

Notice of Exemption

E202410000257 Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): City of Sanger
1700 7th Street
Sanger, California 93657

County Clerk
County of: Fresno
2220 Tulare Street, 1st Floor, Fresno, CA
Fresno, California 93721

(Address)

FILED

SEP 09 2024 TIME

9:32 AM

Project Title: City of Sanger Housing Element Update

Project Applicant: City of Sanger

By: FRESNO COUNTY CLERK
DEPUTY

Project Location - Specific:
Citywide

Project Location - City: Sanger Project Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:

Sanger is updating its Housing Element as part of the Fresno County Multi-Jurisdictional 2023-2031 Housing Element. The update aims to identify current and projected housing needs, show potential housing locations, and set goals, policies, and programs to meet the community's housing needs. The City must plan to accommodate 1,494 housing units under Fresno Council of Government's Regional Housing Needs Plan, including 412 very low-income units, 193 low-income units, 245 moderate-income units, and 644 above moderate-income units. The city has identified suitable sites with adequate development capacity, with existing land use regulations and zoning designations. Several amendments to land use regulations or zoning are included as part of the Housing Element.

Name of Public Agency Approving Project: City of Sanger

Name of Person or Agency Carrying Out Project: Derek Sylvester, Senior Planner

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number: § 15061(b) Common Sense Exemption
Statutory Exemptions. State code number:

Reasons why project is exempt:

See attached.

Lead Agency
Contact Person: Derek Sylvester Area Code/Telephone/Extension: 559-876-6300, ext 1540

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: August 2, 2024 Title: Senior Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

Housing Element Update CEQA Exemption Technical Memorandum

City of Sanger

Prepared for:

The City of Sanger

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Community Development Planning and Zoning Division
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Prepared by:

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1. Introduction

1.1 PURPOSE

This Technical Memorandum shall serve as an evaluation of the Sanger 2023-2031 (6th cycle) Housing Element Update (proposed project) concerning California Environmental Quality Act (CEQA) compliance. This Technical Memorandum was prepared to present: 1) the findings from the CEQA compliance review, as described below; and 2) the recommendations concerning the appropriate CEQA compliance documentation.

1.2 STATUTORY AUTHORITY AND REQUIREMENTS

Once it is determined that an activity is a project subject to CEQA, it is then determined whether the project is exempt from CEQA. State CEQA Guidelines Section 15061(b) outlines how a project may be exempt as follows:

A project is exempt from CEQA if:

- 1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
- 2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300), and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
- 3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- 4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
- 5) The project is exempt pursuant to the provisions of Article 12.5 of Chapter 3.

2. Project Description

2.1 REGIONAL LOCATION

The City of Sanger is located in Fresno County in the eastern portion of the San Joaquin Valley. The City is located along State Route 180, an east-west highway that crosses the County and connects Mendota on the west to Sequoia/Kings Canyon National Parks on the east. Sanger is approximately 13 miles east of the City of Fresno. Other nearby cities include Fowler, six miles to the southwest, Parlier, six miles to the south, and Reedley, nine miles to the southeast.

2.2 PROPOSED PROJECT

2.2.1 Project Background

The City of Sanger is participating with other cities in Fresno County to update their Housing Element as part of the Fresno County Multi-Jurisdictional 2023-2031 Housing Element. The Housing Element is a State-mandated policy document that is a component of the City of Sanger General Plan. The overall purpose of the proposed project is to identify current and projected housing needs; show locations where housing can be built; and set goals, policies, and programs to meet the community's housing needs. The foundation of the Housing Element is the Regional Housing Needs Allocation (RHNA) which is a State-required process that seeks to ensure cities and counties are planning for enough housing to accommodate all economic segments of the community. The City of Sanger is in the region covered by the Fresno Council of Governments (FCOG). The City of Sanger's share of the regional housing need was determined using a methodology prepared by FCOG as part of the Regional Housing Needs Plan, adopted in October 2022. Under FCOG's Regional Housing Needs Plan, the City must plan to accommodate a total of 1,494 housing units, including 412 very low-income units, 193 units for low-income households, 245 units for moderate-income households, and 644 units for above moderate-income households. The City has identified sufficient sites with adequate development capacity to accommodate these new housing units with appropriate existing land use designations and zoning.

