

Regular Council Meeting
September 29, 2022

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FRESNO CITY COUNCIL



Public Comment

ITEM(S)

1-F (ID 22-1364)

**Actions pertaining to Air Service Development at Fresno
Yosemite International Airport:**

eComment: Total (1)

1:30 P.M. (ID 22-1410)

**Workshop on the proposed Fresno County Multi-Jurisdictional Housing
Element Update.**

Public Comment: Total (1)

5-H (ID 22-1504)

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8 Property: APN 468-400-54T
Negotiating Parties: City Manager White, Prosperous Terra, LLC., (Ruelas,
Inc.) Under Negotiation: Price and terms of sale.**

eComment: Total (1)

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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Briana Parra

From: noreply@granicusideas.com
Sent: Monday, September 26, 2022 10:57 AM
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Subject: New eComment for City Council on 2022-09-29 9:00 AM - Regular Meeting

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New eComment for City Council on 2022-09-29 9:00 AM - Regular Meeting

Brian Stepanek submitted a new eComment.

Meeting: City Council on 2022-09-29 9:00 AM - Regular Meeting

Item: 5.-H. ID 22-1504 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8 Property: APN 468-400-54T Negotiating Parties: City Manager White, Prosperous Terra, LLC., (Ruelas, Inc.) Under Negotiation: Price and terms of sale.

eComment: I fully support the sale of this property to Fuego FC to build a soccer stadium.

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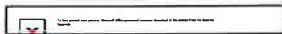
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New eComment for City Council on 2022-09-29 9:00 AM - Regular Meeting

Brian Stepanek submitted a new eComment.

Meeting: City Council on 2022-09-29 9:00 AM - Regular Meeting

Item: 1.-F. ID 22-1364 Actions pertaining to Air Service Development at Fresno Yosemite International Airport: 1. Uphold the City Manager's finding that InterVISTAS Consulting Group, Inc. is uniquely qualified vendor for Air Service Development at Fresno Yosemite International Airport (FAT) 2. Approve an agreement with InterVISTAS Consulting Group, Inc. for Air Service Development at FAT

eComment: 1) Is there actually a realistic possibility of transatlantic flights to Azores from Fresno, or could funds/time be better used for more realistic routes? 2) Why are there no meetings scheduled with Delta or Alaska? Those two airlines could realistically provide flights to the top unserved markets from Fresno - Orange County and Honolulu (Alaska), Atlanta and Minneapolis (Delta) - it would also be nice to have a second airline on the Seattle route.

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September 27, 2022

City of Fresno
2600 Fresno Street Fresno,

Re: Fresno COG Multi-Jurisdictional Housing Element Update 2023-2031

Dear Councilmembers and Mayor of Fresno,

Leadership Counsel for Justice and Accountability is a community-based organization that works alongside low income communities of color in the City of Fresno and unincorporated cities in Fresno County such as Lanare, Cantua Creek, El Porvenir and Tombstone Territory, to elevate and advance their priorities for safe, affordable housing options and fair housing choice. We thank you for taking the time to read the following memo and welcome the opportunity to discuss our letter in further detail. As the Housing Element process begins it is important and necessary to start the process correctly and with strong community engagement. The Housing Element is an important piece of planning our communities and solving our housing crisis together. Further, the State of California in recent years has strengthened the laws which govern the Housing Element. The Fresno Council of Governments (FCOG), jurisdictions participating in this multi-jurisdictional housing element and city leaders must apply these laws in a conscientious and diligent manner. With laws such as AB 686 and AB 1397 we expect this Housing Element to be robust, meaningful, and indicative of solving our housing crisis. As always, we are willing to partner and work alongside you all to ensure that these requirements are fulfilled and even exceeded in order to create the change we want to see in the Valley.

We look forward to working alongside the Fresno COG, city leaders, and staff in the multijurisdiction Housing Element update (collectively referred to herein as “Fresno jurisdictions” or “jurisdictions”) and solving our housing crisis together.

