density Bonus

Local Density Bonus: An affordable housing development with at least 50% lower income units as defined in California Health and Safety Code § 50079.5, shall qualify for a 25% local density bonus as a matter of right. The lower income units must be preserved for lower income households for the same amount of time as required by Government Code Section 65915. For the purposes of calculating state density bonus, per Government Code Section 65915, the baseline density shall be inclusive of the development's standard maximum permitted density plus the local density bonus.

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EXHIBIT 2

BEFORE THE BOARD OF SUPERVISORS

OF THE COUNTY OF FRESNO

STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING PROVISIONS OF THE
ORDINANCE CODE OF FRESNO COUNTY RELATED TO PROPERTY
DEVELOPMENT STANDARDS – SPECIAL STANDARDS FOR DENSITY BONUS TO
IMPLEMENT AFFORDABLE HOUSING INCENTIVES BY ADDING SECTION 855-P.5.

The Board of Supervisors of the County of Fresno ordains as follows:

SECTION 1. The Ordinance Code of the County of Fresno is hereby amended by adding 855-P.5 as a new section for local density bonus, pertaining to Amendment to Text No. 384 thereof to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. This Ordinance shall take effect and be in force thirty (30) days from and after its passage.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this _____ day of _____ 2023, to wit:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAINED:

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Sal Quintero, Chairman of the
Board of Supervisors of the County of Fresno

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ATTEST:
BERNICE E. SEIDEL
Clerk of the Board of Supervisors
County of Fresno, State of California

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By _____
Deputy

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FILE # _____

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AGENDA # _____

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EXHIBIT A

SECTION 855-P.5 Local Density Bonus

Local Density Bonus: An affordable housing development with at least 50% lower income units as defined in California Health and Safety Code § 50079.5, shall qualify for a 25% local density bonus as a matter of right. The lower income units must be preserved for lower income households for the same amount of time as required by Government Code Section 65915. For the purposes of calculating state density bonus, per Government Code Section 65915, the baseline density shall be inclusive of the development's standard maximum permitted density plus the local density bonus.

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