2.2.2 Proposed Sites and Zoning

State law requires that the Housing Element identify adequate sites for housing by including an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, including analysis of the development capacity that can realistically be achieved for each site. The purpose of the Sites Inventory is to evaluate whether there are sufficient sites with appropriate zoning to meet the RHNA, and it is based on the City's current land use designations and zoning requirements. Table 1-1, *Sanger's RHNA Summary*, provides a summary of Sanger's ability to meet the 2023-2031 RHNA. After accounting for planned and approved project capacity on vacant/underutilized sites and potential accessory dwelling units (ADUs), Sanger has a surplus capacity that can accommodate an estimated 614 units, including 37 lower-income units, 207 moderate-income units, and 370 above-

moderate-income units, beyond meeting the City’s RHNA. An additional 29 units (7 moderate and 22 above-moderate) were identified in the inventory as additional capacity, but not counted toward the City’s RHNA.

Table 1-1 Sanger’s RHNA Summary

Income Category	RHNA	Pending Projects	Vacant Sites Capacity	Underutilized Sites Capacity	ADUs	Total Capacity Counted Toward RHNA	Unit Surplus	Underutilized Sites Not Counted Toward RHNA
Very Low	412	178	273	189	2	642	37	0
Low	193							
Moderate	245	-	225	226	1	452	207	7
Above Moderate	644	639	332	42	1	1,014	370	22
Total	1,494	817	830	457	4	2,108	614	29

Source: 2023-2031 City of Sanger Housing Element

Figure 1-1, *Sites Inventory Map*, shows where each site is located within the City. The development capacity of each of the identified housing sites is based on existing land use and zoning densities currently in place. No redesignations or rezoning are necessary, and no redesignation or rezoning would occur as part of the adoption of the proposed project.

2.2.3 Proposed Housing Element Programs

CEQA requires the City to evaluate the environmental impacts associated with direct and reasonably foreseeable indirect physical changes to the environment. The City coordinates with the County to provide several programs in the Housing Element to encourage housing production and outline steps for the future implementation of certain actions. The proposed programs will help to facilitate the development of housing based on optimal implementation of each program. The programs are either informative or would result in no physical change to the environment. Several of the programs were modified to comply with state law, combine programs with similar intent to aid in implementation, or eliminate programs where the City has already completed the identified task. CEQA requires the City to evaluate the environmental impacts associated with direct and reasonably foreseeable indirect physical changes to the environment. This analysis is followed in Section 3.2, Analysis in Support of Findings.

