

# 1 • INTRODUCTION

## **The Housing Element**

The Housing Element is one of seven General Plan Elements mandated by the State of California. The Element is intended to guide Firebaugh's residential development activity in a manner consistent with the community's economic, environmental and social values while attempting to achieve the State's goal of providing housing opportunities for all Californians.

The Housing Element serves as Firebaugh's official response to the finding by the State Legislature that:

*"the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order."*

By identifying local housing needs, adopting appropriate goals and policies, and providing local legislation and programs to meet these needs, local government will be effective in dealing with the housing needs of its residents.

## **Authority**

Section 65580 of the California Government Code contains directives for preparation of local housing elements. In formulating this section of the Government Code, the Legislature found and declared the following:

- (a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order.
- (b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.
- (c) The provision of housing affordable to low- and moderate- income households requires the cooperation of all levels of government.

- (d) Local and state governments have a responsibility to use their vested powers to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.
- (e) The California Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

Failure to prepare and adopt a housing element that is substantially in compliance with the State's guidelines for the contents of a housing element can potentially place a city in a legally precarious position (Section 50459 of the Health and Safety Code).

*Buena Vista Gardens Apartments v. City of San Diego Planning Department* (1985) 175 Cal. App.3d 289, provided a court interpretation that the City of San Diego had not met the statutory requirements contained in Section 50459 of the Health and Safety Code. In the case of the *Committee for Responsible Planning v. City of Indian Wells* (1989) 209 Cal.App.3d 1005, the court ruled that Indian Wells' housing element failed the inter-element consistency finding and it did not contain the required information specified by Section 50459 of the Health and Safety Code. The ominous result of this ruling is that the court imposed a moratorium, which prevented the City from issuing building permits and approving planning permits - subdivisions, conditional use permits, zone amendments and variances.

### **State Planning Law**

State planning law requires all local jurisdictions to adopt and maintain a General Plan incorporating seven required elements. The law also requires consistency between these general plan elements. For example, if the Firebaugh Housing Element includes a policy stating that the City provide adequate sites for a range of housing types, including multi-family residential uses, then the Land Use Element would have to be consistent with this policy by designating sufficient land area for this type of development.

Another example of inter-element consistency involves the use of population projections, which is the basis for future land needs for housing units and other urban uses. The Land Use and Housing Elements should use the same population projections in their needs analysis to avoid inter-element inconsistencies.

## **Housing Element Organization**

Government Code Sections 65583 and 65588 primarily explain the required components of a housing element. Section 65583 states that the housing element shall contain an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall also identify adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and shall make adequate provisions for the existing and projected needs of all economic segments of the community. In general, the element shall contain all of the following:

1. An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.
2. A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.
3. A program that sets forth a five-year schedule of actions 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, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate- income housing fund of an agency if the locality has established a redevelopment project area.

Section 65588 requires the housing element to review and evaluate the previous housing element. This evaluation ensures that the element being prepared is more effective and relevant. This section requires the element to evaluate the following:

1. Review the effectiveness of the previous element's goals, objectives, policies, and programs.
2. Compare what was projected or planned in the previous element to what was actually achieved.
3. Based on the above analysis, describe how the goals, objectives, policies and programs in the updated element are going to be adjusted to incorporate what has been learned from the results of the previous element.

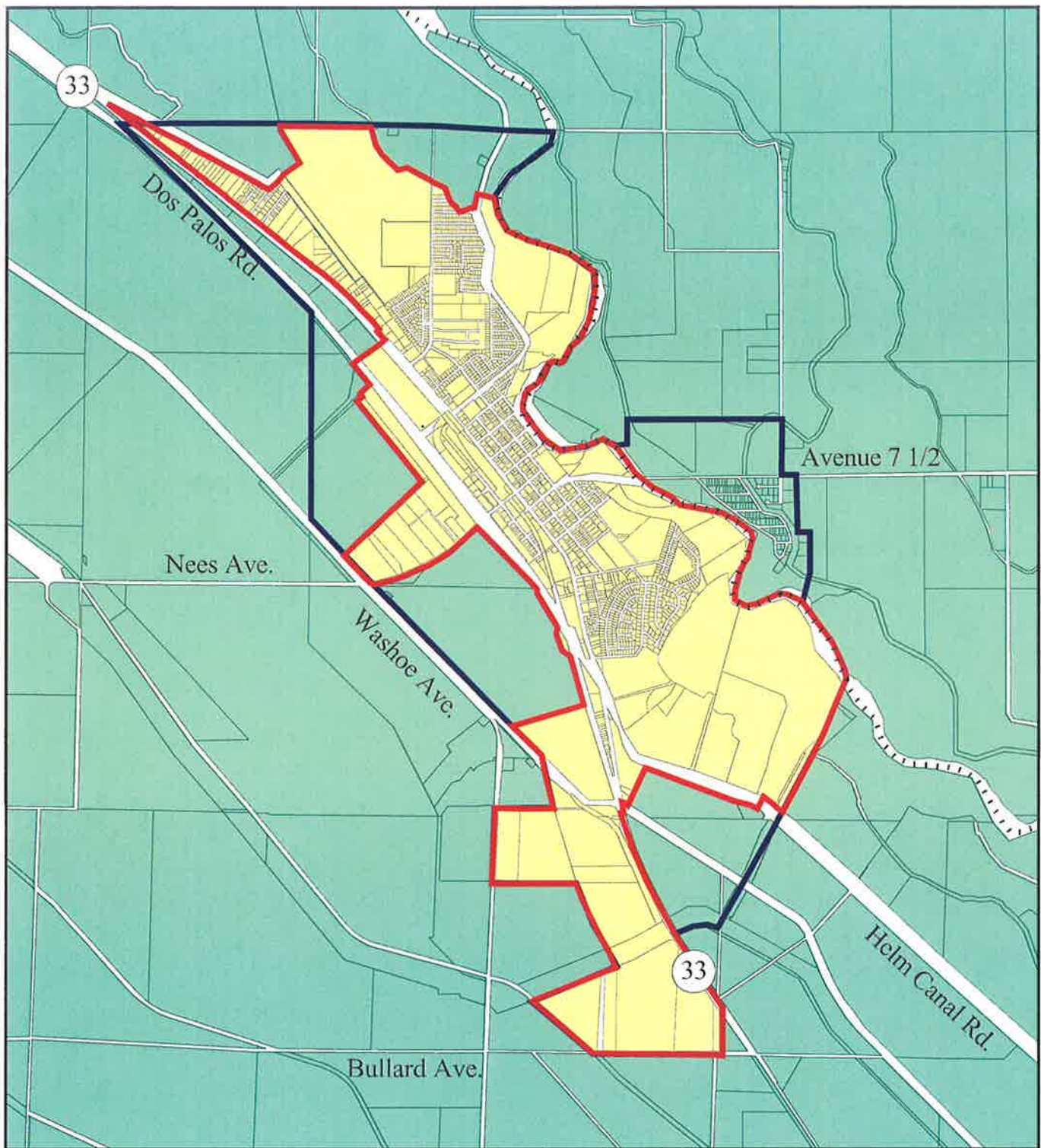
To incorporate the above requirements, this Element is organized into eight chapters.