I. Jurisdictions Must Meaningfully Engage the Public in their Housing Element Updates Practices, Including Lower-Income Residents and Protected Classes

As Fresno jurisdiction begin the 6th Cycle Multi-Jurisdictional Housing Element Update, the jurisdictions must meaningfully engage the public, including in particular lower-income residents, members of protected classes under civil rights statutes, residents of disadvantaged communities and racially and ethnically concentrated areas of poverty (“R/ECAPs”), and community-based organizations that work closely with these groups over the course of the housing element update. Gov. Code Sec. 65583(c)(9); HCD Affirmatively Furthering Fair Housing Guidance (“AFFH Guidance”), p.21.



The jurisdictions must engage the public throughout the housing element update process and engagement must support “meaningful, frequent, and ongoing community participation, consultation, and coordination.”¹ HCD, Building Blocks, Public Participation. Pursuant to HCD’s AFFH Guidance, public participation efforts should be proactively and broadly conducted through a variety of methods to ensure access and participation. Key stakeholders which jurisdictions seek to directly engage must include community-based organizations and advocacy groups which work directly with lower-income households and protected classes; lower-income and extremely-low income households; persons and households with special housing needs, including but not limited to farmworkers, seniors, single-parent households, and persons with disabilities; tenants, including residents of publicly-subsidized housing; members of protected classes, residents of disadvantaged communities and R/ECAPs; and fair housing agencies.² Outreach plans should include “in-person meetings in various locations to ensure residents from across the jurisdiction have the opportunity to participate.”³ As the process begins, we ask that jurisdictions plan in-person workshops in all parts of the jurisdictions, especially in rural areas where internet access is scarce and virtual options are impractical.

To satisfy Government Code § 65583(c)(9) and its duties to Affirmatively Further Fair Housing, some specific public outreach efforts that we recommend that jurisdictions undertake to achieve the above-referenced objectives include but are not limited to the following:

- holding interactive housing element workshops in at least three disadvantaged unincorporated communities (DUCs) in areas across the jurisdictions, including fringe and island communities located adjacent to or near participating cities and legacy communities as defined by Government Code § 65302.10. Residents living in DUCs, as well as other lower-income communities and neighborhoods, are most likely to attend workshops held in their own communities because many low-income residents in these communities lack personal vehicles and many DUCs are not served by efficient or reliable public transportation. 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

¹ HCD AFFH Guidance, p. 10; Gov. Code §8899.50(a),(b),(c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 4253-42360 (July 16, 2015)

² HCD AFFH Guidance, p. 21

³ HCD AFFH Guidance, p. 10



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 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.

In addition, and importantly, the Draft Amendments must meaningfully **incorporate** public input provided on the housing element update, giving priority to input provided by lower-income residents, residents with special housing needs, protected classes, and residents of lower-income and disadvantaged communities. The housing needs analysis, sites inventory sites, assessment of fair housing, including discussion of fair housing issues in R/ECAPs and impacting protected classes, displacement risks, disparities in access to opportunity impacting protected classes, meaningful actions, and programs must all incorporate, reflect, and respond to resident input and priorities. The Multi-Jurisdictional Housing Element must incorporate input from residents from all participating jurisdictions to tailor the analysis, sites inventories, actions, and programs applicable to specific jurisdictions accordingly.⁴

The jurisdictions, cities, and the Fresno COG can start to gain public trust if steps to proactively engage the public, including on an ongoing basis, in the multi-jurisdictional housing element update and incorporate and significantly reflect public input provided. Jurisdictions must ensure that strong public engagement efforts are maintained following jurisdictions' adoption of the element, including, for example, through the incorporation into the housing element of actions committing to the establishment and facilitation of a housing element oversight advisory committee to assist the jurisdictions in obtaining community feedback on housing element implementation from lower-income residents and protected classes.