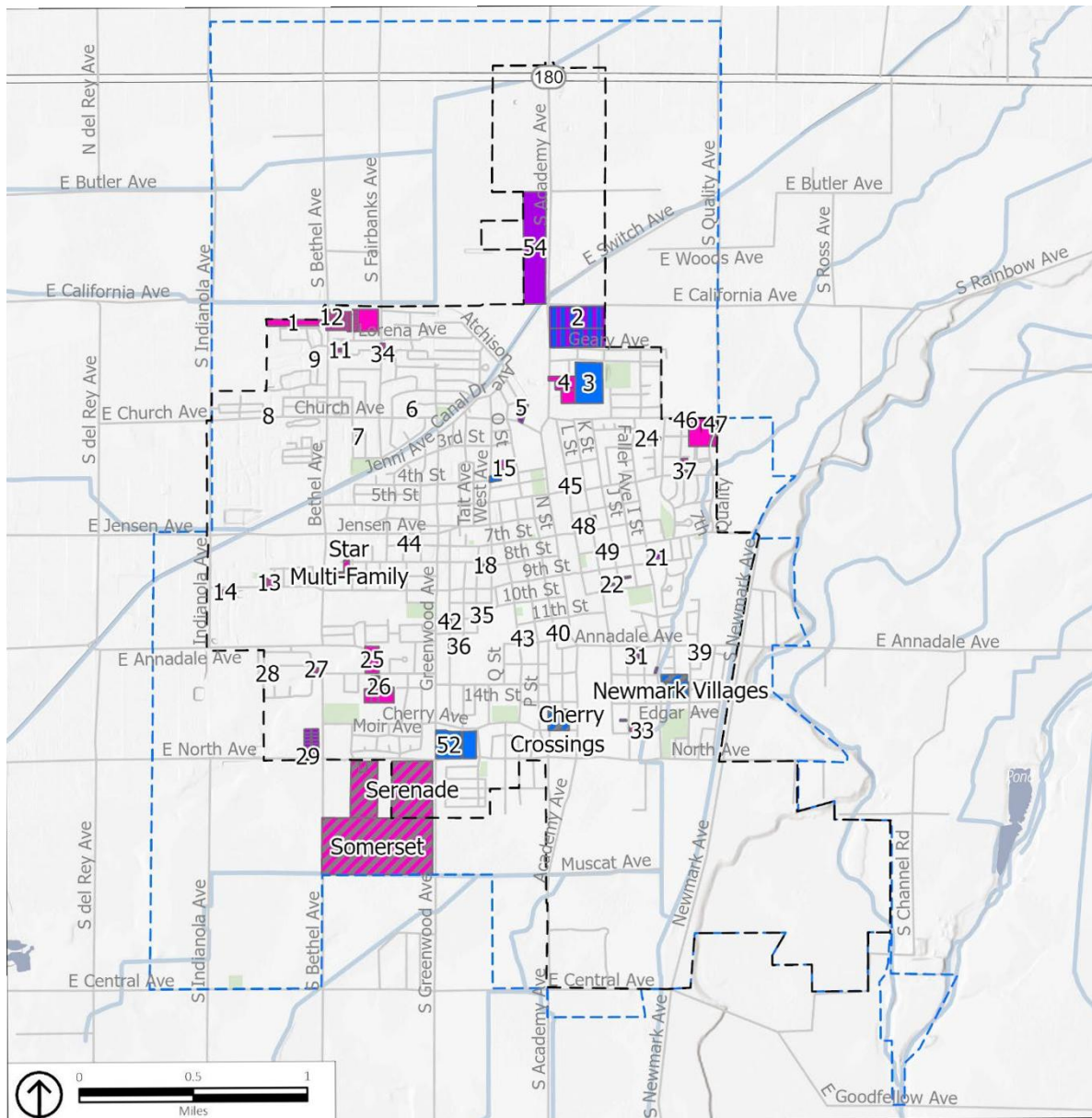
- **Program 6: Use of Sites in Previous Cycles.** Pursuant to Government Code Section 65583.2(c), the City will allow any nonvacant sites identified in the prior 5th Housing Element Cycle or vacant sites identified in two or more consecutive planning periods, shall be provided by-right development when at least 20 percent of the units in the proposed development are affordable to lower-income households.
- **Program 16: Zoning Code Amendments.** The City will remove governmental constraints on the development of housing by making several amendments to the City’s Municipal Code. Per Program 16, the City will amend the City Municipal Code to address development standards and barriers to special

needs housing opportunities. The City will amend the density bonus ordinance to allow up to 50 percent increase in project density depending on the proportion of units that are dedicated as affordable, and up to 80 percent for projects that are completely affordable, in compliance with State law, as well as promote the use of density bonuses for low income units by providing the information on the City's website and brochure. The City will amend the Zoning Code to be consistent with the latest State legislation related to ADUs, ensuring that ADUs are permitted in all zones that permit single-family or multifamily uses, and permit the construction of a junior accessory dwelling unit (JADU) on each lot in addition to an ADU, in accordance with California Government Code Section 65852.2. The City will amend the definition of emergency shelter to include other interim housing interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care. The City will remove the requirement that emergency shelters must be a certain distance from other emergency shelters. The City will develop managerial standards for emergency shelters and allow sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone, in compliance with Government Code Section 65583(a)(4)(A)(ii)). The City will permit low-barrier navigation centers, defined as low-barrier, temporary service-enriched shelters to help homeless individuals and families to quickly obtain permanent housing by-right in zones where mixed uses are allowed or in nonresidential zones that permit multifamily housing (Government Code Section 65662; AB 101). The City will adopt a broadened definition of "family" that provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law. The City will allow residential care facilities for six or fewer persons, in accordance with Health and Safety Code Sections 1267.8, 1566.3, and 1568.08, and allow residential care facilities, regardless of size or licensing status, with an administrative approval process, in all zones that permit residential uses of the same type, in accordance with the City's definition of family. The City will treat employee/farmworker housing that serves six or fewer persons as a single-family structure and permit it in the same manner as other single-family structures of the same type within the same zone across all zones that allow single-family residential uses. The City will treat employee/farmworker housing consisting of no more than 12 units or 36 beds as an agricultural use and permit it in the same manner as other agricultural uses in the same zone, in compliance with the California Employee Housing Act, and allow for a streamlined, ministerial approval process for projects on land designated as agricultural or land that allows agricultural uses (Health and Safety Code Sections 17021.5, 17021.6, and 17021.8). The City will either define "Apartment hotels" (currently permitted in the C-3 zone) as SRO units or find a zone to permit them in compliance with Government Code Section 65583(c)(1). The city will permit transitional housing and supportive housing as residential uses only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). Additionally, allow supportive housing in multifamily and mixed-use zones, including nonresidential zones permitting multifamily uses (Government Code Section 65583(c)(3)). The City would also encourage residential development through the following amendments:

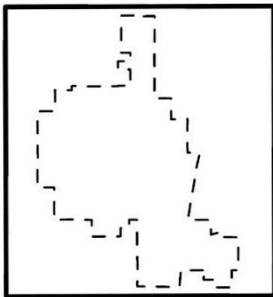
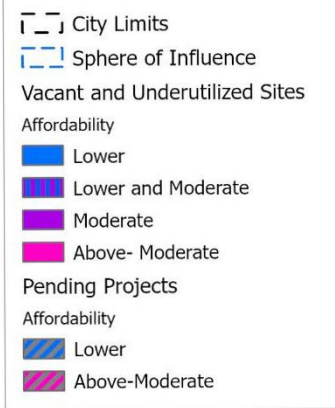
- Create an R-1-5 district allowing 5,000-square-foot residential lots and require architectural review to ensure a high standard of design for the proposed R-1-5 zone.

- Revise RM zones to not allow single-family residential subdivisions, and instead prioritize middle-density development.
- Amend the Neighborhood, Community, Central, and General Commercial districts, and the Administrative and Professional Office districts, to allow second-floor and above-residential units by-right.
- Increase allowable heights in the RM districts to permit three-story structures by-right.
- Revise parking standards for multifamily units to vary by unit type (i.e., parking demand for a studio unit differs from a three-bedroom unit).
- Revise setbacks for residential garages, allowing habitable space closer to the street than the garage.
- Revise the uses for zones into a Zoning Matrix format.
- Revise and update standards pertaining to specific issues like fencing and landscaping.
- Consider adding a Historic Preservation section to the Zoning Ordinance.
- Update the Definitions section of the ordinance, including illustrations, where appropriate.
- Eliminate un-used and unnecessary zone districts.
- Eliminate unneeded and repetitious sections of the Zoning Ordinance.
- Make the Ordinance more user-friendly through the addition of tables and graphic illustrations of complex zoning standards.

FIGURE 1-1: SITES INVENTORY MAP



Source: City of Sanger, CA, 2023. ESRI, 2023. PlaceWorks, 2023



3. Findings Concerning CEQA Exemption

3.1 SECTION 15061(B)(3): COMMON SENSE EXEMPTION

The proposed project is exempt as a “common sense” exemption under State CEQA Guidelines Section 15061(b)(3) because the project involves policies, programs, and actions to meet the County’s RHNA allocation that would not have the potential to cause a significant physical effect on the environment. As it can be seen with certainty that there is no possibility that the proposed 6th Cycle Housing Element Update would have a significant effect on the environment, the proposed project is exempt from CEQA under the common sense exemption.

3.2 ANALYSIS IN SUPPORT OF FINDINGS

The proposed Housing Element is strictly a policy document that does not provide entitlements to any specific development projects and would not result in any direct or indirect physical changes to the environment. As discussed in Section 2.2.2, *Proposed Sites and Zoning*, the Housing Sites Inventory utilizes existing land use and zoning densities and does not require redesignation or rezoning to meet the City’s RHNA. Although future programs would include amendments to the City’s Municipal Code, these changes to facilitate housing development are done to be consistent with State housing law. For example, in Program 16, Zoning Code Amendments, in the proposed project, the City plans to amend the Municipal Code to address development standards and barriers to special-needs housing opportunities, such as amending the Density Bonus, Accessory Dwelling Units, and incorporating emergency shelters, low-barrier navigation centers residential care facilities, and transitional and supportive housing. The proposed amendments to the Municipal Code would not result in significant environmental impacts, as these development standards and facilities would still be required to comply with the City’s General Plan and its zoning and land use designations.