- Chapter 1 defines the intent of the housing element and the relationship of the element with State directives and other general plan elements.
- Chapter 2 reviews the effectiveness of the 2002 Housing Element. It reviews and quantifies achievements of the previous element and addresses how the proposed element might be written so that it is more effective.
- Chapters 3 and 4 provide current population, economic, and housing information.
- Chapter 5 establishes current and future housing needs for Firebaugh.
- Chapter 6 provides an inventory of available lands to meet housing needs.
- Chapter 7 provides a discussion of governmental and non-governmental constraints as they impact the ability to provide housing.
- Chapter 8 sets forth goals and policies and action plans of the Housing Element. This chapter also summarizes quantitative goals of the Housing Element

### **Planning Area**






Two geographic areas are significant for purposes of this element (see Map 1-1). The first is the territory contained within Firebaugh's city limits (2,368 acres). The development of this territory is controlled by the City through its Land Use Element and zoning map. It is within this area where Firebaugh's short-term housing needs will be provided.

The second area is territory outside the city limits but within Firebaugh's Sphere of Influence, containing about 3,411 acres. Development of land within this area requires annexation, which is subject to approval by the Fresno Local Agency Formation Commission (LAFCO), and consistency with the Firebaugh's General Plan, Land Use Element. In general, agricultural zoning is applied to this land by the county to maintain it as an agricultural resource until urbanization is appropriate.



### Existing Planning Boundaries (2008)

#### Legend

-  County Boundary
-  City Limits
-  Sphere of Influence
-  Parcels Within City Limits
-  Parcels Outside City Limits

Firebaugh Housing Element

Map 1-1

1000 0 1000 2000 Feet



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## **Market Area**

The Fresno County Council of Governments (COG) in *its 2007 Fresno County Housing Needs Determination Plan* determined that Firebaugh is in the “Westside North” market area (see Map 1-2). This market area comprises much of the west side of Fresno County and includes the cities of Firebaugh, Mendota, Kerman and San Joaquin, as well as several unincorporated communities.

## **Planning Period**

The time frame for the goals and policies, action plans and implementation strategies contained in the Firebaugh Housing Element is five years: July 1, 2008 to June 30, 2013.

## **Public Participation**

Prior to the preparation of the General Plan and the Housing Element, the City along with its planning consultant, has held a series of public participation workshops in order to solicit input on various issues pertaining to the long-term growth in the community. Notices of the workshops were distributed in the community. Housing topics discussed included housing code violations, neighborhood blight, attracting middle-income housing, housing for senior citizens, mixed-use development, and farm worker living conditions, among others.



*Notice of Housing Element workshop appears on the City's electronic welcome sign.*

Many of the comments and recommendations mentioned in these workshops have been folded into the goals, policies, objectives and action programs of the housing element. As an example, the concept of rezoning unused school district property for multi-family housing was raised by a participant in one of the workshops.

Public hearings for the Housing Element were advertised in both Spanish and English, and notice sent to local and regional groups and agencies known to be interested in housing issues in Firebaugh. Finally, notice of workshops was displayed on the City's new electronic message sign on 13<sup>th</sup> Street, near P Street.



**Consistency with the General Plan**

The Housing Element is consistent with the General Plan because:

1. Both documents use the same population and residential land demand projections.
2. There are policies and actions that are common to both elements, including the development of a Smart Growth zoning district, promoting mixed-use development, and the maintenance of existing housing units.