II. The Multi-Jurisdictional Housing Element Update Must Comply with Cities' and the County's duties under AB 686

To avoid the continuation of past and current discriminatory practices and to overcome their legacy, the State of California enacted AB 686 (2018). AB 686 requires the state, cities, counties,

⁴ HCD AFFH Guidance, p. 21



and other public agencies to affirmatively further fair housing (“AFFH”) in all programs and activities relating to housing and community development. AFFH means 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. It 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. AB 686 also amended the Housing Element Law to require that housing elements include an assessment of fair housing (“AFH”) and identify sites *throughout* the jurisdiction to satisfy its regional housing needs allocation. We recommend that jurisdictions and FCOG carefully review HCD’s AFFH Guidance which contains detailed discussion of AB 686’s requirements, including the requirements for a complete AFH. The AFH Some of these requirements include:

- **Summary of Fair Housing Issues.**⁵ The Housing Element must analyze and address patterns of integration and segregation; racially or ethnically concentrated areas of poverty; racially concentrated areas of affluence, disparities in access to opportunity for lower-income residents and protected classes;; and disproportionate housing needs impacting lower-income residents and protected classes, including displacement risk. The analysis of disparities in access to opportunity must include disparities in access to educational, employment, transportation, and environmental opportunity and cover the specific topics identified in HCD’s AFFH guidance for each of those opportunity categories. HCD’s AFFH Guidance, pp. 35-36. The disproportionate housing needs analysis must consider disparities in housing cost burdens, overcrowding, substandard housing, homelessness and other issues and must evaluate displacement risks holistically, considering impacts of rising rents, infrastructure and service deficiencies, climate change, and other displacement risks that may disproportionately impact lower-income households and protected classes. The analysis must incorporate local data and knowledge, including the input of lower-income households and protected classes, and discuss the fair housing issues specific to distinct jurisdictions, R/ECAPs, and lower-income communities.
- **Identification and Prioritization of Contributing Factors.** The AFH must analyze and prioritize factors that contribute to identified fair housing issues and give highest priority to factors that limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights.

⁵ https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf, pg. 11



- **Sites Inventory AFFH Analysis.**⁶ The housing element must not only demonstrate site capacity to accommodate each jurisdiction's RHNA, but also that the identified sites are consistent with the duty to AFFH, serving the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.⁷ This evaluation must include the specific components described in the AFFH Guidance, including how sites better integrate the community considering historic patterns and trends; the extent to which sites may exacerbate existing patterns of segregation; whether the RHNA by income group is concentrated in areas of the community; and local data, knowledge, and community input. Based on the outcome of the analysis, the site inventory must be modified and/or actions must be included to overcome patterns of segregation and barriers to opportunity in relation to the sites contained in the inventory.
- **Meaningful Goals and Actions** . Existing Housing Element Law requires programs with a schedule of actions with timelines and specific commitment to have a "beneficial impact" within the planning period to achieve the goals and objectives of the housing element. As stated in the AFH guidelines "actions implement goals and consist of concrete steps, timelines and measurable outcomes."

As the draft Housing Element is produced, we will be looking for these components and compliance with jurisdictions' duties under AB 686 and to ensure that drafts reflect residents' input and priorities. Further, if barriers are identified that impede the application and implementation of programs, policies, and production of housing, the City should analyze these barriers as well and attempt to make a good faith effort to find alternative solutions.

III. The Housing Element Must Analyze and Incorporate Programs and Policies That Adequately Respond to our Housing Crisis

As discussed above, the housing element must include programs and actions prioritized by lower-income residents, protected classes, and residents of lower-income communities and R/ECAPs during the housing element update to solve our housing crisis. Below are community identified programs and policies which residents from South Fresno neighborhoods and disadvantaged unincorporated communities across the jurisdictions have repeatedly identified as priorities to solve our housing crisis and AFFH which we ask jurisdictions consider:

- a. County of Fresno

⁶ https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf, pg.12

⁷ 24 Gov. Code, § 8890.50. subd. (b).