The programs listed in the proposed project were modified to comply with state law, respond to directives from the California Department of Housing Community Development, combine programs with similar intent to aid in implementation, or eliminate programs where the City has already completed the identified task. These programs would not result in significant physical changes to the environment and would comply with State law and would not result in substantial new changes. Table 1-2, *Program 16: Zoning Amendment Actions and CEQA Determination*, showcases that each major action in Program 16 is meant to update policies to comply with state law. New development would occur on land currently designated to allow residential uses to occur under the City’s General Plan. Furthermore, all future development in the City would require housing sites to comply with local regulations, including the City’s General Plan and zoning code.

Subsequent amendments to the City’s land use or zoning regulations, such as those discussed in Program 16: Zoning Code Amendments, would be subject to separate CEQA review at the time the amendments are prepared. Therefore, it can be seen with certainty that the proposed project would not have a significant effect on the environment and is therefore exempt from further CEQA analysis. Table 1-2, *Program 16: Zoning Amendment Actions and CEQA Determination*, outlines the environmental impacts of each zoning action within Program 16.

Table 1-2 Program 16: Zoning Amendment Actions and CEQA Determination

Program 16 Actions	California State Code Sections	CEQA Determinations
<p>Density Bonus: Amend the Density Bonus ordinance to allow up to a 50 percent increase in project density depending on the proportion of units that are dedicated as affordable, and up to 80 percent for projects that are completely affordable, in compliance with State law, and promote the use of density bonuses for lower-income units by providing information through a brochure in City buildings and on the City’s website.</p>	<p>California Code, Government Code - GOV § 65915</p>	<p>No impact as this policy would be compliant with existing state law and can be implemented without a zone change.</p>
<p>Accessory Dwelling Units: Amend the Zoning Code to be consistent with all State legislation related to ADUs, ensuring that ADUs are permitted in all zones that permit single-family or multifamily uses, and permit the construction of a junior accessory dwelling unit (JADU) on each lot in addition to an ADU.</p>	<p>California Code, Government Code - GOV § 65852.2.</p>	<p>No impact as this policy would be compliant with existing state law and can be implemented without a zone change.</p>
<p>Emergency Shelters: The City will comply with Government Code Section 65583(a)(4)(I), which requires that zoning designations identified to allow emergency shelters as a permitted use without a conditional use or other discretionary permit allow residential uses. To comply with State law, the City will amend the RM-2.5 zone to allow emergency shelters by-right, ensuring there is sufficient vacant land or redevelopment potential to accommodate shelter capacity to meet the homeless need. The City will update its definition of “emergency shelter” to clarify that emergency shelters may include other non-permanent housing interventions, such as a navigation center, bridge housing, and respite or recuperative care. The City will remove the requirement that emergency shelters must be a certain distance from other emergency shelters. The City will review parking requirements for emergency shelters to ensure that parking standards are sufficient to accommodate all staff, provided standards do not require more parking for emergency shelters than other residential or commercial uses in the same zone. in compliance with Government Code Section 65583(a)(4)(A)(ii).</p>	<p>California Code, Government Code - GOV § 65583(a)(4)(I), and 65583(a)(4)(A)(ii).</p>	<p>No impact as this policy would be compliant with existing state law and can be implemented without a zone change.</p>
<p>Low-Barrier Navigation Centers: Permit low-barrier navigation centers, defined as low-barrier, temporary service-enriched shelters to help homeless individuals and families to quickly obtain permanent housing by-right in zones where mixed uses are allowed or in nonresidential zones that permit multifamily housing (Government Code Section 65662; AB 101).</p>	<p>California Code, Government Code - GOV § 65662; AB 101.</p>	<p>No impact as this policy would be compliant with existing state law and can be implemented without a zone change.</p>

Program 16 Actions	California State Code Sections	CEQA Determinations
Definition of Family: Adopt a broadened definition of “family” that provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law.		No impact as this policy would change the definition of a term and can be implemented without a zone change.
Residential Care Facilities: Allow residential care facilities for six or fewer persons, in accordance with Health and Safety Code Sections 1267.8, 1566.3, and 1568.08, and allow residential care facilities, regardless of size or licensing status, with an administrative approval process, in all zones that permit residential uses of the same type, in accordance with the City’s definition of family.	California Code, Health and Safety Code - HSC § 1267.8, 1566.3, and 1568.08.	No impact as this policy would be compliant with existing state law and can be implemented without a zone change.
Employee Housing: Treat employee/farmworker housing that serves six or fewer persons as a single-family structure and permit it in the same manner as other single-family structures of the same type within the same zone across all zones that allow single-family residential uses. Treat employee/farmworker housing consisting of no more than 12 units or 36 beds as an agricultural use and permit it in the same manner as other agricultural uses in the same zone, in compliance with the California Employee Housing Act, and allow for a streamlined, ministerial approval process for projects on land designated as agricultural or land that allows agricultural uses (Health and Safety Code Sections 17021.5, 17021.6, and 17021.8).	California Code, Health and Safety Code - HSC § 17021.5, 17021.6, and 17021.8.	No impact as this policy would be compliant with existing state law and can be implemented without a zone change.
Single-Room Occupancy Units: The City will either define “Apartment hotels” (currently permitted in the C-3 zone) as SRO units or find a zone to permit them in compliance with Government Code Section 65583(c)(1).	California Code, Government Code - GOV § 65583(c)(1).	No impact as this policy would be compliant with existing state law and can be implemented without a zone change.
Transitional and Supportive Housing: Permit transitional housing and supportive housing as residential uses only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). Additionally, allow supportive housing in multifamily and mixed-use zones, including nonresidential zones permitting multifamily uses (Government Code Section 65583(c)(3)).	California Code, Government Code - 65583(a)(5), and 65583(c)(3).	No impact as this policy would be compliant with existing state law and can be implemented without a zone change.
Create an R-1-5 district allowing 5,000-square-foot residential lots and require architectural review to ensure a high standard of design for the proposed R-1-5 zone.	Local initiative	No Impact as this proposed zone would be subject to environmental review in the future.
Revise RM zones to not allow single-family residential subdivisions, and instead prioritize middle-density development.	Local initiative	No Impact as this revision would increase density in a zone that currently allows it.
Amend the Neighborhood, Community, Central, and General Commercial districts, and the Administrative and Professional Office districts, to allow second-floor and above-residential units by-right.	Local initiative	No Impact as this would use the second floor of an existing building.
Increase allowable heights in the RM districts to permit three-story structures by-right.		This change would extend three stories from the existing RM-1 to all of the RM districts. The physical impacts would be identical to the existing RM-1 zoning.

Program 16 Actions	California State Code Sections	CEQA Determinations
Revise parking standards for multifamily units to vary by unit type (i.e., parking demand for a studio unit differs from a three-bedroom unit).		No Impact as this policy focusing on parking standards and therefore have no environmental impact.
Revise setbacks for residential garages, allowing habitable space closer to the street than the garage.		No Impact as this policy would revise distances within residential use and therefore have no environmental impact.
Revise the uses for zones into a Zoning Matrix format.		No Impact as this is for information purposes and therefore have no environmental impact.
Revise and update standards pertaining to specific issues like fencing and landscaping.		No Impact, as this would updating standards on fencing and landscaping and therefore have no environmental impact.
Consider adding a Historic Preservation section to the Zoning Ordinance.		No Impact as this proposed zone language has not been drafted and will be subject to environmental review at future date.
Update the Definitions section of the ordinance, including illustrations, where appropriate.		No Impact, as this would update language in the Definitions of the Ordinance and therefore have no environmental impact.
Eliminate un-used and unnecessary zone districts.		No Impact, as this would policy would remove unneeded districts, and therefore have no environmental impact.
Eliminate unneeded and repetitious sections of the Zoning Ordinance.		No Impact, as this would policy would remove unneeded language, and therefore have no environmental impact.
Make the Ordinance more user-friendly through the addition of tables and graphic illustrations of complex zoning standards.		No Impact, as this would policy would remove unneeded language, and therefore have no environmental impact.

3.2.1 References

City of Sanger 2023-2031 Housing Element