- Create or support expansion of **local funding opportunities for farmworker housing**. Farmworker housing should be accessible for migrant farmworkers and affordable.
- b. City of Fresno and County of Fresno:
 - Adopt a **local rent stabilization ordinance**, to protect tenants from continuous rising rents, including a rent stabilization board to hear and approve rental increases submitted by landlords. This would apply to the City of Fresno and Fresno County.
 - Adoption of **tenant protections to reduce displacement risks**, including just cause eviction that address gaps in protections afforded under the 2019 Tenant Protection Act and a right to counsel guaranteeing access to affordable legal counsel for low-income tenants in housing matters;
 - Establish a **permanent emergency rental assistance program** to assist residents at risk of homelessness due to rent increases and changed circumstances and ability to pay. Identification of a permanent local source of funding will ensure continuous funding and that the program can be used to prevent displacement. *The City of Fresno can leverage the Local Housing Trust Fund dollars and the State is continuing to grant monies for rental assistance programs*
 - Establish a **permanent first-time homeownership assistance program** to help tenants become first time homeowners. Closing costs and downpayment assistance for low-income, first time homebuyers can help close the housing gap. Residents with ITIN numbers should be eligible for this program.
 - Investments in **improvements to mobile home parks** to address the needs, including needs from the mobile park assessment study. Further, it should address weatherization and climate resiliency needs, to improve indoor and outdoor air quality, and to expand access to green space.
 - Pursue an **Inclusionary Zoning ordinance** in the County of Fresno and the City of Fresno once a General Plan Updates has occurred.
 - **Extreme heat and weatherization programs** to address climate change. This includes funding for weatherization upgrades to homes and rental units, specifically in census tracts that rank the highest on CalEnviroScreen for pollution and poor health outcomes and are most vulnerable to climate change.
 - **Establish an acquisition and rehabilitation fund** to purchase older, blighted, and / or abandoned homes/buildings. The County and the City of Fresno can establish a revolving fund to insure that rehabilitated homes are sold back to the community at a low cost.
 - Grants for residents who want to develop **affordable accessory dwelling units** on their land in both the City and County of Fresno. Some residents are willing to sell parcels of land to the County to develop affordable housing and increase housing supply.



c. All Jurisdictions:

- **Establish local hire provisions** requiring that a certain percentage of workers reside within 10 miles or less of a Project Site. This can reduce the length of trips, reduce greenhouse gas emissions and provide localized economic benefits
- **Developing Public Health Impact Reports** for new development in order to understand existing public health disparities and the potential of those conditions worsening as a result of development. Public health agencies should be resourced to support this analysis. The findings of these reports should be available publicly and be included in permit approval processes and other key decision-making milestones.
- **Establish a Cargo/Freight Prohibition and Revenue Tax** to directly fund community-based housing and projects in the neighborhoods most negatively impacted by years of environmental toxicity caused by freight.
- Incorporate Complete Streets principles into all transportation projects at all phases of development, including planning and land use decisions, scoping, design, implementation, maintenance, and performance monitoring.

IV. The Sites Inventory Must Comply with New Housing Element Law Requirements, Including Requirements for Access to Infrastructure and Services Under AB 1397

As aforementioned, the State of California has added further requirements and specificity to the obligation of the Housing Element to identify adequate sites for further development of affordable housing.

Under AB 1397, for all sites in the inventory, the jurisdiction must determine the number of units “that can be realistically accommodated.”⁸ These requirements do not include “current or planned availability and accessibility of sufficient water, sewer and dry utilities.”⁹ In other words, sites that are served by water, sewer, and other dry utilities that are available and accessible within three years of the beginning of the planning period will be considered suitable for residential development. In addition, jurisdictions may not reuse on-vacant sites identified in a prior housing element or vacant sites identified in the last two housing element updates to meet lower income RHNA requirements.

Finally, we recommend FCOG and the jurisdictions ensure that sites chosen conform to HCD’s sites inventory guidance. Following HCD’s guidance would increase planning efficiency for

⁸ Cal Gov Code 65583.2(c)

⁹ Cal Gov Code 65583.2(c)(2)



local agencies, while ensuring compliance with housing element requirements. We look forward to seeing local compliance.

* * * * *

Thank you for taking our comments into consideration. We look forward to continuing to work with the Fresno jurisdictions on developing a compliant Housing Element that responds to the needs of participating Fresno Jurisdiction Residents and ensures access to safe and affordable housing for all.

Sincerely,
Karla Martinez, Policy Advocate
Leadership Counsel for Justice and Accountability